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# **UNFINISHED BUSINESS**

## **Institutional Racism and the Role of the State in Building Culturally-Inclusive Societies**

**A Research Report  
submitted in partial fulfillment of  
the requirements for the degree of  
Master of Public Policy**

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## **Unfinished business : institutional racism and the role of the state in building culturally-inclusive societies**

### ***Abstract***

This Research Report represents the findings from an exploratory, literature-based, comparative foundation study of institutional racism and its influence on the public policy process. The research identifies the causal links between colonisation, constitutional frameworks, present-day government policy and institutional racism.

In this Report I argue that institutional racism, as a case study of public policy failure, is caused by a lack of appreciation of the macro policy environment, by consequent deficiencies in policy problem analysis and specification and by a paucity of impact evaluation at all stages of the policy process.

Institutional racism is a product of the processes of colonisation and of organisational inability to respond to increasing cultural and ethnic diversity because of the controls and rigidity inherent in today's monocultural decision-making paradigms.

It causes public policy and service delivery to have discriminatory impacts on some ethnic or cultural groups in the community, so that their achievements and aspirations are impeded and they suffer social and economic disadvantage relative to the majority cultural group.

Its corrosive effects on social well-being and cohesion demand attention from public policy decision-makers, but it is not a priority on political agendas. It should be. It is 'unfinished business' in all three nations studied in this research, namely New Zealand, Australia and Britain.

Practical illustrations augment the two main themes of the research – namely the impact of colonisation and land alienation on indigenous societies, and the effects of immigration, settlement and integration policies and inadequate social services on new migrants.

The research indicates that institutional racism affects most social service domains in New Zealand, Australia and Britain. Several recurrent policy dilemmas are noted, the resolution of which is critical if institutional racism is to be tackled effectively. The long-term solution involves constitutional change.

## *Acknowledgments*

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## *Abbreviations*

<b>ACORD</b>	Auckland Committee on Racism and Discrimination
<b>ATSIC</b>	Aboriginal and Torres Straits Islands Social Justice Commission
<b>CAT</b>	Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment
<b>CRE</b>	Commission for Racial Equality (Britain)
<b>CROC</b>	Convention on the Rights of the Child
<b>CSR</b>	Convention Relating to the Status of Refugees
<b>DIMIA</b>	Department of Immigration and Multicultural and Indigenous Affairs (Australia)
<b>DPMC</b>	Department of Prime Minister and Cabinet (New Zealand)
<b>FRDC</b>	Federal Race Discrimination Commissioner (Australia)
<b>HRC</b>	Human Rights Commission (New Zealand)
<b>HREOC</b>	Human Rights and Equal Opportunity Commission (Australia)
<b>ICCPR</b>	International Convention on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Convention on Economic, Social and Cultural Rights
<b>MPS</b>	Metropolitan Police Service (Britain)
<b>MSD</b>	Ministry of Social Development (New Zealand)
<b>NHRI</b>	National Human Rights Institution
<b>NZH</b>	New Zealand Herald
<b>NZIS</b>	New Zealand Immigration Service
<b>NZQA</b>	New Zealand Qualifications Authority
<b>RRC</b>	Race Relations Conciliator (New Zealand)
<b>SSC</b>	State Services Commission (New Zealand)
<b>TPK</b>	Te Puni Kokiri (the Ministry of Maori Development)
<b>UDHR</b>	Universal Declaration of Human Rights
<b>WARAG</b>	Women's Anti-Racism Action Group

## ***Part 1 – Introduction***

### **1.1 Introductory comment**

At times during a lengthy public service career, I have noticed that many policies and practices in our government institutions have different consequences for the diverse ethnic groups in society. Sometimes this is intentional, at other times inadvertent, sometimes active, at other times more passive and acquiescent. Where the variations have a negative discriminatory effect, the phenomenon is known as institutional racism.

This research examines the proposition that institutional racism is endemic in our public institutions because their policy development processes are inherently weak, both in design and implementation. Inadequate attention to policy problem definition, scoping and *ex ante* evaluation allow for institutional racism to corrode our social development and compromise national well-being. Not enough analysis of the possible consequences for diverse ethnic groups is done prior to new policies being operationalised. The continuing impacts of colonial history are not fully appreciated. Enduring ‘coloniser’ values, which underpin our inflexible government systems both cause and exacerbate the problem.

‘Institutional racism occurs when the policies and practices of an organisation result in different outcomes for people from different groups’ (Commission for Racial Equality 2002:1). It occurs where ‘national structures are evolved which are rooted in the values, systems and viewpoints of one culture only’ (Rangihau 1986:19). It contributes to social exclusion and has inter-generational effects. Those affected by it have less ability than others to participate in civil society and less likelihood of succeeding educationally and in a career.

The phenomenon has two distinct manifestations. Firstly it is the product of colonisation during the 18<sup>th</sup> and 19<sup>th</sup> centuries, when imperial colonising nations (particularly Britain, in the case of the settler societies discussed here) established domination where indigenous people had already developed effective social, economic and land tenure systems. Forced alienation of land and associated disruption to the indigenous way of life accompanied the imposition of foreign monocultural systems of government. These actions resulted in the entrenchment of institutionally racist policies and practices, which have, in turn, prevented indigenous people from achieving their potential.

Secondly, public services for immigrant communities are institutionally racist. Government institutions lack the capability to respond to the increasing ethnic diversification in our globalised environment. Until the responsive capacity of organisations is developed, their policies and practices will demonstrate the characteristics of institutional racism.

These two types of institutional racism provide the major themes for this research project. They raise a number of fundamental questions :

- Is the concentration of power and resources in the hands of those with a vested interest in established mainstream systems, institutions and outcomes in everyone's best interests?
- Are there better routes to equality of opportunity and more equitable outcomes?
- Could institutional racism be removed from the public policy environment, if policy-makers were more aware of its causes and effects and consciously tried to eliminate it when policy was being developed?
- Conversely, is it so entrenched that we just have to live with its consequences and alleviate them retrospectively?

Institutional racism is both insidious and politically sensitive. Vested mainstream interests in government tend to underestimate its negative effects and dismiss it as a significant policy driver. If we all have the same

economic opportunities, why should there be a problem? Any inference that the locus of power and resource allocation might need a rethink is vigorously resisted politically. The status quo prevails because it suits politicians, power-brokers and senior public officials (Considine 1994; Ruwhiu 1999; Shaw 2001; Humpage 2002). The ultimate accountability for institutional racism is disowned politically. It is also blurred by an emphasis on systems and institutions rather than on people. But whose systems? Whose institutions? We are not racist – are we ?

## **1.2 The focus of the research**

This research analyses institutional racism as a deep-seated policy problem, to identify the views of commentators as to its causes and solutions. Institutional racism provides a compelling case study of policy failure. Public policy often fails to compensate for adverse societal influences. Achieving equity is dependent on open-minded and knowledgeable impact assessments of proposed new policy on diverse sections of our communities.

In their text on power relationships in the education arena, Bishop and Glynn (1999) talk about ‘dominance and subordination as a response to cultural diversity in New Zealand.’ They comment that ‘...mainstream institutions, policy-makers and practitioners have long been unable to promote significant change from within the parameters of the dominant ideology within which they work’ (Bishop and Glynn 1999:101). Accordingly this Research Report identifies potential avenues for remedying the negative effects of colonisation, through an analysis of the policy environment and processes which we take for granted.

### **1.3 Research objectives**

The immediate aim of this research was an exploration, through academic literature, official documents, policy commentary and media coverage, of the meaning and manifestations of institutional racism in three national communities. I considered the actions and inactions of the governments which have contributed to the problem, and synthesised the critical academic and professional thinking on how to mitigate its impacts. The strategic aim was to identify the systemic issues that would inform a closer study of institutional racism in public sector agencies in New Zealand.

The project comprises an exploratory study of the phenomenon in Britain, Australia and New Zealand. These nations are linked by shared experiences, but are also significantly different. British history portrays a metropolitan society, which embarked on a strategy of imperialism. Australia and New Zealand developed consequentially as settler societies.

The research has identified and developed, through a number of local illustrations or 'snapshots', two political and social developments which emanate from these historical trajectories. The first is the process of British colonisation and land alienation. This created indigenous social dislocation and disadvantage in Australia and New Zealand which persists to this day. The second comprises more recent immigration, settlement and integration processes, with a comparison of indicative new settler experiences in the three countries.

The study also incorporates comparisons of the broader constitutional, social and political contexts for policy-making, illustrated by examples of inequitable access to respectful treatment, development opportunities, public facilities and Government resources. Such experiences are the lot of indigenous and immigrant minorities in all three countries.

The Research Report focuses on the writers' assessment of the current state of three social and political environments. It concerns the interface between public policy and institutional racism at the theoretical and practical levels, with illustrations of its impacts in three jurisdictions. It is not, however, a full-scale cross-national analysis.

Detailed analysis of policies is not provided in this paper. Generic strategies for policy enhancement are alluded to in the later stages of the document, but sector detail would form part of a subsequent research exercise. An exploration of the potential for constitutional change, while identified here, is also outside the parameters of this foundation study.

#### **1.4 The central research questions**

Public sector agencies operate at the front line of policy development and service provision affecting all our diverse communities. In conjunction with Parliament, they hold the key to alleviation of the destructive effects of systemic discrimination. To reduce the effects of institutional racism and to reduce the risk of its continued entrenchment in policy and service delivery, public servants should be aware of :

- The phenomenon of institutional racism itself – its causes and effects
- The environments that have created it, for indigenous people and immigrants
- The public policy processes that may hold the key to its eradication, and
- Experiences in other jurisdictions that might inform future policy development processes in New Zealand.

The key questions for the research project are – what does the literature tell us about the extent to which policy discriminates, inadvertently or deliberately, against some sections of the community on ethnic grounds, with what effects, what would need to change to prevent this happening

and what are the Governments in the three countries doing about it? What is the role of Government in building culturally-inclusive societies and how can it best meet the attendant responsibilities? How can public servants support this role? What would happen without positive change?

### **1.5 Significance of the research subject**

New Zealand has a unique constitutional framework in that a Treaty defines the compact made between our indigenous people and the Crown, on behalf of all who came later. Nevertheless, increasing resentment is evident in the community at large towards Maori assertiveness regarding their Treaty rights. In addition, we are experiencing cultural diversification through immigration and refugee re-settlement.

Political allegiances are in a state of flux, between nations and within them. Old constitutional assumptions, power structures and paradigms for decision-making are widely subject to challenge. Increasingly, indigenous communities assert their rights, and repudiate patronising suggestions that they are needy or deficient. Immigrant groups are expanding, asserting their identity, becoming more politicised and challenging host community assumptions about the form their integration should take. These trends suggest the need for new constitutional accords and new forms of citizenship to reflect increased ethnic diversity (Kymlicka 2001). Institutional racism and its old assumptions has no place here.

In this volatile environment, we can learn from the experiences of nations with which we have strong links and shared experiences. In New Zealand we still have a chance to reduce the incidence of systemic racism and thus strengthen social well-being, for our indigenous people, our established communities and everyone who comes to join us in the future.

## **1.6 Statement of ethical considerations**

This project relies on unobtrusive documentary research based on public domain information. It is an assessment, from the academic literature, of what already exists. There are no lines of inquiry or comments that would exacerbate disadvantage or have other adverse effects on organisations, individuals or groups (Massey University Code of Ethics; Tolich 2001; Babbie 2001). As this project has no ‘human subjects’, the likelihood of harm to any person or social group is minimised.

There are ethical considerations in the nature of institutional racism itself. The constitutional responsibilities of Government, as well as the roles of other organisations, lie at its heart. This research focuses on public policy-making, which should enhance societal well-being, rather than acting as a divisive influence (Weimer and Vining 1992; Bardach 2000).

In considering the ethical implications of new policy proposals, policy decision-makers need to be clear about the problems they are trying to address, for whom the problems exist and whether a solution that is appropriate for one group will cause difficulties for another (Bridgman and Davis 2000). Institutional racism creates winners as well as losers and the winners are likely to be reluctant to concede the conditions that have created their comparative advantage.

## **1.7 The structure of the research report**

This project was undertaken in partial fulfillment of the requirements for the Master of Public Policy degree. The work also represents an exploratory foundation study for a possible longer-range research project focused on institutional racism in some New Zealand public institutions. The later research would combine practical policy development and

problem-solving approaches, formative evaluation and action research with a wider exploration of the potential for devolution and different expressions of citizenship and nationhood.

This Research Report is divided into six parts and a series of appendices. The study progresses from an introduction to the research project itself in Part 1, through a brief exposition of the theories and manifestations of race, racism and institutional racism, in Part 2. National contexts for cross-national comparisons are introduced in Part 3. This section also provides some examples for reflection, focusing on the ‘indigenous’ and ‘immigrant’ themes and illustrating them with institutionally racist events or circumstances.

Part 4 explores public policy theory and human rights protections relating to institutional racism, while Part 5 considers four policy development frameworks in Britain, Australia and New Zealand. Theory and reality are then aligned in Part 6. This section synthesises the findings from the national illustrations, relates them to the theory, and focuses on some areas where systemic changes have the potential to address the ‘unfinished business’ of eradicating institutional racism.

The Appendices outline the research methodology, and provide analysis templates, checklists and a glossary of terms. A number of avenues for future research are identified.

### **1.8 Sub-themes to be investigated**

Several sub-themes are inherent in the Research Report sub-title. They are itemised here, explored throughout the paper and reviewed in the research synthesis :

- The constitutional role of the state and the capability of its key institutions
- Political leadership and the need for Governments to encapsulate in their words and in their actions the characteristics of nationhood
- Building culturally inclusive societies through social cohesion, participation and community well-being
- The requirement for equity among the tripartite rights, expectations, needs and responsibilities of indigenous peoples, early settler descendants and new immigrants, and
- The role of public policy-making and its relationship to political processes in implementing resource allocation decisions

Governments should articulate the long-term benefits of ensuring the cultural appropriateness of State interventions. This will ensure that everyone has equal access to services and resources to meet their needs, and opportunities to realise their aspirations, while being affirmed in their own culture and appreciating that of other members of the community. Governments have a constitutional leadership role regarding social sustainability, but achieving it might require compromises to short-term political ends. This research project has considered their effectiveness in discharging their leadership responsibilities.

The major research task, with the help of the authors, was to get beneath the rhetoric of policy documents and media coverage, to find out what institutional racism really means in terms of its societal, group and individual impacts. In analysing and juxtaposing the respective rights of indigenous people, settler descendants and recent immigrants, I considered how institutional racism might be alleviated, in the interests of a more cohesive sense of national direction.

## ***Part 2 – Theories of Institutional Racism***

People have always coalesced into groups, on the basis of family connections, shared heritage, affinity with particular land areas, cultural conformity and similar physical features. Identification as a member of a recognisable group appears integral to self-identity. The ‘Self’ as opposed to the ‘Other’ has featured thematically in literature since classical times. Two decades of literature on racism have been canvassed, to trace the development of the institutional racism discourse over the past forty years.

### **2.1 Concepts of race**

Exposure to human ethnic diversity began for Europeans in the fifteenth century, with the advent of the age of discovery. Gradually the idea evolved that it would be useful to classify groups on the basis of their appearance, behaviours and the locations in which they lived. The term ‘race’ was applied to each category of people (McConnochie et al 1988).

The process of differentiation and classification would not have posed a problem if ‘race’ had remained a simple system to identify people as members of groups. The term later acquired a number of deeper connotations, however, identified by Banton (1998) in his taxonomy of race as designation (naming), lineage, type and sub-species (heredity), status and class (economic position) and social construct (identity) (my parenthetical notes).

#### *Race as a social construct*

One significant theory of race states that it is a socially-constructed concept (Miles 1989; Goldberg 1993; Solomos 1993; Mac an Ghail

1999). Self-identification through culture and ethnicity is regarded as being more important than categorisation by a person's observable physical features. The distinction is made that 'racial categories are constructed from the evidence of physical difference...' (while) 'ethnic categories and groups are based on their members' belief in their common ancestry, but given meaning by sentiments of shared culture' (Banton 1998:196).

A number of writers, including Miles (1989) and Solomos (1993), theorising from a neo-Marxist perspective, suggest that race is inextricably linked with class regarding its impacts on people's ability to achieve their goals. This approach suggests that the capitalist economy has produced a bourgeoisie (business people who own the means of production) and a proletariat (a working class, frequently but not exclusively, non-white), which is economically subjugated and politically powerless.

If a racialised group has been denied equal access to opportunities, services or resources on racial grounds, it is difficult to view this as anything other than a significant cause of economic and social disadvantage. Class distinction may be a factor. Identification of the fundamental causes of disadvantage is critical to the intervention logic for policy responses to social problems (Bardach 2000).

## **2.2 Manifestations of racism**

Miles (1989:49) describes racism as 'any argument which suggests that the human species is composed of discrete groups, in order to legitimate inequality between these groups of people.' Racism feeds on the notion of a hierarchy of races, usually, though not exclusively, defining the relationships between white people and all others. In a paper about global racism presented in 1993, Stephen Castles offers an expanded definition of

racism – a definition which is apposite to institutional racism. He describes it as

‘...the process whereby social groups categorise other groups as different or inferior, on the basis of phenotypical or cultural markers, or national origin. This process involves the use of economic, social or political power, and generally has the purpose of legitimising exploitation or exclusion of the group so defined’ (Castles 1993 in Collins 1995:4).

### *Scientific racism*

Concurrent with the industrial revolution and colonisation, a line of ‘scientific’ thinking developed which attributed biological causes to racial diversity and behaviour. Banton (1998:22) refers to the earlier work of Blumenbach who developed a racialised classification of Caucasian (white), Mongolian (yellow), Ethiopian (black), American (red) and Malayan (brown). White people were considered more intelligent than all the others, on the basis of skull shape and size. Darwin’s theory of evolution, the ‘great chain of being’ and the ‘survival of the fittest’, were cited to add credibility to the biological perspectives (Penketh 2000).

These theories have been completely discredited through genetic research in the twentieth century (Barker 1981; Collins 1995; Banton 1998). Their legacy remains, however, in community prejudices and in the political and economic decision-making assumptions characteristic of the colonisation period and its aftermath. Adherents consider that ‘inferior races’ cannot be trusted with public resources, so decisions have to be made for them.

### *Assimilationist theories*

A pervasive strand of political opinion has suggested that race ‘problems’ could be averted if colonised indigenous people and immigrant workers were assimilated into the dominant culture. The expectation here is that all

will conform to majority social norms (Spoonley 1993; Collins 1995). Assimilationist theory suggests that ethnic minority groups are racially and culturally inferior and that socio-economic disadvantage will be removed once their original cultural practices are discarded and the group accepts the supposedly superior way of life of the dominant culture (Cheyne et al 1997:117). This principle formed the basis for colonisation and it still has currency in conservative and neo-liberal political viewpoints in Britain, Australia and New Zealand.

In addition, extreme right wing movements have developed, advocating separation, repatriation and even genocide rather than assimilation. With the twentieth century emergence of apartheid, nazism and fascism into the political arena, racism has become entrenched in the contemporary landscape.

#### *The inevitability and logic of racism*

Several commentators, notably Goldberg (1993), Cashmore (1987) and Banton (1998) agree that racism has its own logic. It is not driven solely by 'irrational prejudices' (Goldberg 1990:xiii) but has become normalised. Banton (1998:214) describes it as 'a rational choice theory that explains aggregate behaviour.' Cashmore interviewed 800 residents of low to middle-class residential estates in the English Midlands and their racist and separatist views, when seen from their perspectives, had a certain compelling logic. The view was frequently expressed that immigrants were taking the resources that were the birthright of white British people and they should, therefore, be repatriated (Cashmore 1987).

Racism occurs in personal interactions, when prejudice, competitiveness, and fear of difference result in harassment, intimidation, abuse, incitement to racism and discriminatory practices. 'Unemployment, housing scarcity

and rising prices sustain a mood of depression and people tend to compare their own problems with those of others' (ibid 1987:15).

### **2.3 Institutional racism traced through the literature**

Institutional racism is a contemporary form of racism, created through organisational systems. It arises 'when the policies and practices of an organisation result in different outcomes for people from different groups' (CRE 2002:1). In considering the reality of differentiated outcomes, Solomos and Back (1995) and Kymlicka (1995b; 2001) query how different cultural rights can be recognised politically, without compromising the responsibility of Government to provide civil rights and equality for all citizens, since the absence of such provision constitutes institutional racism. This paradox is at the heart of many public policy trade-offs and is therefore central to this research project. The issue is that equality does not, and need not, mean sameness. To avoid institutional racism, policies need to be responsive to different cultural norms.

Over the past forty years, as the links have been identified between the experiences of colonisation, socio-economic disadvantage, achievement disparities and institutional racism, an extensive array of information and opinion on the subject has been published. While national circumstances and theoretical perspectives vary, there is a strong convergence of views in the literature as regards the core elements of institutional racism.

#### *Origin of the term 'institutional racism'*

The notion of institutional racism was first used in the 1960s in the USA with regard to the Civil Rights Movement. This movement aimed to achieve racial equality for black people through full citizenship. Its

proponents harked back to the experiences of slavery and postulated that not much had changed (Banton 1998).

In his explanation of the origin and purpose of the Civil Rights Movement, Robert Miles (1989:51) refers to 'the context of the resistance and riots of the 1960s', in which Stokely Carmichael and Charles Hamilton published their influential text *Black Power : The Politics of Liberation in America* (1967). The origin of the concept of institutional racism is found here. Carmichael and Hamilton (1967:3) refer to the 'consideration of race for the purposes of subordinating a racial group and maintaining control over that group.' They saw this systemic discrimination as institutionally racist.

#### *Colonisation, oppression and institutional racism*

Miles (1989:51) comments that Carmichael and Hamilton 'distinguished between overt individual racism on the one hand and covert and institutional racism (which they also described as colonialism) on the other.' The philosophies and aspirations recorded in their seminal text were supported by the speeches and writings of Malcolm X, Martin Luther King and other civil rights and black power leaders. During the early 1970s, their concept of institutional racism, linked to colonisation, was taken up by activists and students in Britain, Australia and New Zealand.

In *Black Power*, Carmichael and Hamilton drew on the work of Fanon whose 1952 text *Black Skin White Masks*, translated from French in 1967, explored the insidious effects of colonisation on black people. He believed that to gain any semblance of social acceptability, black people had to obtain 'white approval' (Fanon 1967:51), that is, to live in a manner acceptable to white people in their homelands. Such assumptions, in Fanon's opinion, provided the foundations for a range of institutions

created to perpetuate white power. He believed that a black revolution, or 'authentic disalienation' (ibid:42), was necessary to effect social change.

At the same time, the writings of Paulo Freire, an influential Brazilian educationalist, attracted public attention. Along with Fanon and the American civil rights leaders who articulated the institutional racism concept, he was concerned about entrenched power imbalances. In the Foreword to *Pedagogy of the Oppressed* (Freire 1972:10), Richard Shaull cites Freire's influences as Marx, Lenin, Sartre, Malraux, Mao Tse Tung, Che Guevara and Pope John XXIII. Like many of them, Freire connected poverty and disadvantage with abuse of power by capitalist Governments. This particularly affected colonised non-white minority groups because of their political and economic subjugation. He saw education as the key to increasing their capacity to assert their rights.

#### *Civil rights influences on British and Commonwealth thinking*

In Britain, Australia and New Zealand, during the late 1960s and early 1970s, representatives of marginalised indigenous and immigrant groups took the American civil rights concepts and translated them into their own environments. They perceived institutional racism as the problem, to which the civil rights movement offered a resolution strategy. The British imperial context, where 'New Commonwealth' immigrants challenged existing forms of social service provision, contrasted with the experiences of the settler nations - explicitly racist Australia and the ostensibly Treaty-based, but covertly racist, New Zealand environment. In Australia, the Aboriginal people achieved citizenship only in 1967 and the 'White Australia' policy was removed from the immigration framework in 1972. New Zealand was not faring much better at that time - prior to legislation passed in 1975, the Treaty of Waitangi was considered a 'legal nullity', rather than the founding document that provided for settlement.

## 2.4 The elements of institutional racism

Institutional racism concerns the customary routines of organisations, based on entrenched monocultural values and assumptions. These values permeate organisational policies, procedures, operations and cultures. In their assessments of the Australian public policy and service delivery environment, Castles (1993) and McConnochie et al (1988) both refer to the various laws, policies and procedures which are 'built into the operation of social institutions' (McConnochie 1988:32).

In New Zealand, the research work of the Auckland Committee on Racism and Discrimination (ACORD), on broadcasting, court processes and the care and protection of state wards, the studies on the Auckland Area Health Board (Knight 1989) and housing discrimination (Moon 2000), along with the Te Puni Kokiri *Closing the Gaps* papers in 1998 and 2000, all illustrate the extent to which similar settler values and customary routines have permeated Government processes in this country. Institutional racism is evident in the disadvantageous effects of this trend on the indigenous and immigrant communities.

In similar vein, Lena Dominelli (1997) mentions the normalisation of institutionally racist practices, in her analysis of managerialist procedures in British social work organisations, as these institutions responded to 1990s neo-liberal policy demands, to the detriment of their already disadvantaged clients. Kelsey (1997; 2002) refers similarly to New Zealand organisations responsible for social policy implementation.

In *Racist Culture*, David Goldberg (1993:9) talks about racism having become normal in Western societies. Social science has become racialised, in his view, and this has been transferred into the design of government

institutions and their policy processes (ibid:185-186). In *Anatomy of Racism*, he explores the meanings of 'race' and 'racism', commenting that 'racism is not (inherently) just a set of irrational prejudices' but that 'it has its own logic in science, politics and the law' (Goldberg 1990:xiii). As well as being normalised, its assumptions are validated legally. Hence there is a need for a concerted policy and legislatively-focused approach to eradicating its institutional form in our public bodies, with the constitutional and political implications of this borne in mind.

Spoonley, in common with several British authors, focuses on the end results of policy processes. Irrespective of the reasons for differential treatment, institutional racism exists where policy, service and achievement outcomes vary among ethnic groups. In his view '...there may not be a conscious intent, either organisationally or in terms of individual members of the organisation, to produce...racial disadvantage... All that is necessary for institutional racism to be said to exist is to show that, whatever the intent, disadvantage is the result' (Spoonley 1993:21-22).

David Goldberg's perspective amplifies this :

'If it is reasonably clear that some institutional practice gives rise to racially patterned exclusionary or discriminatory outcomes, no matter the institutional aims, and the institution does little or nothing to avoid, diminish or alleviate these outcomes, the reasonable presumption must be that the institution is racist' (Goldberg 1993:99).

He comments further that 'the presumption must be that the continuing exclusions are considered permissible by those institutionally able to do something about them' (ibid). He assigns responsibility for the outcomes to the leaders of the racist institutions. It is up to them to design policies and processes that prevent adverse discriminatory impacts on particular ethnic groups.

## **2.5 The politics of equal opportunity**

Institutional racism has become highly politicised in recent years through its causal relationship with socio-economic disadvantage. This will be illustrated in the national 'snapshots' in Part Three of this paper. Western societies have experienced fifteen years of market-led competition and success 'on merit.' Because of market-condoned differential access to opportunities, the economic development gaps between wealthy white capitalist First World nations and poverty-stricken non-white Third World countries have widened. This trend is also evident in the socio-economic disparities within each country. Policies to remedy achievement 'gaps' among ethnic groups reflect concern to alleviate the long-standing impacts of institutional racism, a major cause of differentiated opportunity.

There is a related argument that equal opportunity can mask hidden discriminations – the 'covert' nature of institutional racism (Carmichael and Hamilton cited in Miles 1989:51) often creates situations where apparent equality is not borne out in practice. If people's life chances are impeded by systemic racial discrimination, their opportunities are not equal to those in society at large. Their outcomes will most likely be affected as a consequence. In the education context, Bishop and Glynn (1999:53) refer to 'the perpetuation of an ideology of "we are all New Zealanders"', therefore legitimating the belief that all children are the same and need the same treatment.'

The policy debate about universality versus differentiation in social service provision is also apposite. The best solution depends on the nature of the specific problem to be addressed with a policy intervention. With regard to institutional racism, however, Spoonley (1993:21) comments

that it is defined by 'the differential access experienced by racial groups in their relations with the dominant institutions of society.' This generates vigorous public debate about the equity of targeting services and resources to some needy communities and not others, the fairness of affirmative action programmes, the risk of inverse discrimination, and majority community backlash against supposedly favoured provision of public resources and facilities (Race Relations Conciliator 2000a:39-42).

The liberal approach to equality is that opportunities should be equally accessible, but that outcomes will differ due to widely varying inputs (Kymlicka 1990). Conservatives believe that achievement depends on individual effort, that cultural difference should be subsumed for the sake of national unity and that policies should therefore be uniform for all groups in society (Reeves 1983; Solomos 1993; Mac an Ghail 1999).

The contrasting social democratic view is that outcomes should be equivalent, to allow people to achieve a reasonable standard of living and achieve their diverse aspirations (Giddens 1998; Cheyne et al 1997). This may mean that the inputs have to be tailored to different needs, to create equality of access and opportunity, which is the rationale for affirmative action programmes. For governments concerned with equality, the policy dilemma is how best to meet the needs of disadvantaged groups, without causing social discord and similar problems for others by neglecting their valid needs.

## **2.6 Institutional racism and power**

There is a strong 'power' theme running through the literature on institutional racism – the power residing in the acknowledged agencies of government. This is often combined with commentary on the effects of colonisation, the establishment of colonial government structures and the

perpetuation of authoritarian practices, which are culturally inappropriate for indigenous and immigrant minority groups (Carmichael and Hamilton 1967; Freire 1972; Miles 1989; Collins 1995; Vasta and Castles 1996).

Policies are imposed from the top down, 'in a managerialist way' (Penketh 2000). The right to do this has been assumed by colonial institutions which now enjoy public power and respectability, with the assumption that their legislative and regulatory requirements will be complied with, irrespective of differential impacts. The 'power' theme resonates in the work of Carmichael and Hamilton, as it does in the writings of Fanon and Freire, whose concerns were centred on abuses of power, through colonisation and oppression of indigenous people by invaders.

#### *Institutional complacency and leadership failure*

Dominelli (1997), (Penketh (2000) and Bridges (2001) all refer to organisational complacency with regard to the cultural appropriateness of government services. Goldberg (1993) links this complacency with top management failure to lead effectively, citing both as key elements in the perpetuation of systemic racial discrimination. In concert with Bourne (2001) and Sivanandan (2001), these writers condemn what they see as an abrogation of responsibility by government agency managers and staff. There is widespread debate among social commentators about the relative influence of organizational accountability and individual responsibility for institutionally racist outcomes.

#### *The legacy of imperialism and colonisation*

Australia and New Zealand were both colonised by a powerful nation which expressed a determination to inculcate the supposed benefits of its superior social, cultural and political 'ways and standards' into ostensibly

backward indigenous communities (Reeves 1983:97). In declaring the Australian continent 'terra nullius' – belonging to no one – the colonial administration dispossessed the Aboriginal people (McConnochie et al 1998). In New Zealand, the traders and settlers were welcomed initially by the host Maori community, which had developed economic and social systems that met its own needs effectively and which saw trading opportunities with the newcomers (Larner and Spoonley 1995). As the power to make significant decisions passed to the colonial governments in each country, however, the indigenous communities declined, both numerically and in their ability to influence political outcomes.

The problems arising from the assumption of power by the colonial governments differ between the indigenous and the immigrant communities. On the one hand, indigeneity confers prior rights, which have never been relinquished. Because they have become subsumed in contemporary government systems, however, they represent a source of discontent in indigenous societies (Ruwhiu 1999; Humpage 2002). Most immigrants to Britain, Australia and New Zealand, on the other hand, accept the government systems and social norms of the host countries. They assume that their human rights will be safeguarded, including the right not to be discriminated against (Kymlicka 1995b). This assumption is not always valid. New Zealand and Australia demonstrate both aspects of the problem of power imbalance, while contemporary institutional racism in Britain affects mainly immigrants and their descendants.

The combination of the legacy of colonisation and the poor performance of government agencies with regard to accommodating cultural diversity perpetuates institutional racism. As Vasta and Castles (1996:49) put it, 'institutional racism refers to cultural biases and forms of majority dominance which have become part of institutional structures, so that the apparently impartial application of general rules can in fact lead to

discrimination...’ Or expressed in another way – those who hold the power make the rules and the decisions concerning resource distribution. They will not readily relinquish power, or share it, which creates a challenge for proponents of systemic change.

Despite inertia, the strength of settler descendant numbers, vested interests and resistance to change, indigenous pressures may result in the locus of power being reassessed at some point, in each of the three jurisdictions. The likelihood of this is greater in New Zealand than it is in Australia, under the current administrations, but the need is pressing in both communities. Britain has already taken such action, with its 1999 decisions regarding Scottish and Welsh devolution.

## **2.7 Deficit thinking and stereotyping**

The assumptions of cultural superiority which underpin the concepts and practices of institutional racism often rely on ‘deficit thinking.’ This is manifest in an attitude that blames the victim for his or her own misfortune. It represents an organisationally convenient excuse for withholding power and resources from ethnic minorities, on the grounds that they are incapable of managing them responsibly. Bishop and Glynn (1999:53) describe the reasoning thus – ‘Those who fail deserve to do so because of some inherent personal problem or cultural deficiency.’ When this thinking underpins organisational assumptions, it can be difficult to identify and eliminate.

In her analysis of the management of community social work, Dominelli makes the connection between institutional racism and deficit thinking :

“Institutional racism consists of customary routines which ration resources and power by excluding groups arbitrarily defined as racially inferior. Relying on public power and authority for its legitimation, institutional racism pathologises excluded groups for their

lack of success within the system and blames them for their predicament. The reproduction of racism through the interaction between individual behaviour and institutional norms underpins the dynamics of institutional racism' (Dominelli 1997:7).

There have been instances in the past of white people also experiencing this form of discrimination. The Irish in Britain and the Italian and Greek communities in Australia, for example, have been systemically discriminated against. Today, however, the focus is on the disadvantaged circumstances of non-white indigenous and immigrant groups.

## **2.8 Specific causes of institutional racism**

For indigenous people, the cultural, social and economic disruption accompanying their alienation from traditional lands is the root cause of their prevalent socio-economic disadvantage today (Fourmile 1993; Smith 1993; Spoonley 1993; Broome 1994; Cheyne et al 1997; Ruwhiu 1999). For later immigrants, the causes include the low-wage realities of their indentured employment arrangements, racial discrimination by settler communities, often reinforced by Government rules and regulations, expectations that they would be assimilated into the wider community and ghettoisation when assimilation did not occur (Miles 1989; Brown 1992; Broome 1994; Jupp 2002). Indigenous and immigrant people have both experienced difficulty in accessing services and resources as a consequence. They have been affected by 'acts of discrimination and exclusion...premised on the need to allocate scarce resources and services...(which) involve decisions of worth and eligibility' (Miles 1989:77).

While Britain is not a colonised settler society – in fact quite the reverse – similar impacts are apparent. Institutional racism in Britain also originates from the imperialism and colonialism of the past, caused in turn by economic pressures in the capitalist system (Sivanandan 2001:1). An

unforeseen impact of colonisation was the reverse flow – from the colonies to Britain as the ‘New Commonwealth’ exercised its rights of British citizenship, particularly during the rebuilding of the UK economy in the decades after World War Two (Miles 1989; Solomos 1993). Anglo-Saxon values and assumptions have been challenged in their place of origin. As will become apparent in the British ‘race riots’ illustration in Part Three of this Report, the traditional systems of Government (based on monocultural values and assumptions of ‘sameness’) have not adapted to increased cultural diversity and demands for new policy approaches.

## **2.9 Effects of institutional racism**

Discriminatory social structures limit the ability of racialised minority group members to participate fully in society. Systemic disadvantage limits their opportunities and their potential for achievement. Cycles of economic disadvantage are perpetuated, with inter-generational effects on housing affordability, health, educational achievement, employment, social participation and economic viability.

The dominance of neo-liberal market economic policies has also had institutionally racist effects. In all three countries from the mid-1980s onwards, the introduction of a managerialist and market-oriented structural approach to government changed the ethos of the public service and exacerbated the disadvantage for those groups already discriminated against. Separation of funders from providers created a competitive contractual environment, which proved ill-suited to the non-financial outcomes required of social services for low-income and marginalised groups. Contractors were paid by outputs, which did not necessarily reflect client needs. (Boston et al 1996; Dominelli 1997; Kelsey 1999).

The incidence of poverty associated with particular ethnic groups is one of the most obvious indicators of institutional racism in the policies and services of Government organisations in Western democracies. In all three countries under consideration, the widening of socio-economic gaps during the 1990s showed that the 'level playing field' is an illusion. Equal treatment within the context of a market-driven economy, irrespective of specific need and cultural appropriateness, does not work.

### **2.10 Consequences for social cohesion and nation-building**

The state has a critical role in fostering social cohesion through its policy mechanisms. Conflicts within societies are inevitable and the measure of social cohesion is the extent to which these can be resolved 'without endangering the basic unity of the polity' (Baubock 1996:107). The aim of public policy is to facilitate compromise between diverse viewpoints and competing claims, while ensuring that national unity is not undermined (Kymlicka 1990; Considine 1994; Baubock 1996; Fenna 1998).

In her paper on the current state of institutional racism in Britain, Jenny Bourne referred to 'state racism' and commented that 'the state, through its executive and judiciary, (is) setting the tone of race relations in society' (Bourne 2001:20). While the influence of the public service can not be under-estimated, political leadership is even more critical than organisational leadership in effecting systemic change in policies and services. In addition, globalisation has contributed to volatility and competitiveness in society, tendencies which are not conducive to harmony, stability or a shared sense of national purpose. Those who have resources are unwilling to share with those who have nothing. 'Poverty is the new black' (Sivanandan 2001).

### *Nation-states and ethnic minorities*

The contemporary political philosopher Will Kymlicka has written prolifically over the past decade on the place of minority cultures within nation-states. He describes his position as a liberal multiculturalist. In drawing on John Rawls' theories of liberal distributive justice, he defines relationships between individuals, communities and nations in terms of freedoms, rights and responsibilities. He believes that ethnic communities have collective as well as individual rights, articulating each in his 1995 work *Multicultural Citizenship* and expanding on these ideas in his more recent text *Politics in the Vernacular* (2001). He notes the challenges for governments in addressing these rights while maintaining national unity.

Institutional racism, with its entrenched injustices, militates against social cohesion and undermines nationhood. Unresolved antagonisms have the potential to fragment communities. The effects of this are apparent worldwide, especially in nations affected by ethnic conflict. Stephen Castles makes the point that institutional racism 'is linked to rapid processes of political and economic restructuring which often take place without adequate consideration of their social and cultural consequences' (Castles 1993 in Collins 1995:4).

In Australia and New Zealand, tensions are apparent between minority aspirations and needs, and those of the majority culture which, perhaps spuriously, claims guardianship of the wider public interest. If the national systems of Government operated according to principles of natural and social justice, the differences could be equitably accommodated within the whole. Where the system is oriented towards the majority viewpoint only, it cannot be relied upon to provide justice for minorities.

### *Challenges to social cohesion and national unity*

If institutional racism is not tackled systemically, there are two types of risk to social stability and well-being. One is that minority communities that are discriminated against will continue in a state of welfare dependency. Their members are likely to be alienated and disaffected from society, creating a drain on economic resources rather than participating on equal terms. Mainstream public acceptance of such groups is likely to be affected, which will compound the problem (Kymlicka 2001).

The other risk is that disaffected minority groups will take matters into their own hands, either by engaging in acts of civil disobedience, repudiating the norms of civil society in other ways, or relocating. Britain's race riots, Australia's Aboriginal disengagement and New Zealand's Maori land reoccupations and skilled immigrants departing *en masse* because of employment and rental housing discrimination in this country, all represent lost human energy and social potential.

If there is systemic injustice in the treatment of ethnic minorities in a society, such that some people are excluded from effective participation in civic processes, then the whole of that society is the poorer for it. Governments have a leadership role in ensuring that their institutional processes are equitable and do not create discrimination. Failure to attend to this in recent years has resulted in civil unrest in Britain and incipient racial tensions in Australia and New Zealand, to the extent that the fabric of society in all three countries is potentially at risk. In this context, Kymlicka 2001:38) poses two key questions – 'What are permissible forms of nation-building?' and 'What are fair terms of integration for immigrants?' The role of public policy in the mitigation or removal of the risk will be elaborated on in Parts Four and Five of this Research Report.

***Part 3 – Institutional Racism in Practice :***  
***International Comparisons***

In the detailed research of the national environments of New Zealand, Australia and Britain, it has become apparent that the core theories and principles underpinning institutional racism are common to all three societies. Shared constitutional traditions and historical relationships ensure that the experiences of each nation can usefully inform policy development in the others.

The next section of the report offers some comparisons of the environments in which institutional racism has flourished. A full cross-national comparison with situational equivalence is precluded by the limited scope of the Report, but instances are provided which illustrate the types of institutional racism problems in each community. These ‘reality snapshots’ explore the impacts of the phenomenon on indigenous and immigrant communities in particular, and indirectly on the community as a whole. A checklist indicating which structures and influences in society have been compared is attached at Appendix 2.

**3.1 Constitutional, political and social settings**

As indicated in Part Two of this research report, institutional racism has become entrenched in the Government policies and practices of the three nations being compared, because of the monocultural values and assumptions which underpin their constitutional, political and social systems. The three Constitutions are compared, because they encapsulate the principles, codified into laws, which decree how the legislative, executive and judicial arms of the Governments themselves operate, particularly in their relationships with their citizens.

The three constitutional frameworks demonstrate differences in structures and operations. The commentary suggests that, generally speaking, the more layers of Government, the more difficulty is apparent in achieving policy concurrence and institutional focus on strategies for eliminating systemic racism (Fenna 1998; Bridgman and Davis 2000). Simpler systems have greater transparency, with fewer opportunities for abrogating or deflecting responsibility for positive leadership and systemic change.

#### *The New Zealand constitutional environment*

New Zealand's system of government is unicameral. The House of Representatives discharges legislative responsibilities, separately from the executive and judicial functions, in accordance with the Westminster form of government. Cabinet decides on policies, Parliament makes the laws to support them and an apolitical Public Service implements both.

The specific place of the Treaty of Waitangi in New Zealand's constitutional framework is still a matter for debate, but its principles have been integrated into the machinery of government. This has not eliminated institutionally racist practices based on enduring colonial assumptions, but it has at least made policy-makers and legislators think about the place of indigenous rights in New Zealand's constitutional framework.

#### *The Australian constitutional environment*

The Australian constitution shares the Westminster tradition with Britain and New Zealand, but differs in that it has been formalised in writing. It provides for a more complex interlocked system of governance organs than either of the other two. The involvement of multiple layers of Government, often in the same area of responsibility, makes for a 'divided

jurisdiction' and decentralised authority (Fenna 1998:90-91). This contrasts strongly with the unitary and unicameral framework in New Zealand, and with the situation in Britain prior to the establishment in 1999 of the Scottish Parliament and the Welsh Assembly. With this multiple-layered system, a key operational issue is whether the dual responsibilities afford a necessary power balance or just create confusion.

### *The British constitutional environment*

Britain is a constitutional Monarchy, with a democratically elected representative Parliament. There is no written constitution, but the assumptions and values underpinning the constitutional framework date back to the Magna Carta. The British Parliamentary system is bicameral. The judicial system, in accordance with the constitutional doctrine of separation of powers, is distinct from the legislature (Parliament) and the executive (Cabinet and Government departments).

In 1999, a fundamental change to the British constitution took place, following the 1997 vote in favour of creating separate Assemblies or Parliaments in Scotland and Wales. These new Executives control local social policy and services such as housing, education, income assistance and health service provision. Fiscal and monetary policy, immigration, foreign affairs and defence remain under Westminster control (Travis 1999; Scottish Executive 2003).

Constitutional reform in the 21<sup>st</sup> century in all three countries is critical to a consideration of whether institutional racism can be eliminated, or whether we have to continue to live with its realities and mitigate their impacts as best we can. All three Government structures owe their origins to the traditions of a society which believed that its values, political

processes and forms of government were superior to others, and which engaged in colonisation for the supposed benefit of all.

### *New Zealand's political environment*

New Zealand's social policy in the past fifteen years has been formulated in a politically contradictory environment, where neo-liberal economic theory sits in uneasy coalition within the major political parties alongside social democratic concerns with social justice. Successive Governments have responded to increased Maori assertiveness through incorporating Treaty recognition clauses in significant legislation and by requiring Government agencies to become more culturally responsive.

The early 1980s saw some devolution of decision-making and resources to Maori. This process could have become integral to this country's future, but it has not featured prominently in mainstream policy thinking for some years. Consideration of this issue represents some of the 'unfinished business' alluded to in the title of this Research Report.

Maori, Pacific peoples and some Asian peoples are significantly represented in the statistics of socio-economic disadvantage (Waitakere City 1996; Austin et al 1997; Friesen 2000; Friesen et al 2000; Statistics NZ 2002). The issue of equality has increased in complexity, with the arrival of immigrants and refugees from diverse sources, many of whom are disadvantaged through direct discrimination affecting their ability to access employment and indirect discrimination (especially insufficient interpreter assistance) impeding their access to social services (Trlin et al 1999; Benson-Rea et al 1999; Oliver 2000). New Zealand's political dilemma is apparent in the need for a policy balance that enables social equity goals to be met without compromising the capacity of the economy to produce the jobs required to ensure equality of opportunity.

### *The current political environment in Australia*

In 1996 Australia's Labour Administration was replaced by a Liberal-National Coalition which subscribes to neo-liberal economic theory. The Labour Government had made some progress towards restoration of Aboriginal land rights. The establishment of a more conservative regime, however, has resulted in a sharp reduction in social spending and a diminished focus on equality of opportunity. The Government requires that 'social welfare be market-conforming' (Fenna 1998:304). In Australia's competitive free market economy, inequality is acceptable.

The 1990s in Australia, like New Zealand, saw widening gaps between rich and poor. Unemployment rose to 15% of the labour force, noticeably in low-income neighbourhoods where Aboriginal and poor migrant under-classes became entrenched (ibid:265). Australia's strategic political focus is oriented towards economic policy rather than social development.

### *British politics in the past decade*

The British political environment demonstrates polarisation based on class structures. Middle class property and business owners, high-salaried workers and wealthy people with an interest in the market economy tend to vote Conservative. Labour, traditionally the representative of the working classes, also has some affinity with the interests of academics and others concerned about the principles of social justice (Reeves 1983).

Race is highly-politicised in Britain. Solomos and Back (1996:115) allude to 'White Britain' and 'Black Britain' as a 'collision between mutually exclusive cultural communities' rather than evidence of a cohesive

multicultural nation. Strong, visionary and unifying political leadership is called for, to reduce the likelihood of institutional racism.

The policies of the Third Way, implemented in Britain and New Zealand, stress responsibilities as well as rights. The British New Labour administration appears unwilling to use social democratic redistributive policies to address the inequality and poverty associated with institutional racism. Government's first priority is economic growth, after which social justice will follow in a sustained way because it will be affordable (Savage and Atkinson 2001:7-8). Nevertheless, a Social Exclusion Unit has been established in the Cabinet Office, 'to tackle in a coherent way the wide range of issues which arise from the inequalities in society' (ibid:27).

#### *A three-way comparison of the political environments*

In comparing the political scenes in New Zealand, Britain and Australia, there are common governmental approaches as well as marked differences. Britain and New Zealand have similar political approaches to equality, due to their governments' shared adherence to new social democratic principles of social justice. The British Government's Third Way philosophy is, however, more tempered by global and local economic influences than appears to be the case in New Zealand. Britain has traveled well down the devolution trail, while New Zealand abandoned this approach in the early 1990s with regard to Maori and has never formally reinstated it.

Australia is in a very different position, due to the more conservative social policies of the current administration. While it espouses multiculturalism, its political and institutional behaviours reinforce assimilation. Aboriginal rights appear not to have a high priority, while New Zealand administrators are forced to deal with the issues arising from

the Treaty of Waitangi. The difference in approach is attributable to the greater political influence exercised by Maori, because they are proportionately more numerous than the Aborigines.

*Immigration patterns in New Zealand, Australia and Britain*

Immigration policy is another area characterised by political differences among the three countries. Integration and settlement of ethnic minority immigrants have been influenced by institutionally racist practices in Government agencies, which are ill-equipped to cope with increasing cultural and ethnic diversity. This section of the research report compares aspects of the immigration policies in each country under consideration.

Many of the current policies concerning immigration, settlement and integration in all three nations are institutionally racist towards non-white people. Policies and services that assist the successful integration of all new immigrants into welcoming communities, are central to the role of Governments in building culturally inclusive societies.

The impacts of large-scale immigration have been similar in all three countries. Communities have struggled to cope with infrastructural pressures exacerbated by the arrival of high numbers of new settlers. Host community capacity to absorb the impacts appears to be assumed rather than being carefully considered. Fear and distrust have been generated in those who feel 'swamped' by alien cultures. Public institutions have been severely challenged to respond to rapid diversification in ways that take all competing priorities into account. Economic and political expedient appears to have driven a short-term, opportunistic policy approach to immigration (Beal and Sos 1999; Winkelmann and Winkelmann 1998; Benson-Rea et al 1999; Hugo 1999; Pool 1999; Oliver 2000).

National discourses on immigration invariably include the following questions – How many immigrants does the country need? How many can be absorbed each year? Where should the migrants come from? On what grounds should they be selected? On what basis should they be able to gain citizenship? (McConnochie et al 1988:288).

The legacy of discord and the pressure on urban infrastructures is such that dispersal policies are in place in Australia and Britain, to reduce pressure on the major cities and the possibility of ghetto formation and ethnic conflict. Some social commentators consider that restraints such as these constitute new types of institutional racism in public policy formation. Britain currently has a policy towards asylum-seekers, for example, that requires them to live in designated regions and pay their way with vouchers rather than welfare benefits (CRE 1997; Parekh 2000; Webber 2001; Kundnani 2001; Back et al 2002).

Australia's attitude towards asylum-seekers is comparatively hard-line and restrictive. It entered the public spotlight in the context of incarceration for lengthy periods in remotely located detention camps. As will become apparent in the snapshot on immigration detention centres, these policy settings are considered by human rights agencies and other commentators to constitute new forms of institutional racism.

New Zealand has also had its inauspicious moments, such as the former imposition of a poll tax on Chinese people, dawn raids on Pacific people in the 1970s and anti-Asian xenophobia in the mid-1990s. Urban growth pressures affecting schools, house prices and employment opportunities, have created resentment among those who feel displaced by newcomers. Populist politicians exploit these fears in New Zealand, and actually encourage xenophobia, as they do in similar circumstances in Australia and Britain.

### *Current areas of systemic racial sensitivity in each society*

Each of the three societies forming the subject matter for this research is affected by policy and service delivery strategies targeted to perceived local needs and preferences and by the race relations consequences of these allocative decisions. The distribution of political and economic power in each community also has a bearing on racial discrimination, and on who gains advantage or suffers detriment. As indicated in Part Two of this report, institutional practices are highly responsive to power-brokers.

In Australia, for example, the national consultations on *Racism in Civil Society* (HREOC 2000b:2) 'indicated that racially discriminatory practices are widespread, institutional in nature and practiced at all levels of society.' Similar public consultations and reports in Britain and New Zealand have produced equivalent findings, requiring systemic solutions.

The following list contains examples of systemic racism, all of which cause racial tensions periodically, and which are common to New Zealand, Australia and Britain :

- The continued existence of socio-economic disparities among ethnic groups, due to inequality of access to services and resources
- Instances of institutional inability to cope with societal change arising from increased ethnic diversity
- Inadequate integration and settlement assistance for immigrants, refugees and asylum-seekers
- Policies that appear to espouse integration into the host society but which actually require assimilation
- Increasingly restrictive immigration policies, customs profiling and policing, caused in part by concerns about national security following terrorist attacks, but interpreted by some as contraventions of human rights

- Education provision that does not accommodate cultural differences and indigenous aspirations for language preservation
- Over-representation of indigenous people in the statistics of social and economic disadvantage because of the inter-generational effects of colonisation
- Governments and public institutions which struggle to respond appropriately to indigenous demands for recognition of their cultural rights, restoration of land and self-determination
- Political leadership that appears unable to stabilise diversified communities despite fostering policies of social inclusion, programmes for anti-racism and multiculturalism
- Implementation of affirmative action programmes without clearly explaining the need for them to the wider community and thus creating adverse reactions
- Inadequate cultural impact analysis prior to implementing social or economic policies, the differential effects of which can cause racial tensions among groups
- Constitutional definitions of, and protections for, respective group rights (Bishop and Glynn 1999; Vasta and Castles 1996; Mac an Ghaill 1999).

In New Zealand, these generic issues surface most frequently in debates about the Treaty of Waitangi, in Australia with regard to native land title and immigration detention centres, and in Britain concerning immigrant integration difficulties. They are, nevertheless, endemic in most aspects of social and economic policy in all three countries.

### **3.2 Three views of indigeneity, imperialism and colonisation**

New Zealand, Australia and Britain, with their unique sets of circumstances, experienced colonisation processes differently from each other. As the coloniser, Britain's experience differs particularly from those of the other two, but even between them, the variances are significant. Three 'colonisation' snapshots illustrate the problem. These are :

- Maori land alienation
- The Mabo land rights case and native land title issues in Australia, and
- The devolution of political power and resources to Scotland

Each snapshot illustrates the impacts of institutional racism on particular communities, with some discussion of the contributing policy frameworks and the power relationships between coloniser and colonised.

### **3.3 Institutional racism through colonisation in New Zealand**

The term ‘institutional racism’ was introduced to the New Zealand social policy setting in the 1970s by Nga Tamatoa, and by other Maori activists. Influenced by American civil rights activism, they articulated the connections between land alienation, loss of cultural identity and socio-economic disadvantage. The philosophies of the African-American struggles for civil rights were reinterpreted in the New Zealand context as Maori self-determination, with calls for the ‘resurrection of Maori identity’ (Spoonley et al 1991:99). Support came from Pakeha social justice organisations, such as the Auckland Committee on Racism and Discrimination (ACORD).

In the subsequent decade, institutional racism was analysed in the social policy-making arena, through two reports in 1985, by the Women’s Anti-Racism Action Group (WARAG) and the Maori Advisory Unit of the Department of Social Welfare. These reports described culturally inappropriate service provision in the Department. A seminal document, *Puao-Te-Ata-Tu* (Rangihau 1986), exploring the treatment of children in state-run foster care, was the response. This document is critical to an understanding of New Zealand social policy and to the evolution of institutional racism within the policy framework.

*Puao-Te-Ata-Tu* was significant in its exploration of the issues, in raising public sector consciousness about inequitable and inappropriate treatment, and in focusing on the need for a bicultural approach to social policy.

‘The traditional policy of assimilation and one law for all has become so ingrained in national thinking that it is difficult for administrators to conceive of any other...’(Rangihau 1986:18).

### **3.4 Maori land alienation, socio-economic gaps and policy responses**

Article II of the Treaty of Waitangi confirms Maori customary title to the land of Aotearoa – its ‘full, exclusive and undisturbed possession.’ This title, under international law, can only be extinguished with the consent of the indigenous people, in which case, compensation is due. As in Australia, the existence of continuous links to the land, and the maintenance of traditional practices associated with it, have been cited by the Courts as determinants of who has customary land rights.

Iwi Maori assert cultural ties to the land and the prior right to derive economic benefit from it. Settler descendants also claim it because they have either leased it or paid for it. The problem is compounded by the illegal land confiscations in the nineteenth century, but that is being addressed through the Treaty of Waitangi claims process. The issue represents a clash between two sets of cultural norms related to the occupancy, use and ownership of land.

Considerable damage has been done to the cultural and economic viability of Maori, with the result that they are heavily over-represented in all the statistics of socio-economic deprivation. Institutional racism originating from the colonisation process had become entrenched in the public policy system and ‘disparities’ and ‘gaps’ represent the fallout from this. The problem is compounded by ‘fundamental flaws’ in the policy process, such as ‘the supposition that it (is) appropriate for government agencies to define outcomes for Maori’ (Humpage 2002:170).

### *Systemic discrimination and 'Closing the Gaps'*

In 1998 the Auditor General reported to Parliament on *Delivering Effective Outputs for Maori*. His argument was that Government was not doing this particularly well, so was not achieving its own goals. The Ministry of Maori Development (Te Puni Kokiri) followed up with two comprehensive reports on Maori socio-economic disparities (Te Puni Kokiri 1998; 2000). Education, housing, income levels and health were all cited as areas needing attention, with the statistics of disparity specified. The comparisons were stark. 'Overall the evidence presented in this report does not provide assurance that the economic and social gaps between Maori and non-Maori are closing' (TPK 1998:6). The second 'Gaps' report in 2000 indicated deterioration in the relative position of Maori since the first analysis. Some of the disparity indicators are listed here :

- Only 22% of Maori move to tertiary education compared with 45% of others
- Only 38.6% of Maori pre-school children participate in early childhood education compared to 60.7% in the mainstream
- The Maori unemployment rate in 1999 was 14.5% compared to 5.8% in the population overall
- The Maori average weekly income is \$485 compared to \$536 in the community at large
- Health and criminal justice statistics paint similarly grim pictures
- Maori are more likely than others to require Government assistance or to be totally dependent on a benefit (Te Puni Kokiri 2000).

The Labour/Alliance Coalition Government of 1999 decided to position 'Closing the Gaps' as a flagship policy. The Budget of 2000 included \$243 million over four years for new 'Gaps' initiatives, as well as a requirement that departments identify other avenues for assisting Maori within their general appropriations. In addition, funding was allocated for 'capacity-building' among Maori organisations, increasing total 'Gaps' funding to \$360 million). Te Puni Kokiri was to have a monitoring role.

The 'Gaps' policy recognised that colonisation had resulted in institutionally racist approaches to policy development and that the impacts on Maori had been particularly severe. Yet policy paradigms that had 'failed Maori in the past' were again invoked – as Louise Humpage put it – the Gaps policy 'perpetuated a state-centred approach to Maori self-determination' (Humpage 2002:2). Nevertheless, the very assertive 'Gaps' articulation produced adverse public reactions, reflected in media debates over the months following the policy announcement.

### *Critiques of the Gaps policy*

The policy was well-intentioned, but problematical from the outset, in several ways. The difficulties included :

- A confused strategic approach, addressing both generic social inclusion and Maori self-determination and articulating neither coherently (Humpage 2002)
- An emphasis on Maori needs rather than rights, and on needs which would be addressed 'within the universal citizenship rights of the nation-state' (ibid:16)
- A focus on resource redistribution without addressing the underlying structural issues that 'created scarcity in the first place' (ibid:72)
- An absence of explicit policy detail; instead, a contestable fund accessible by Government agencies for programmes of their own devising, which would meet criteria to be specified later by the Cabinet Gaps Committee
- No measurable targets or benchmarks, so no way of defining results or monitoring progress towards them (Maori Affairs Select Committee 2001)
- Aggressive promotion of the policy by some politicians, resulting in the alienation of other ethnic groups in New Zealand
- A backlash in the wider community due to perceived favourable treatment of Maori, on top of Treaty of Waitangi settlements (RRC 2000a)
- Questions about Statistics NZ data on who was Maori and therefore eligible to benefit from the policies and programmes (Chapple 2000)
- Allegations of inverse racism, a common reaction to the introduction of affirmative action policies, many of which fell within the 'Gaps' ambit

- Challenges in the wider community to the assumed causal connections between poverty and Maori ethnicity (ibid), and
  - Concerns among Maori about deficit thinking, patronisation and stereotyping all Maori as dependent, when many are self-sufficient and earning incomes comparable to anyone else in society
- (Chapple 2000; RRC 2000; Maori Affairs Select Committee 2001; Humpage 2002)

In response to the backlash, and with a sense of political fallout, the Government implemented some ‘damage control’ measures. It :

- Withdrew the ‘flagship’ status from the policy and dissociated itself from the expression ‘Closing the Gaps’
- Disbanded the Cabinet Gaps Committee and re-directed its funds to other programmes
- Announced that the policy focus was the alleviation of all socio-economic disparities, not just Maori ones, and
- Instructed Government departments to change the focus of the policy to disadvantage in general.

This brought the policy into disrepute and created confusion about who the targeted clients really were. Humpage suggests that once the Government realised the implications of the ‘power-sharing dimension’ inherent in the Gaps policy, the Gaps ‘slogan’ was dispensed with (Humpage 2002:161). Some departments continued with ‘Gaps’ targeting but in a more discreet manner. They did not realise that, by addressing perceived needs within a mainstream frame of reference, the Gaps policy had ‘depoliticised indigenous discourses concerned with greater Maori autonomy’ (ibid:167). Many Maori took the view that the Government had overturned an election promise to assist their communities achieve socio-economic parity, and more importantly, greater self-determination. Political opponents seized the opportunity to accuse the Administration of a lack of fortitude (New Zealand Herald, 14 December 2000).

In trying to alleviate the long-standing impacts of institutional racism, the Government put itself in a difficult political position in its handling of this controversy. The Maori constituency on the one hand, and the general electorate on the other demonstrated polarised viewpoints on the issue. Kelsey (2000:82) commented on the need to 'restore faith with the Maori electorate which had suffered under neo-liberal policies...' She referred to a 'debacle' over the Gaps policy, which 'posed its own contradiction : why prioritise Maori over Pacific Islanders, refugees or white working class poor, for whom the deprivation statistics were equally appalling?' (ibid). A substantial number of Race Relations Complaints during 2000 mirrored this view (RRC 2000a).

In focusing on socio-economic need rather than on indigenous rights, however, this line of argument reflected Gaps policy thinking itself, by ignoring the entrenched constitutional and structural issues which continue to impede Maori progress. In concert with Fleras and Spoonley (1999) and others, Humpage (2002) suggests that a more sustainable solution lies in constitutional reform and new definitions of citizenship.

In April and May 2003, media commentary brought to public attention a difficulty for Government in identifying the outcomes of policies to 'reduce inequalities' (the neutralised term for the Gaps policy). It seemed that multi-million dollar expenditure had produced no measurable impacts or discernible results (NZ Herald 22 April 2003). A Te Puni Kokiri audit had found 'no evidence that (the programmes) had improved the lot of Maori' (Jobs Letter 25 April 2003:5). Shortly after this, the New Zealand Herald ran a feature article, '*Closing gaps without being noticed*', which reviewed the original controversy and reasons for a loss of public confidence in the policy. It quoted the Prime Minister expressing concern that 'the pitfalls...are that there is a capacity problem and an accountability problem' (New Zealand Herald, 14 May 2003:A16).

This episode demonstrates the dangers of rushing into policy implementation without adequate consideration of its design, the deployment of public resources and the likely impacts. Community well-being is compromised both by systemic disadvantage and by the abrasiveness and intolerance created by policies that are perceived as unfair. Opportunities for beneficial investment in social development may be lost if expected results for the expenditure of public funds are not clear.

The 'Gaps' policy was poorly conceived and implemented. While it was a genuine attempt to redress institutionally racist inequalities, it was limited by a focus on government provision of resources within the mainstream paradigm, rather than a devolution of power to Maori, to address their strategic imperative of self-determination (Humpage 2001). In addition, there appears no reliable way of assessing its usefulness. There are better ways to achieve significant policy outcomes – through more effective problem definition, clarity of purpose, policy and budget specification, stakeholder consultation, *ex ante* evaluation and demonstrable results. In the meantime, the institutionally racist paradigm prevails.

### **3.5 Australian native land title and Aboriginal disadvantage**

The effects of colonisation on the Australian Aborigines and Torres Straits Islanders have been comparatively harsh. Throughout the years of colonisation and settlement, the indigenous people were considered to have no stake in the development of the nation and were treated as sub-normal and destined for extinction. They have had to struggle to attain any recognition in Australian society, let alone the rights due to them as the original inhabitants of the continent. The legalisation of their supposedly 'inferior' status, through the denial of basic civil rights, was institutionally racist. While they now have the same citizenship rights as other

Australians, systemic discrimination is still prevalent (Broome 1994; Vasta and Castles 1996; McConnochie et al 1998; HREOC 2000a).

### *Impacts of colonisation*

In *Face the Facts*, a publication to inform the Australian public, the Federal Race Discrimination Commissioner comments that ‘well into the 20<sup>th</sup> century, many policies and laws forced Aboriginal people to be segregated, and they were denied fundamental human rights, including the right to vote and access to social welfare’ (FRDC 1997:21). Yet they did not ask to have an alien system of government imposed on them. Had their land rights and economic independence been respected, they would not have needed social welfare.

With such a legacy, Aboriginal dependence on welfare benefits and high representation in all of the statistics of socio-economic disadvantage was inevitable. In the early 1990s, spearheaded by the Labour Administration, serious attempts were made to redress some of the historical injustices through a process of reconciliation. Two landmark High Court cases, *Mabo v Queensland (No 1)* (1988) and *(No 2)* (1992), provided the catalyst for a re-examination of the place of Aborigines in society and the means by which they might be enabled to participate in the Australian economy.

‘In the *Mabo* decision, the High Court stated that indigenous people were dispossessed of their land parcel by parcel, to make way for expanding colonial settlement. In effect, their dispossession underwrote the development of the nation’ (FRDC 1997:21). The principle of ‘terra nullius’ was rejected and failure to pay compensation for lost land was considered racial discrimination. The Native Title Act 1993 codified the Court’s decision.

The Mabo cases generate reflection on the role of Governments in building culturally inclusive societies. The legislative decision in 1993 to recognize a form of native title to land was ground-breaking. Even more significant, however, is the steady erosion of that principle in the decade since then, through the 'extinguishment' provisions of the Native Title Act, reinforced by a series of outcomes from Court cases.

The occupancy rights that could be exercised by Aborigines following the passing of the Native Title Act were tenuous. Common law could be overturned by statute. Aborigines could only claim title if, during the colonisation and settlement period, no one else had already done so. Aboriginal claimants had to prove continued use of the land through the centuries, which for a nomadic people with an oral history was burdensome. Their access to the land and its economic use was still denied by the extensive lease arrangements which miners and pastoralists had entered into with the Crown. Under these circumstances native title did not carry much weight. Institutionally racist assumptions and practices could, and did, continue unabated. As the Commissioner for Aborigines and Torres Strait Islands Social Justice (ATSIC) reiterated constantly, Aboriginal disadvantage inevitably persisted (HREOC 2000a; 2002a; 2002d). The present political environment reinforces this.

#### *Continuing socio-economic disadvantage for Aborigines*

A revised edition (2001) of the Federal Race Discrimination Commissioner's information booklet, *Face the Facts*, notes the disparities between Aborigines and the rest of Australian society. Health, education, employment, housing and encounters with the criminal justice system are all commented on. Indicative disparity statistics are as follows :

- Aboriginal life expectancy is 20 years less than that for others
- Only half as many Aboriginal children (proportionately) complete their schooling and only half as many adults have tertiary qualifications
- Youth unemployment is a particular problem
- Among adults, the Aboriginal unemployment rate is 23% compared to 9% for the general population.
- For those who are working, the average weekly incomes are \$190 for youth, compared with \$290 for other young people, and \$502 for adults compared with \$730 in the mainstream of society.
- Only 31% of Aborigines own their homes compared with 71% of Australian households generally
- Around 18% of the Aboriginal homes are overcrowded compared with 4% in other communities.
- Aborigines and Torres Straits Islanders make up just 1.6% of Australia's total population (FRDC 2001).

As a contrast to the Maori and Aboriginal experiences, research attention now focuses on an indigenous community, which experienced land alienation and political domination 400 years ago. More recently it has, through democratic processes, achieved a significant measure of self-determination. There may be some transferable insights in this.

### **3.6 Scottish devolution and its potential for eradicating institutional racism**

The literature on colonisation suggests that institutional racism against indigenous people originates in the constitutional frameworks imposed on these people. One of the snapshots chosen for this research focuses on the current process of political and economic devolution of power and resources in Scotland. This has been achieved constitutionally and democratically, without apparent detriment to, or alienation from, the wider British community. As such, its processes may have relevance in other jurisdictions where indigenous people aspire to self-determination.

As an integral part of the United Kingdom, with 10% of its population, Scotland has developed into a modern society, but the local preference for political and economic independence has never been extinguished. The belief has remained constant that Scottish interests cannot be addressed adequately or fairly from London, which has other priorities (Kelly 1998).

In commentary prepared in the context of visits to Scotland by the Commission on the Future of Multi-ethnic Britain, Elinor Kelly identified the areas of London-based public policy which showed evidence of continued colonial attitudes towards Scotland. In particular, she referred to 'the decline of indigenous languages and cultures; waves of invasion, emigration and immigration; the struggle to withstand the hegemony of rule by the English.' She was of the view that 'if Scotland (was) to become an inclusive society for the new century, then institutional change (was) essential...' (ibid 1998:1-2) These concerns show some congruence with the impacts of colonisation and the resultant institutional racism experienced in Australia and New Zealand.

The Scotland Act 1999 was passed following a positive vote for devolution in a national referendum. The Act specifies which powers were to be devolved to the Scottish Executive and which would remain with the House of Commons. The powers assumed by the Scottish Parliament include :

- Economic and business-oriented policy
- Decisions relating to the public physical infrastructure
- Health, social welfare, education and leisure
- Local laws and regulations

The powers retained by Westminster, as having wider United Kingdom implications, include :

- Defence and foreign affairs
- Immigration and definitions of nationality
- Social security policy
- Monetary and fiscal policy

(McCormick and Alexander 1997:155)

While the Scottish National Party is not yet strong enough to force the independence issue, Scotland may build on its growing sense of power and control of its own destiny, to achieve independence some time in the next decade. Factors influencing this include oil revenues, other economic resources, a sense of national identity, the desire for stronger European links and the political will to effect constitutional change (Ritchie 1997; Guibernau and Rex 1997; Travis 1999; Kymlicka 2001)

### **3.7 Institutional inability to respond to cultural diversity**

The second originating theme for this study of institutional racism is the inability of monocultural public organisations to respond appropriately to increasing ethnic and cultural diversity. Three snapshots illustrate the consequences of public policy failure with regard to the integration of immigrant communities. These are :

- When doctors drive taxis
- Australian immigration detention centres, and
- Race riots in northern English cities

Each snapshot outlines the specific problem, indicates who was affected by it and notes the policy deficiencies or missed opportunities for co-ordinated approaches. It includes commentary on the belated realisation by at least two of the three Governments involved, that new strategies were, and maybe still are, needed to eradicate the problem in the future.

### **3.8 When doctors drive taxis – systemic policy failure in New Zealand**

In the past 10-15 years, New Zealand has accepted immigrants and refugees from a variety of non-traditional sources. Public policy, however, has been slow to adapt to the needs of Chinese, Indian, Middle Eastern and African immigrants. Significant areas of policy have caused integration and settlement difficulties for new arrivals, in institutionally racist ways. Where systemic discrimination has occurred, its origins are located in organisational culture and poorly-conceived policy.

In New Zealand, the Massey University *New Settlers Programme* was established because a Faculty group of Palmerston North social researchers believed that 'New Zealand's ability to benefit from its immigration programme and the ability of many skilled migrants to fulfil their full potential have been handicapped by deficiencies in research and policy' (Trlin 1997:65). Difficulties have been created with regard to the recognition of qualifications and the ability to secure professional employment. In addition, the high standard of English required of new migrants is a contentious aspect of immigration policy.

Between 1991 and 1995, some five hundred doctors, mainly from India and other Asian countries migrated to New Zealand under the General Skills migration programme (Selvarajah in Panny 1999; North et al 1999; Trlin et al 1999; Benson-Rea et al 1999; Oliver 2000). New Zealand was experiencing one of its perennial shortages of doctors and was considered an attractive migration destination for professionals from overcrowded and politically unstable Third World countries. Nevertheless, they soon found that they were :

‘unable to practise their profession, even though the New Zealand Qualifications Authority (NZQA) ha(d) assessed their qualifications as equivalent to similar qualifications in New Zealand. Based on assessment and consideration of relevant experience to practise their chosen vocation, the New Zealand Immigration Service (NZIS) granted them permanent residence’ (Selvarajah in Panny 1997:245).

The New Zealand Medical Council was not prepared to recognise their qualifications or register them to practise in New Zealand unless they passed a stringent examination and satisfied the Council that they could communicate effectively. Many were unable to do this, due to inadequate language skills, unfamiliarity with local cultural norms and, in the view of the Council, deficient clinical and other professional expertise. To make ends meet, they were forced to take low-paying jobs or apply for social welfare benefits.

#### *Evidence of institutional racism in two Government agencies*

In addition to concerns that the Medical Council was operating a ‘closed shop’ to protect opportunities for local doctors, there were questions about systemic discrimination as regards the performance of the Government agencies, NZIS and NZQA. The systemic issues that could have been interpreted as institutionally racist, albeit inadvertently, were :

- The nature of the advice given to the doctors at New Zealand Embassies or NZIS overseas offices prior to emigration
- The assumed capability of the Qualifications Authority to determine who was, and who was not, equipped to practice medicine in New Zealand
- The apparent lack of liaison between NZQA and the Medical Council to develop a consistent approach to assessment and recognition of qualifications, and
- The immigration exclusion from the Human Rights Act, which created the risk that race relations equity matters could be ignored in the design and implementation of immigration policy.

The combination of these factors meant that the doctors were disadvantaged in a way that fits the definition of institutional racism. Full assessments of each case should have been made by the professional registration body, in conjunction with the Government agencies, before the doctors embarked on the immigration eligibility processes. They should never have been misled in this way.

It was clear that policy and legislative changes would be necessary to ensure this situation was not repeated. The case was widely reported and commented on. Changes have been made, including the establishment of a five year \$15 million re-training programme (Johnston 2003). The main policy amendment is that 'residency status for overseas medical professionals is only granted after registration has been confirmed by the Medical Council' (Selvarajah in Panny 1997:254). Those who now qualify to come to New Zealand, do so under more explicit criteria, with better-sequenced and coordinated processes for professional registration and determining immigration eligibility.

It was unfortunate for the overseas-trained doctors that the policies and coordination processes were so deficient in the 1990s. The NZIS and NZQA policies that opened the doors to foreign professionals to meet shortages in New Zealand appear to have been designed in isolation from each other. They were not properly conceived or analysed for their likely impacts prior to implementation and the requirements of the professional body appear not to have been considered. This snapshot is an example of institutional racism caused by poor problem definition and inadequate *ex ante* policy specification, compounded by lack of cross-sectoral coordination and discriminatory processes.

These aspects of policy development will be explored fully in Part Four of this Research Report. In the meantime the focus will move to a

consideration of institutional racism as it affects actual and prospective immigrants, asylum-seekers and refugees in the Australian environment.

### **3.9 Immigration, settlement and integration in Australia**

In September 1999, the Australian Race Discrimination Commissioner released a report entitled *New Country New Stories : Discrimination and Disadvantage Experienced by People in Small and Emerging Communities* (HREOC 1999). It canvasses the range of barriers to successful integration and settlement faced by refugee and migrant groups, in particular their difficulties in accessing housing and employment. Some immigrants experience a level of poverty that prevents them from full social and economic participation in their new communities.

‘Small and emerging communities include a diverse collection of migrants and refugees now resident in Australia. The difficulties of the pre-migration and settlement experience, including dislocation from their families and culture, together with their poor economic position and the challenges of employment, accommodation, education and access to services, all suggest that closer examination of their human rights is warranted’ (ibid:8).

The HREOC research cites statistics of socio-economic disadvantage which indicate settlement and integration difficulties. Almost 45% of the Somali community, for example, is unemployed and 97% of those who are working earn less than the Australian average wage. Inadequate English language skills and low incomes limit their access to adequate housing, educational opportunities, social services and civic participation (ibid).

Once new settlers are accepted, the host community and its government have an obligation to ensure that their basic human rights are protected, including the right not to be discriminated against, personally or systemically. ‘The recognition of the right to non-discrimination places an obligation on Australian social structures to ensure that members of small

and emerging communities enjoy substantive equality...' (ibid:11). Current employment and income earning patterns suggest this is not the case. Failure to provide appropriate English language tuition and social services for immigrant minorities is institutionally racist, because of the opportunity differentials created among sectors of society. The HREOC report suggests that 'Australia still has work to do, to protect the human rights of small and emerging communities' (ibid:14). Australia's Country Reports to the United Nations in terms of the Universal Declaration of Human Rights also make this point repeatedly (UN 2000a).

The Australian immigration policy itself demonstrates institutional racism. Any country's immigration policy reflects its sense of identity, its propensity for inclusion and its attitudes towards diversity. These factors are reflected in its political stances and policy settings. Jock Collins (1993:2) comments that Australia, Canada and New Zealand 'share a history of immigration shaped by racist policies and practices' and that 'the new Australian nation has as its foundation a racist immigration policy' (ibid:6). Discriminatory policy and prejudiced social attitudes have reinforced each other for almost two hundred years. Institutional racism is apparent in the selectivity of the immigration policy itself, as well as the above-mentioned inadequacy of support services once migrants do arrive.

### **3.10 Australia's immigration detention centres**

Several commentators (Banton 1998; Mac an Ghail 1999; Parekh 2000; Webber 2001) have described current policies relating to asylum-seekers in Western democracies as new forms of institutional racism. In recent years, Australia has taken a stringent approach to repelling would-be citizens at the borders, resulting in an exponential increase in the numbers incarcerated in detention centres while their backgrounds and immigration status are investigated. The detainees include women and children.

In August 2001, following riots at several immigration detention centres (IDCs), the Australian Broadcasting Corporation produced a series of television interviews with escapees from the Villawood Detention Centre in Sydney. Investigative journalists probed the causes – ‘What’s behind the riots? Who are the detainees and what do they want from Australia? Are they getting fair treatment?’ (Whitmont 2001). The interviews disclosed a disturbing pattern of systemic injustice, neglect and non-compliance with several international conventions regarding the treatment of asylum-seekers.

Illegal entry into Australia is a perennial problem for the Government and no one would deny Australia’s sovereign right to protect its borders and decide who can live there. Those who arrive without papers and a visa can expect to be challenged. This need not, however, require lengthy incarceration. Sovereign rights must be balanced against the humanitarian concern expected of members of a civilized international community.

Continuing media exposure and investigative reports by the Commonwealth Ombudsman, HREOC and two Parliamentary Select Committees have created concern in the United Nations and disquiet among Australian citizens (HREOC 1998; 2001a; 2002f; Commonwealth Ombudsman 2001). To discourage ‘boat people’ and others from illegal entry, the Government has instituted mandatory detention and condoned repressive practices in the IDCs, especially in remote locations. Riots, property destruction, hunger strikes and self-mutilation suggest systemic deficiencies in the management of the centres.

The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) indicates that the peak year for admissions to the IDCs was 1999-2000, with 8205 such admissions. In the previous year there had

been 3574. In 2000-01, the total was 7881 and in 2001-02, 7808 people were detained. The Government's position was that the imposition of tough new migration and border security laws in 2001, along with publicity about the IDCs, brought the number down to 1282 by November 2002, thus taking pressure off the detention facilities and solving a national problem (DIMIA 2003a). There is no mention of the forced repatriation of detainees, despite danger to them, in contravention of Article 7 of the International Convention on Civil and Political Rights (ICCPR) or their removal to other countries such as small Pacific Islands.

The nationalities of the detainees reflect the hotspots of recent political instability – Iranians, Iraqis, Afghanis, Palestinians, Indonesians, Sri Lankans and Chinese are all heavily represented. Most of these ethnic groups are also discriminated against through lack of integration assistance once they do succeed in gaining residency, as outlined above. Their successful integration into Australian society is likely to be compromised by their early experiences.

Immigration Department material on the IDCs suggests that each centre provides medical, dental and mental health services, access to education, legal advice, cultural, religious and sporting activities, telephones, newspapers and television (DIMIA 2003a). Conversely, interviews with escapees and official reports point to significant human rights breaches, including :

- Mandatory detention *per se*
- The length of time in detention – years in some cases
- Adverse mental and physical effects
- Absence of information about legal services
- People held in isolation within the centres with no proof of criminality
- The use of force as a control mechanism
- Poor living conditions, overcrowding and inadequate food

- Lack of privacy and unsuitable sleeping arrangements
- Lack of access to medical and dental care
- Lack of educational programmes for children
- Children deprived of their liberty
- Extensive non-compliance with CROC, ICESCR, ICCPR, CAT and CSR (HREOC 2003h)

Once asylum-seekers are security-cleared, as most are, there are several options to continued mandatory detention. Generally these involve release into the community on their own recognisance or that of others, so that DIMIA knows where they are. Detaining them in prison-like conditions breaches their individual human rights and constitutes systemic racial discrimination against powerless ethnic groups. As such, detention and its associated practices are new forms of institutional racism.

The response of Government to sustained criticism of the detention policy has been informative. It affirms its sovereign right to turn people away at the border. Migration and border security legislative amendments in 2001 reinforce this. Asylum-seekers are considered undeserving ‘queue-jumpers’, and are removed to become someone else’s problem. Mandatory detention remains a key plank in the policy framework, despite its non-compliance with international law.

DIMIA advises that there are now 139 children involved, rather than nearly 800, and half of these attend local schools. A sum of \$52 million has been allocated over four years to upgrade existing centres and build new ones, on the assumption that large numbers of ‘boat people’ will still try to gain entry (DIMIA 2003c). This suggests an ongoing commitment to incarceration rather than serious consideration of alternatives.

A pilot project has been completed at Woomera to enable about 40 women and children to live in the community and use local facilities. The children

are enrolled in a local school. Much is made in the official information about extended visiting arrangements and almost normal lifestyles. The women and children do not have freedom of movement, however, because they are still considered to be 'formally in detention' (DIMIA 2003d:1). They cannot travel outside of Woomera and families are divided because the men remain in the Baxter detention centre. The Department considers the pilot project a success and intends to expand it to cover more detainees. The situation perpetuates systemic racial injustice, however, since these people are not criminals and should not be restricted in this way. A requirement to keep DIMIA advised of their whereabouts until residency is granted should suffice, as it does elsewhere.

This snapshot illustrates continued institutional racism in the treatment of detained asylum-seekers and Government intransigence in its refusal to modify its policy substantively. While terrorist threats are cited as the reason for the hard line, informed commentary suggests that national security needs could be met by less oppressive means. 'White Australia' appears alive and well.

The only immigrants welcome in Australia appear to be those who are prepared to speak English and blend into Anglo-Australian society. Middle Eastern and Pakistani asylum-seekers, for example, are not perceived as being likely to do this. Institutional racism is evident in the abrogation by the Australian Government of its role in building culturally inclusive societies, combined with breaches of international law relating to the treatment of asylum seekers. The clear message from the Government is 'don't come here.' As Julian Burnside comments :

'On 19 April 1984, we adopted a new national anthem. The second verse includes the words : "For those who've come across the seas, we've boundless plains to share." I think we meant it in 1984. Do we mean it now?' (Burnside 2002:11).

Recent experiences suggest not. While institutionally racist assumptions and attitudes persist, sanctioned at the highest political level and reinforced in policy settings, then systemic racial discrimination will continue to flourish in Australia.

### **3.11 The Stephen Lawrence case and systemic racism in British public institutions**

One interpretation of institutional racism which is frequently quoted in the context of public sector policy development and service delivery, is that expressed by Sir William MacPherson in the course of the Stephen Lawrence Inquiry in Britain (MacPherson 1999). The case is used to introduce the British snapshot about institutional failure to adapt to diversity and the effects of this failure on ethnic minorities.

Stephen Lawrence, a black student, was stabbed to death by skinheads in 1993. The Metropolitan Police Service (MPS) investigated his murder only cursorily, assuming he had been drunk, fighting or on drugs. Five or six youths were identified as likely to have been involved, but the Police were not interested in pursuing a conviction.

For several years after his death, his family tried to convince the authorities of MPS negligence. Six years later, in response to media pressure, the Home Secretary established a Public Inquiry. It transpired that the Police had made their assumptions about Stephen Lawrence on the basis of racial stereotyping – young, black, therefore causing trouble. The Inquiry explored in depth why such erroneous assumptions had been made. Justice MacPherson attributed the cause to institutional racism permeating the Metropolitan Police Service. In his Report on the Stephen Lawrence Inquiry he spoke of :

‘...the collective failure of an organisation to provide an appropriate service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes or behaviour which amount to discrimination through unwitting prejudice, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.’ (MacPherson 1999:321).

The unequivocal nature of the results of the Inquiry gave the Government no option but to undertake comprehensive reviews of policies and procedures in all the major public institutions. The Home Secretary saw the MacPherson Report as ‘a watershed in our attitudes to racism’ (Travis 1999a:2). The investigative powers of the Commission for Racial Equality under the Race Relations Act were extended to the Police, the immigration service, the criminal justice system and other public sector organisations.

Commentators vary in their appraisals of the effectiveness of the British Government’s strategies to combat institutional racism in Government organisations. Several applaud the strategies but comment on the need for sustained monitoring. Some regard the responses by Government as an over-reaction. The sociologist Frank Furedi, for example, writing for the political column *Spiked-Online*, refers to racism as a ‘new original sin.’ He believes that ‘during the past four years, New Labour has steadily promoted the idea of British racism as a secular original sin that affects almost everybody’ (Furedi 2001:1-2). This seems a dismissive approach to a deep-seated problem.

### **3.12 Race riots in northern English cities and social policy failure**

The main focus of this research is institutional racism as a case study of systemic policy failure. In the literature review and theory section (Part Two) of this paper, one of the primary causes of institutional racism was identified as the inability of public organisations to respond to differing needs among ethnic communities in ways that would ensure equality of

opportunity and equitable outcomes. In several northern British cities, there have been failures of civic leadership and policies that served majority interests only. Race riots are an expression of these failures.

*Expressions of discontent in the summer of 2001*

In May 2001, violent clashes occurred between police and youth groups in Oldham, degenerating into full-scale rioting. Over the following weeks, the pattern was repeated in Burnley and then Bradford, where several hundred police and rioters, both whites and Asians were involved (The Observer 2001; The Guardian 2001); BBC News 2001).

The rioters were second and third generation British Muslim Pakistanis and Bangladeshis and white Fascists associated with the neo-Nazi British National Front. The latter had come into the Asian parts of the cities to hold racist rallies and mobilise disaffected local white youth, who would then fight with the immigrants. When the police arrived, the neo-Nazis, having exploited an already tense situation for their own ends, generally departed, leaving the police and Asians to fight it out.

According to several social commentators and journalists (Islam 2001; Ouseley 2001; Malik 2001; Kundnani 2002a; 2002b) the race riots in Oldham, Burnley and Bradford represent the consequences of social, economic, cultural and political disadvantage caused by ignorant, culturally insensitive policy-making. Race riots could occur in any large multicultural urban environment, in any country, where ethnic socio-economic disparities are entrenched inter-generationally. Competitiveness is exacerbated among very low-income people for scarce resources such as jobs, educational opportunities, affordable rental housing and social services. Poor ethnic communities perceive differentiated or favoured treatment for others relative to their own position (Cashmore 1987). Lack

of opportunity produces alienated and resentful youth and, in these cities, an environment of racial conflict, exploited by extreme right political factions (Harris and Bright 2001; Home Office 2001; Kundnani 2002a).

### *Systemic failures of policy and leadership*

Many of the above commentators allude to a systemic leadership failure by central and local government alike, which has created significant socio-economic disadvantage in the Pakistani and Bangladeshi communities. These people have the double burden of inadequate income and racial discrimination. Together with white working class people, they live in the poorest housing, in derelict former industrial areas of the cities.

Specific policy deficiencies, which individually and collectively contribute to institutional racism in British central and local Government, are apparent in several social policy domains. The report on *Community Cohesion in Britain*, prepared by the Home Office working party chaired by Ted Cante (Home Office 2001b) identifies the major areas of concern. They are worth considering in the New Zealand policy environment, because similar tendencies are present here. They include :

- **Housing** – where the housing stock is derelict, poorly planned for ethnic minority needs, overcrowded, poorly maintained and lacking in basic amenities. The race-based allocation policies for social housing have created ghettos, due to Council preferences for locating those of the same ethnicity together, rather than putting the effort into developing vibrant and diverse communities. Inter-ethnic contact is minimal, which militates against social cohesion and engenders mutual fear and distrust.
- **Employment** – where there has been no institutional response to the widespread loss of livelihood caused by economic policies that resulted in the closure of textile mills and foundries in north-west England, and where public service employment practices have been discriminatory.

- ***Education*** – where the monocultural population bases have exacerbated social polarisation and where poorly-performing schools in disadvantaged communities produce students who are ill-equipped to participate fully in society and who rapidly become alienated from it.
- ***Organisational and political leadership failure*** – where local councillors and public servants operate in culturally insensitive ways, exacerbating community tensions through unwitting discrimination, intolerance of diversity and unwillingness to discuss problems or even accept their existence. The leadership vacuum has facilitated racial exploitation by extremist groups.
- ***Ineffectual use of regeneration funding and projects*** – where millions of pounds have been invested in projects to restore decaying parts of the cities, but with no apparent societal gain. The projects are generally targeted at specific localities, so they benefit only the groups that live in them, rather than enhancing the well-being of the whole community. As a result they cause discord and resentment and perpetuate the sense of separation in ghettos.
- ***Lack of co-ordination between Government policies and agencies*** – where service and resource provision have been fragmented and incoherent. There are plenty of ideas and projects generated by the different agencies, but no co-ordination among them. The programmes actually institutionalise the problems of separatism by pathologising certain groups and focusing on differences, rather than uniting the communities and finding the common ground.
- ***Selective policing*** – where the police come down very heavily on Asians disturbing the peace, while ignoring the skinheads and neo-Nazi groups who foment and exploit community unrest. The police search out racial complaints where Asians are accused, apparently to boost their statistics and to demonstrate lawlessness in these communities. (Home Office 2001b; Kundnani 2002a)

### *Addressing the causes of urban race riots*

The race riots snapshot provides a compelling illustration of institutional racism entrenched and unchallenged over long periods, due to central and

local government abrogation of their duty to build culturally inclusive communities. Neo-Nazis were able to exploit local tensions and leadership vacuums where youth were aimless, uneducated and economically disenfranchised. If central and local government had invested in the social capital of these communities, their members would be less receptive to extremist political agendas and less likely to create racial conflict (Home Office 2001b). The frequency of race riots in Britain serves as a reminder of the racial tensions in British society (Miles 1989; Malik 2001; Solomos 1993) and the inability of the government to alleviate them (Sivanandan 2001; Kassaimah 2001; Carter 2002; Kundnani 2002a; 2002b)

The systemic issues of unemployment, poor housing and educational under-achievement, which reduce people's life chances, need to be addressed. Housing and educational strategies are mentioned in the *Cantle Report* (Home Office 2001b). There is no reference to the structural adjustments required in the economy to reduce inter-generational unemployment, with its enduring consequences of poverty, deprivation and social exclusion, for young Asians and white people alike.

### **3.13 Comparisons of the key issues for institutional racism**

The foregoing snapshots have illustrated various facets of institutional racism and the resultant risks to social cohesion. Each incident raises significant issues for policy development, analysis and evaluation. Each one has generated considerable public interest and governments have had the opportunity to consider the implications for their own leadership responsibilities to promote social cohesion.

To summarise, the British focus is on the impacts of immigration and wider aspects of justice and social policy as applied to non-indigenous residents. In Australia and New Zealand, the consideration of institutional

racism has frequently been subsumed in debate about the impacts of colonisation and the resurgence of indigenous culture. Reconciliation with the Aboriginal people is a contemporary Australian theme, albeit diluted by the current government. In New Zealand there is a focus on the Treaty of Waitangi as regards power and resource sharing.

The above illustrations demonstrate that indigenous communities and immigrant minority groups have both been affected by institutional racism, with broadly similar consequences. Inequities and socio-economic disadvantage, resulting primarily from colonisation, land alienation, cultural dislocation, assimilation policies and minimal or inappropriate government services are still widely apparent. Governments and their officials in all three countries have also demonstrated rigidity in their interactions with diverse communities and inability to adapt to current demographic realities.

The foregoing snapshots suggest that public policy in all three nations is locked into old decision-making paradigms underpinned by imperialistic assumptions about power and rights. Westminster-style governments are not equipped to make unilateral decisions affecting the lives of indigenous people and immigrant minorities who are not well represented by them. Constitutional relationships require re-definition and new forms of citizenship need to be articulated (Fleras and Spoonley 1999; Kymlicka 2001; Humpage 2002).

The next two sections of the Research Report explore the contexts for, and role of, public policy in creating these dilemmas and its potential contribution to a constructive way forward.

## ***Part Four – Public Policy Theory and Institutional Racism***

The early sections of this paper have focused on the causes, the manifestations and the effects of institutional racism. This section examines the processes of public policy development, analysis and evaluation, to identify aspects which result in systemic discrimination. It also considers the requirements in the three jurisdictions for the protection of human rights.

From the theoretical work on institutional racism as a social phenomenon and from its effects in practice, it is apparent that its causes are located in public policy and in governments' consequent resource allocation decisions. If governments are to respond appropriately to the demands imposed on them by indigenous rights and increased ethnic diversity, the processes of public policy development will need to change. To gain a sense of what might need modification, and how extensively, the Westminster-originating public policy processes are examined.

### **4.1 Institutional racism as a case study of policy failure**

This is a major focus of this Research Report. There are three important factors to take into account when considering institutional racism as an illustration of structural weakness in the current systems of policy development, analysis and evaluation. These are :

- The monocultural institutional framework in which policies are developed and implemented
- The degree of accuracy and insight with which the problem is represented, and
- The need to guard against inadvertent adverse policy effects, by ensuring robust *ex ante* evaluation of the various options and the course of action to be recommended

Addressing these factors entails examination of the rights and needs of all groups likely to be affected by new policies, so that their impacts are equitable and planned. Consultation among affected groups is integral to effective problem definition and impact analysis of the existing policy and the new proposal. The haste with which policies are developed and put into operation to meet political imperatives can result in less than adequate public policy specification, along with poor recommendations and hurried implementation, leading to institutional racism as a consequence.

#### **4.2 A closer look at policy development and evaluation**

Significant public policies involving resource allocation have different impacts among the diverse sectors of our communities. As mentioned in the earlier theoretical discussion, this may be the result of deliberate targeting or exclusion strategies, or it may occur inadvertently, perhaps as a result of the erroneous assumption that equality means sameness. This faulty assumption can lead unwittingly to racially directed discrimination, because some gain and some lose as a result of policy decisions. Some key considerations underpin all policy decisions relating to the distribution of public resources. These are – who benefits, at whose expense, whose interests are served, and how the needs and interests of the most vulnerable members of society are adequately catered for.

In his study of the Australian policy-making environment, Considine describes a public policy as ‘an action which employs Governmental authority in support of a preferred value.’ It can involve ‘clarification of public values and intentions, commitments of money and services and the granting of rights and entitlements’ (Considine 1994:3). Herein lies the reality and the ongoing potential for institutional racism in all three countries – where the policy systems are monocultural, systemic discrimination is almost inevitable.

Social and economic policy are inextricably linked, as they both deal with the regulation, distribution and re-distribution of public resources. These interventions are achieved through processes of information gathering, defining the policy problem, identifying and then evaluating possible solutions, negotiating, deciding and then allocating the resources. The values underpinning the policy system determine the resource allocation decisions and the processes by which these decisions are arrived at (Weimer and Vining 1992; Considine 1994; Fenna 1998; Bardach 2000). If they represent one cultural group's views only, they create an immediate problem for all the other cultural groups with an equal claim to effective representation and ownership of the policy-making processes.

In considering the types of interventions available to public policy developers, Aitken (1998:2) cites Anderson's four 'categories of choice' which, she says, represent all the options. The categories in summary are :

- Letting the market decide
- Creating Government programmes
- Devising incentives and deterrents to steer people towards desired policy outcomes, and
- Passing statutes and regulations for direct constraint on, and control of, individual action (Aitken 2-3).

These interventions reflect the processes of legislation, distribution and re-distribution. There is a fifth option, namely resource devolution. This one features less frequently in policy decision-making. Greater attention to its possibilities may represent the key to more effective and equitable policy decisions in the future. At present, however, intervention choices reflect majority interests, assumptions, monocultural values and the location of power. This situation represents a significant cause of institutional racism in our public organisations and poses a consequent risk that it will continue to feature in future policy development.

### **4.3 Frameworks for policy development and analysis**

The literature of policy theory abounds with examples of frameworks, checklists and methodologies to assist in the tasks of policy analysis, development and evaluation. As creatures of the prevailing government system, these methodologies are generally silent on the subject of compensating for cultural bias. Policy analysis is critical to the provision of effective advice to Ministers. It is described by Weimer and Vining (1992:1) as ‘client-oriented advice relevant to public decisions and informed by social values.’ But which clients and whose values?

Common features of such policy frameworks include specification of the problem and the evidence for it, the new policy goals, indications of who is likely to be affected by the policy and in what ways, and the extent to which these people have been, or will be consulted. Another important aspect is the policy intervention logic. This includes the development of a range of policy alternatives, each evaluated according to common criteria and compared, so that trade-offs can be identified and choices made. These generic frameworks are applicable to all public policy contexts.

The policy frameworks also incorporate a summary of the main factors to be taken into account by the decision-makers, and the rationale for the course of action to be recommended. Resources, timelines, risk management issues and implementation processes are specified. There is also a strategy and timeline for ongoing assessment and periodical evaluation. (Bardach 2000; Bridgman and Davis 2000; Considine 1994; Weimer and Vining 1992). The latter aspect is critical if inadvertent adverse policy effects are to be avoided.

With regard to policy development models, Bridgman and Davis (2000:48) comment that ‘decision-making is rarely rational ... and hardly ever comprehensive. Yet in setting out a useful sequence for making

choices, the frameworks at least force policy-makers to work systematically and to provide some justification for favoured options.’ Lack of rigour in developing the policy intervention logic appears to be a factor in continued systemic discrimination (Appendix 10).

The Appendices to this Research Report include a policy document analysis template (Appendix 5), a list of the types of policy documents consulted in the process of locating institutional racism within public policy (Appendix 6) and a checklist based on several standard policy development models, to which some cues for identifying the potential for systemic discrimination have been added (Appendix 7).

Current official policy documentation and commentary relating to Britain, Australia and New Zealand suggests that social inclusion for all members of the community is an important policy goal (Multicultural Affairs Queensland 1999; Te Puni Kokiri 1998; 2000; Home Office 2001; Ministry of Social Development 2001; New Zealand Treasury 2001). The policy frameworks involve direct government intervention through the redistribution of public resources to provide social services to support this goal. Yet many policies still discriminate inadvertently, through failure to differentiate indigenous self-determination preferences from generic goals of social cohesion, and to recognise the fundamental conflict between the two (Humpage 2002). One tool for reducing the likelihood of this is the policy evaluation process.

#### **4.4 Evaluating policy effectiveness**

The purpose of public policy evaluation is to assess policy effectiveness and achievement of intended outcomes, by asking strategic open questions. ‘It is an essential input to good policy advice and as such can provide information that offers a stronger basis for new policy’ (State

Services Commission 1999:24). Commentators such as Bridgman and Davis identify the generic evaluation questions :

- ‘How do we know policy choices work?’
- ‘Is the Government getting the outcomes it wanted?’
- ‘Do the programmes offer value for money?’ (Bridgman and Davis 2000:126)

The focus of policy evaluation is on outcomes. The NZ State Services Commission describes outcome evaluation as ‘any systematic attempt to measure empirically the impact of some government intervention on desired outcomes’ (SSC 1999:24). Evaluation of social policies and the programmes emanating from them is designed to assess whether the policy intervention logic is sound and whether the programmes are worth doing, whether they are achieving what they set out to achieve and whether they can be improved upon. Part of this assessment should, but frequently does not, include consideration of differential policy effects or inadvertent consequences for diverse ethnic communities.

Appendix 8 of this Research Report comprises a summative evaluation questionnaire, which encapsulates the key issues to be considered when evaluating retrospectively the outcomes of public policy.

#### *Policy inadequacies identifiable through evaluation*

Problems in policy development and implementation, which should surface in its evaluation, cover a wide range. Examples are listed below, as cues for developing amended or replacement policies :

- Failure of the policy to resolve the problem perceived originally
- Outcomes not producing the changes the government intended
- Mutually-inconsistent policy objectives
- Lack of integration with other relevant policies
- Lack of commitment to the implementation of the policy
- Negative public responses to the policy

- Self-interest as the driver, rather than community well-being
- Rigid and unwieldy policy administration mechanisms
- High transaction costs of policy enforcement
- Compliance creating consequences which are unacceptable to clients
- Lack of incentives to encourage compliance
- The existence of perverse incentives for some groups
- Inadequate sanctions for non-compliance
- The possibility that some problems are intractable, with long-standing supply/demand imbalances or inequities indicating market failure
- The possibility that there are more effective, efficient and socially-acceptable ways to achieve the aims of government

(Bardach 2000; Cheyne et al 1997; Weimer and Vining 1992).

Evaluation is a useful tool for identifying, among other things, the existence or likelihood of institutional racism in public policy development, analysis and implementation. In New Zealand, Te Puni Kokiri issued a set of guidelines in 1999 entitled *Evaluation for Maori*, focusing on assessment methods and key questions to gauge the effectiveness of public policy initiatives in serving indigenous requirements. It incorporates a range of culture-specific criteria, in addition to those listed above, which should also be taken into account, as a matter of routine, in evaluating policy.

The Office of Ethnic Affairs in New Zealand has produced a similar document, *Ethnic Perspectives in Policy*, focused on policy development at the outset, and aimed at ensuring that government agencies take cognisance of different ethnic rights and needs. It also provides pointers for evaluating policy effectiveness in responding to ethnic and cultural diversity (Office of Ethnic Affairs 2003).

The New Zealand State Services Commission in recent years has highlighted the need for greater attention to evaluation of all policy, stating that ‘the relative dearth of outcome evaluation constitutes a gap in

the quality of policy advice tendered to Ministers...' and that 'organisations should make explicit the links between their own activities and desired Government outcomes' (SSC 1999:26-28).

The Commission also makes the comment that in Australia 'the Department of Finance and Administration has played a leading role in creating the expectation that programmes should be evaluated (albeit with a focus on efficiency rather than effectiveness)' (ibid:29).

If outcome evaluation can be made integral to all public policy development, there is a greater chance that *ex ante* impact analysis will identify the likelihood of systemic discrimination and institutional racism before policies are put in place and inequities entrenched. It is incumbent on governments to accept that a major part of their role is social stabilization and that the manner in which they develop policy has a bearing on their effectiveness as the guardians of social equity.

#### **4.5 Current policy responses and mitigation strategies**

In defining their key goals, governments incorporate a mix of the aspirational, the operationally pragmatic and the politically opportune. Aspirational statements often concern national identity, social inclusion and well-being. Economic and social policies are closely related. To maximise electoral success, political manifestos stress economic growth so that more people can achieve higher standards of living and will vote accordingly. Minority rights, however, are seldom addressed explicitly.

##### *Addressing social and economic goals*

Systemic discrimination works against goals intended to ensure equality and social cohesion. Economic disadvantage leads to social exclusion,

which is manifest in poor housing and health, lack of educational achievement and unemployment. A major policy challenge is to find an equitable compromise between social justice and a dynamic market, to ensure that both social and economic goals are achieved.

In recent decades, in all three countries, there have been variants of neo-liberalism, conservatism, social democracy and more recently the 'Third Way' which seeks to combine the best of all political worlds (Giddens 2000). These philosophies are differentiated by the relative importance they place on the unfettered operation of the competitive market and Government intervention. The neo-liberal 'market forces' experiences of the 1990s, and the socio-economic disparities that widened during that period, suggest that interventionist social democratic models take ethnic and cultural difference into account to a greater extent than liberal *laissez-faire* models when developing public policy (Kelsey 1997; 1999). Liberal and Conservative administrations focus on societal homogeneity, supported by policies such as 'one standard of citizenship' (New Zealand National Party 2002).

#### *Inadequacies in public policy relating to racial equality*

Solomos and Back, commenting on the British policy environment, identified policy development issues critical to the concerns of this research project. Referring to the *ad hoc* nature of anti-racist public policy, they cite the poorly articulated relationships between anti-discrimination legislation, multicultural and anti-racist education initiatives and policies developed in response to specific needs. They mention 'much heated debate' and 'a major gap between the stated objectives of such policies and their achievements in practice' (Solomos and Back 1996:74-75). This resonates in the Australian and New Zealand policy arenas.

Even more significantly, Solomos and Back comment further that :

‘There has been surprisingly little analysis of the workings of public policy concerned with racial equality and we still know relatively little about the workings of the race relations legislation and related social policies.’ They identify ‘a clear need for more detailed analysis of the everyday workings of specific policies and programmes...’ (ibid:76).

While the context for these remarks is British, they could apply equally to Australia and New Zealand. In Britain there has been a recent increase in awareness of institutional racism, but it is not high on the political or policy development agendas in New Zealand or Australia. This may change in New Zealand as the impacts of the Human Rights Amendment Act 2000 on government agencies become more apparent.

Questions about the impacts of public policy on racial equality should be integral to all policy and evaluation processes. They should also feature prominently in the thinking of political leaders representing all elements in their diverse constituencies, not just the most vocal and powerful factions. The eradication of institutional racism depends on concerted approaches to changing prevailing assumptions about the control of public resources.

#### **4.6 Legislative protection against racial discrimination**

Another mitigation strategy is encompassed by the provision of legal remedies against racial discrimination, including that perpetrated by the agencies of government. Critical to this is the availability of a complaints jurisdiction and an appropriately independent agency to administer it. Further protection against discrimination is afforded by the ratification by all three countries of United Nations Conventions concerning human rights, such as the International Convention on the Elimination of All Forms of Racism (ICERD).

Recent work has been done in Britain and New Zealand to widen the complaints jurisdiction to include almost all aspects of Government intervention, policy development and service provision, and to provide for complainants to take class actions. The benefits of this change will only be realised once governments are required, rather than encouraged, to change domestic legislation that is identified as incompatible with international human rights standards (CRE 2002b; HRC 2000b). In Australia these principles are being debated, but the current Commonwealth Government is less amenable than in Britain or New Zealand, to significant changes in the human rights laws, particularly if they are likely to constrain its own federal operations and national priorities (HREOC 2002c; 2003g).

#### *National human rights institutions*

The Universal Declaration on Human Rights (UDHR) provides for States Parties to establish human rights protection agencies, independent of government, but funded through Appropriations, to protect their citizens from unlawful discrimination. Britain currently has the Commission for Racial Equality, while the systems in Australia and New Zealand have race discrimination functions located within wider human rights organisations, namely the Human Rights and Equal Opportunity Commission and the Human Rights Commission respectively.

#### *Connections between legislation and the policy environment*

Experiences such as those documented earlier in this paper, has shown that legislative protection against discrimination is an essential tool in the continuing development of the New Zealand, Australian and British societies. It is, however, not sufficient in itself to ensure equality. At an individual level, it is often perceived as complicated and antagonistic

(Ministry of Justice 2000a; 2000b; 2001b) despite a focus in recent years on low-level mediation as the first approach to remedying injustices.

In all three jurisdictions there have been organisational moves in recent years to focus on systemic as well as individual instances of discrimination. National human rights institutions (NHRIs) are either in place or are intended to replace the specialised Commissions dealing solely with aspects such as race relations. The intention is that systemic racial discrimination will be tackled organisationally, not through piecemeal responses to specific complaints. Public reporting on measures to ensure equality will be required (CRE 1999; Home Office 2001a; CRE 2002b; 2003b; HREOC 2003a; HRC 2000b; 2003a). It remains to be seen whether this will make any difference to the incidence of institutional racism in the government agencies in the three communities.

Recent changes to British and New Zealand human rights statutes (HRC 2000b; CRE 2003b) have also put greater emphasis on systemic and institutional shortcomings, but this will not, by itself, effect the necessary changes in the thought processes of officialdom. Such initiatives need to have a public policy grounding, a social policy context and acceptance by affected communities. For this reason, four influential policy directions, each with potential for, or a track record in modifying institutionally racist practices, are considered next. These are social inclusion, affirmative action, multiculturalism and biculturalism.

## ***Part Five – Public Policy in Practice:***

### ***Macro Policy Frameworks***

New public policies are always designed within explicit political ideologies and conceptual frameworks. The three nations under consideration for this research have in common several macro policy frameworks. Four of these have been selected for examination because of their relevance to institutional racism. The implications of each have surfaced in the earlier research on national ‘snapshots’ and their policy connotations are now considered. Their influences are central to the development of policies to redress injustices and recognise diversity.

The macro policy frameworks are social inclusion, affirmative action, also known as positive discrimination, multi-culturalism and biculturalism. In the New Zealand context, the possibilities for bi-nationalism are also explored and passing reference is made to the devolution of domestic policy-making and political decisions in Scotland and Wales.

#### **5.1 Public policy and social inclusion**

Governments have a responsibility to facilitate the development of societies in which all members feel included, rather than being socially excluded through racial or other forms of discrimination. To address this strategic objective, a number of social policy contexts are described in political manifestos and government goals (DPMC 2000). Terms such as ‘the decent society’, ‘social cohesion’, ‘social capital’, ‘quality of life’, ‘participation’, ‘inclusion’, ‘social investment’ and ‘social development’ have all enjoyed sociological and political currency in recent years. These concepts are firmly embedded in social democrat and Third Way government policies such as those current in Britain and New Zealand.

These ideas have also been expressed periodically by right wing political parties and administrations, but with different priorities and manifestations. Where left-wing governments focus on social investments for building collective capacity for positive development to avoid social exclusion, right-wing administrations favour state provision of minimal safety nets only, to encourage individual self-reliance.

The primacy of employment is often stressed as the pathway to prosperity and personal independence. When one considers the labour market discrimination experienced by members of minority ethnic cultures, the relationship between social and economic policy and institutional racism becomes clear. Institutional racism creates social exclusion.

*British commentary on social cohesion and policies for inclusion*

The Acting Chair of the CRE commented recently that ‘Social cohesion is the single most important issue of our times. To me it suggests that either we hang together, or we will surely hang separately’ (CRE 2000c:1). She describes the essentials of cohesion, the common vision, the sense of belonging, valuing diversity, developing positive relationships and ensuring that everyone has equivalent life opportunities. ‘Not only does social cohesion lie at the heart of what makes for safe and strong communities, but it is the very foundation on which our community rests...’ (ibid:3).

Mairtin Mac an Ghail warns of the potential for continuing systemic injustice, through British Government policies that are ‘subsuming the needs of ethnic minorities under the more general categories of urban deprivation and social marginalisation’ (Mac an Ghail 1999:134-135). There are lessons for New Zealand in the effects of marginalisation of

poor immigrant communities in Britain, as there are in Australia's neglect of the rights and needs of Aborigines and asylum-seekers.

### *The discourse on social inclusion in Australia*

The concepts are discussed publicly and in Australian policy settings, but the tenor of the debate is different from that in Britain because of the more right-wing political environment and the many unresolved race relations issues there. Dalton et al (1996:26) talk about 'contest' in policy development, illustrating their point with 'everyday life issues which are the substance of social policy : the way society is organised, who gets what benefits and who is left to fend for themselves.' They amplify this with the comment that

'The questions – 'who wins?' and who loses? – usually related to 'who decides?' – draw attention to the significance of the operation of power in the social relationships within Australian society. The term 'society', used as if it referred to an homogeneous entity, conceals historically developed social inequity...' (ibid 31).

Cowlshaw et al (1997:3) are similarly pessimistic 'Despite the prevailing rhetoric of anti-racism, evidence of the destructive social outcomes of racialised inequalities and of racialised marginality is compelling.' They remark later that 'the ideology of egalitarianism seems to saturate Australia's self-image and... racism can thrive on the assertion that we are all equal' (ibid:159).

### *The social development approach in New Zealand*

In 1999, the incoming New Zealand Labour Government implemented a social exclusion strategy, its purpose being to reduce 'the risk of future social exclusion by tackling the causes of disadvantage' (MSD 2001:11). In a detailed address about the intended focus of social policy, in

September 2001, *Building Social Capital* the Minister for Social Development defined the term : ‘A synthesis of several approaches sees social capital as networks of social relationships characterised by norms of trust and reciprocity which operate at the individual, family, community and national level’ (Maharey 2001:31).

The Government’s approach was idealistic, given the extent to which institutional racism prevents marginalised groups from participating fully in society. John Tamihere, in a speech prepared for the recent Knowledge Wave Conference in Auckland, offers an alternative view and a possible way forward :

‘Failure by state agencies to solve the problems of welfare dependency actually results in the allocation of greater resources to those agencies when they have already proven themselves poorly adapted to solving the problem... Decentralisation and devolution into a community-based, accountable, transparent and open non-Government organisation will make welfare work’ (Tamihere 2003:4-5).

He sees resource devolution to communities as a promising avenue for breaking the entrenched patterns of systemic discrimination, but recognises that difficult decisions, likely to be opposed by powerful sponsors of the status quo, would be required to implement his ideas. Government thinking to date has not proceeded down that route. His views should not, however, be ignored. Their time may come.

Communities are well aware of the relationships between racial harmony, equality of opportunity, social participation and national well-being. They look, not unreasonably, to governments to provide leadership – in the immediate context of remedying past injustices – and from a strategic perspective, to ensure equity and integrity in policy-making processes. A compelling need is evident for Governments to exercise committed and

decisive leadership to eradicate institutional racism, as a pre-requisite to the achievement of culturally inclusive societies.

## **5.2 Remediating injustices – the place of affirmative action**

Affirmative action is a government intervention to increase the likelihood of equality. A comprehensive definition of it is located in the September 1999 edition of a New Zealand periodical, *Employment Today*.

‘Affirmative action is the deliberate use of gender, race, disability or (in some countries) religion, to benefit people who have been historically disadvantaged because they belong to these groups. It can range from providing a specific remedy for discrimination, to increasing the participation of groups which are under-represented in areas such as education or employment. At its most controversial, it can lead to individual members of a disadvantaged group being preferred to others in the allocation of jobs, university places and similar benefits’ (Fredman in Bell 2000:10)

Affirmative action was conceptualised in the USA during the 1960s as a policy response to institutional racism, which had become a target of the Civil Rights Movement there. It had an educational and bi-lingual focus. In recent years, however, there has been a decline in student entry through affirmative action provisions and in many States the policy has been reversed due to local political pressure. The affirmative action concept itself remains contentious because of the ‘preference’ connotations.

The point of affirmative action is to bring disadvantaged groups up to the standard of education or labour market participation of the population at large. A landmark case in New Zealand, *Amaltal Fishing Company Ltd v Nelson Polytechnic (No 2)* (NZAR 1997) identified the legislative criteria for positive discrimination (RRC 1999:35). As part of the programme specification, a comparator group should be identified, to enable the service provider to argue that positive discrimination is justified.

### *Liberal social justice*

The distinction between equality of opportunity and equality of outcome enters the affirmative action debate. Kymlicka (1990:55-58) calls this debate the 'intuitive equality of opportunity argument'. In a discussion on John Rawls' theory of social justice, he identifies Rawls' 'difference principle', namely that 'all inequalities must work to the benefit of the least well-off' and that 'people only have a claim to a greater share of resources if they can show that it benefits those who have lesser shares'.

This does not, however, give any weight to the choices that people make, once social policy, including affirmative action programmes, has compensated for differences in circumstances (Kymlicka 2001). Some people are more talented and make better choices than others and, according to Kymlicka's liberal perspective, there is nothing wrong with this being reflected in their outcomes. There is a risk of social development and achievement being circumscribed by the lowest common denominator otherwise – in Kymlicka's words 'Why should the benchmark for assessing the justice of social institutions be the prospects of the least well-off in terms of social goods?' (Kymlicka 1995:70).

Kymlicka comments that 'people disagree about what is needed to ensure equality of opportunity' (ibid:56), mentioning the widely held belief that as long as no one is denied legal access to education and employment, that should suffice. The contrasting view is that 'affirmative action programmes are required for economically and culturally disadvantaged groups, if their members are to have a genuinely equal opportunity to acquire the qualifications necessary for economic success' (ibid).

### *Community reactions to affirmative action*

As a tool to alleviate the impacts of institutional racism, affirmative action may be regarded as a mixed blessing. Direct government intervention carries some risk of 'over-correcting.' This can involve the alleviation of disadvantage in some sectors of the community, through targeted service provision, selective educational opportunities, or preferential access to jobs. In achieving this, however, there is a risk of creating inequalities elsewhere, through neglect of other equivalent areas of need. This represents a dilemma for developers and sponsors of affirmative action policies and programmes, as well as a political risk for the governments that endorse them (Kymlicka 2001:197).

In addition, affirmative action programmes are often viewed as patronising or stigmatising, entrenching stereotypes of those who supposedly cannot make it on their own. Often they elicit 'deficit thinking' through blame laid on individuals and groups for their own adverse circumstances, rather than the acknowledgment that we do not all start with the same range of opportunities (Brandon in Slater 2002).

The implementation of affirmative action programmes has met with mixed community reactions in all three societies, for the reasons outlined above. It is in the national interest to ensure that all members of society have equal life chances. The provision of such programmes contributes towards that outcome. The systemic reasons for them need to be publicly transparent, to reduce the risk of allegations of favoured treatment at public expense for personal inadequacies (RRC 2001a). Effective *ex ante* evaluation will help to ensure that the planned results are realistic, that the public expenditure will be justified by these results and that the potential for distortions and other inadvertent effects will be minimised. When the need for targeted action has passed, the programmes should cease.

### 5.3 Issues of multiculturalism and citizenship

Provision of affirmative action programmes begins to address the demands of New Zealand's increasing cultural diversity. Current immigration patterns are putting pressure on our public institutions to develop policies and services that are appropriately responsive. Institutional racism is apparent through Government agencies' lack of capacity to adapt sufficiently quickly and sensitively to new demands from a changing society. When this is added to the legacy of colonisation, as the latter affects Maori, the need for systemic policy change becomes apparent.

Similar needs for increased flexibility of approach are apparent in Australia and Britain as well. Their institutions, like those in New Zealand, while espousing principles of inclusion, appear inflexible in practice. They have had difficult issues of adjustment, with the British experiences of civic unrest constituting an object lesson in what to avoid.

In all societies, there is a measure of resistance to cultural diversification. In a significant publication, *Multicultural Citizenship*, Will Kymlicka comments that 'minorities and majorities increasingly clash over such issues as language rights, regional autonomy, political representation, education curriculum, land claims, immigration and naturalisation policy...' He is of the view that 'finding morally defensible and politically viable answers to these issues is the greatest challenge facing development today' (Kymlicka 1995:1). All of the issues he mentions have systemic institutional connotations and have been sites of inter-racial disagreement in New Zealand, Australia and Britain at various times, requiring a range of policy responses and interventions.

### *Types of multiculturalism*

Multiculturalism has a different meaning in each of the three nations. Depending on the context, the term can mean :

- A descriptive statement about the existence of diverse ethnic groups within a country (indigeneity and immigrant multiculturalism)
- A strategy to encourage majority communities to accommodate diversity while retaining social cohesion
- The integration of immigrants into one national identity
- A consensus framework for acknowledging the rights of ethnic minorities in a host society
- A form of assimilation requiring one standard of citizenship
- A means by which Governments can appear to recognise diversity, while treating everyone as if they were the same
- A set of understandings that legitimise different cultures and value systems
- A systematic approach to the critique of institutions and their underlying assumptions, supported by an educational emphasis on the development of appropriate analytical skills, or
- A focus for the celebration of ethnic and cultural diversity  
(Fleras and Spoonley 1999; Baubock 1996; Kymlicka 1995a; May 1999)

Consensus multiculturalism (Fleras and Spoonley 1999:225) emphasises social cohesion and the accommodation or containment of difference within a unified whole. Critical multiculturalism, on the other hand, challenges the values and assumptions of cultural superiority and invites reflection on its unjust impacts on minority cultures (May 1999). The relationships between individual and group rights, and between indigenous, settler and recent immigrants' rights, influence the expression of multiculturalism in pluralistic societies. In New Zealand, the discourse of biculturalism identifies the need for agreement on the nature of the relationship between Maori and Pakeha, or the 'duality' (Fleras and Spoonley 1999:220) which is distinct from multiculturalism.

### *Minority rights and national unity*

Multiculturalism has implications for national unity. There are various constitutional options for defining relationships between ethnic groups and various forms of citizenship. In recent years, policies of assimilation have been replaced by policies of integration. The latter approaches imply the retention of cultural uniqueness within the framework and norms of the wider host community. Baubock (1996:118) raises the question of 'boundaries, both for redistribution (in the social policy sense) and for political and cultural membership.' He agrees with Kymlicka (1995) that 'although voluntary migrants can expect a liberal society to...grant them 'polyethnic rights', they have indeed waived their right to self-government or special representation' (Baubock 1996:12). He is concerned, however, to minimize the risk of immigrants becoming marginalised and undermining the fabric of society.

In the same context, Kymlicka (1989:151) suggests that 'in culturally plural societies, differential citizenship rights might be needed to protect a cultural community from unwanted disintegration.' Kymlicka and Norman (2000:3) identify that, while 'difference-blind institutions purport to be neutral...they are, in fact, implicitly tilted towards... the majority group, and this creates a range of burdens... for members of minority groups.' This suggests the presence of institutional racism in such organisations, requiring fundamental changes to their values, assumptions and modes of operation (ibid; Kymlicka 2001:33).

Attention now turns to some specific debates in New Zealand, Australia and Britain for comparisons of the ways in which each society and its Government has tried to reconcile varying perspectives on cultural rights and responsibilities, and in so doing, to enhance social cohesion by reducing the likelihood of systemic discrimination.

#### **5.4 The New Zealand tension – biculturalism and multiculturalism**

The discourses in New Zealand of biculturalism and multiculturalism are comprehensive. Increased community exposure in the past two decades to the Treaty of Waitangi has prompted public debate on the relationship between Maori and Pakeha. Consideration is being given to the best means by which that relationship can be expressed, codified in constitutional and public law, and implemented to mutual satisfaction.

Increasing ethnic diversity requires New Zealand policy decision-makers to consider the optimum future shape of our public institutions, and the definition of rights and responsibilities in a pluralistic society. Discourses of biculturalism, multiculturalism and bi-nationalism must focus on four major areas :

- The place of Maori as distinct from other ethnic minorities
- The conflict between mainstream social inclusion strategies and Maori aspirations for self-determination
- The need for the settler majority to agree to change the dominant institutions to align more effectively with today's ethnic and cultural realities, and
- The nature of citizenship and other rights for more recent and future immigrants (Fleras and Spoonley 1999; Humpage 2002).

These requirements illustrate the dual challenge alluded to in Part 1 of this research document – on the one hand, the need to acknowledge and redress the injustices experienced by the indigenous community through the processes of colonisation and the establishment of mono-cultural Government structures and on the other hand, the developmental work required in our public institutions to upgrade their responsiveness to diversity. Indigenous people, settler descendants and new immigrants all have a stake in effecting positive institutional change.

The various political and ethnic group perspectives on the relative importance of biculturalism and multiculturalism as policy drivers are noticeably divergent. There is a widespread view among academic commentators, however, that the pragmatism of multiculturalism is frequently used to deflect attention from the responsibilities implied by a bicultural perspective (Pearson 1990; 1991). Perhaps there is another way to accommodate both indigenous and immigrant views, along with those of the majority community, which also has rights, needs and expectations.

*Bi-nationalism as a possible way forward*

Augie Fleras (in Panny 1997:124, updated in Fleras and Spoonley 1999) has suggested bi-nationalism as the basis for an appropriate model for policy making and social development in New Zealand, since it is the historical basis of our society. In explaining this proposal, he comments that biculturalism is just 'multiculturalism for Maori', in that it recognises cultural uniqueness and incorporates Maori culture into public institutions, but does not imply power sharing, which is the basis of real partnership. Multiculturalism, in his view, represents an expedient, which does not reflect New Zealand's history.

Fleras articulates concern that embryonic policies of resource devolution to Maori in terms of Treaty partnerships became deflected by other political concerns, including the reparations aspects of Treaty claims and settlements, with a focus on remedying past deficiencies rather than focusing on the future. When it came to the point, neither the 1980s Labour Administrations, nor the 1990s National/Coalition Governments were prepared to take politically risky steps towards devolving resources.

Instead, the emphasis changed during the 1990s to mainstreaming services for Maori and settling Treaty claims.

There is a significant body of opinion, especially among Maori, but not exclusively so, that bi-nationalism is actually what the Treaty signatories intended (ibid). It can be described as ‘an exercise in redefining society by radically re-configuring the distribution of power and resources between two socially and culturally distinct peoples, each sovereign yet co-dependent’ (Fleras and Spoonley 1999:247). Its achievement would create a new bi-national social order, into which the rights of other ethnic minorities would then be integrated, providing for ‘multiculturalism within a bi-national framework’ (ibid:248).

Kymlicka explores various models of ‘multination federalism’, some of which might be applicable in New Zealand. These provide for ‘autonomy’ and ‘cultural distinctiveness, while acknowledging...economic and political interdependence’ (Kymlicka 2001:92). He mentions Canada, Britain, Switzerland, Spain and Belgium as examples where agreement has been reached on power sharing and geographical boundaries. Given Maori dispersal throughout New Zealand, a more appropriate model might be ‘quasi-federal political institutions’ (ibid), or ‘political units within which national groups can exercise self-government’ (ibid:234). If firstly, greater understanding can be reached between Maori and Pakeha, it might later be possible to accommodate similarly other ethnic minority rights.

Citing Kymlicka (2001), Humpage comments on the ‘increasing evidence...that it is possible to recognize dual or multiple sovereignties within the confines of a single political state, without undermining society as a whole’ (Humpage 2002:19). Having made similar New Zealand/Scotland connections to those outlined in this research project,

she refers, in passing, to the potential of Scottish devolution for achieving this. It bears further investigation in the context of bi-nationalism.

While New Zealand governments have not accepted bi-nationalism as a core policy framework, there are some aspects of present-day relationships that appear to acknowledge it as a possibility in the future. These include ‘inherent and collective rights to self-determination of jurisdictions relating to land, culture and political voice’ (Fleras and Spoonley 1999:240). Considerable resistance could be expected from the Pakeha community, its institutions and some political quarters if the idea gained momentum. There would be major constitutional, political, public policy and institutional implications. Its possibilities should, nevertheless, be explored further, in the absence to date of any other coherent strategy that recognises respective rights, needs and obligations in a Treaty-based Pacific national context.

In the meantime, for the purposes of this research, it is informative to consider how Australia and Britain have addressed the practicalities and the principles of multiculturalism, and the public policy implications, in their globalised political, social and economic environments.

### **5.5 Australia’s policy of multiculturalism**

As mentioned in Part 3 of this Research Report, Australia has experienced a difficult colonial history, involving the subjugation, almost to extinction, of the Aborigines. Dispersed in remote rural locations, they were not proportionately strong enough to engage in war as an attempt to protect their interests, as were the Maori, so the colonial Government repressed and generally ignored them (Broome 1994; McConnochie et al 1998). This legacy was reinforced by an immigration policy which, until relatively recently, discriminated against all non-white potential settlers.

*The National Agenda for a Multicultural Australia*

Australia has espoused an official multiculturalism policy. The National Agenda for a Multicultural Australia espoused three principles, namely cultural identity, social justice and economic efficiency (Pearson 1996:257; Kymlicka 2001:173). The third principle appears to relate to positioning Australia as a credible trading partner in Asian markets, after decades of explicit discrimination against Asians. Multiculturalism in Australia focuses on the rights of all citizens in a democracy, not on ethnic minority rights and certainly not on indigenous rights.

Several writers, including McConnochie et al (1998) and Fleras and Spoonley (1999) (the latter in the New Zealand context) believe that multiculturalism is assimilation by another name, repositioned to suggest tolerance, acceptance of diversity and inclusiveness, without attending to the structural issues that created discrimination and disadvantage in the first place. Australia differs from New Zealand in that biculturalism was never considered as an alternative to multiculturalism, or even a stage of development towards it. Indigenous self-determination is not on the agenda. Cultural difference is tolerated, but only as long as it remains in the private (social) sphere rather than intruding into the public (political and economic) sphere (Pettman in Stasiulis and Yuval-Davis 1998:82).

Ellie Vasta's view on official multiculturalism is that it could work in Australia, if more attention were paid to anti-racism strategies supported by major institutions. Without such an approach, she believes that 'multiculturalism is incomplete and unstable, as long as it co-exists with various forms of racism' (Vasta and Castles 1996:5). She notes the opportunity for Australians to work towards social inclusion if the debates about becoming a republic gather momentum (ibid:71-72).

The Australian experience is generally informative from the New Zealand point of view, but the political allegiances and developmental trajectories of the two countries have diverged over the years, especially with the different approaches to the recognition of indigenous rights. Australia could learn from New Zealand in this regard.

For another perspective on the place of multiculturalism as a policy driver, attention now turns to the experience of diversity in Britain. While originating from a historical perspective which is the converse of that in the two settler Dominions, many of the present-day issues there are similar, particularly with regard to increased levels of immigration. For this reason, and because of the historical, constitutional, and political links and migration patterns, Britain's 'immigrant multiculturalism' (Kymlicka 2001) affords another useful comparison to inform this research.

### **5.6 Multiculturalism in Britain**

Britain's imperative for adjusting to increased ethnic diversity differs from the policy drivers in New Zealand and Australia. In addition to accepting a share of displaced war refugees from Europe, Britain also acquired new residents from Commonwealth nations and former colonies in Africa, the Caribbean, the Indian sub-continent and South-East Asia, many of whom were able to invoke their status as British citizens.

Extensive immigration more recently by Chinese and other East Asians has further diversified the ethnic mix (Braham et al 1992; Parekh 2002). As a consequence, pressure has been brought to bear on all of the British public institutions, which have proven insufficiently flexible for successful adaptation to the needs of an increasingly diverse community (Bourne 2001; Penketh 2000; Bridges 2001).

*The New Commonwealth comes 'home'*

The arrival of large numbers of 'New Commonwealth' settlers challenged the monocultural assumptions that all immigrants would assimilate into the 'British way of life' and become indistinguishable from the indigenous people in their life styles, social interactions and values. Their continuing adherence to their own customs, however, as in Australia and New Zealand, led to the realisation that 'assimilation was not the only means of incorporating migrants into the society and that integration offered a more practical way forward, as well as a more liberal and ethically acceptable one' (Watson 2000:5).

Britain, unlike Australia, has no official policy of multiculturalism, but has still had to come to terms with the realities of diversity – multiculturalism as 'fact' and 'practice' (Fleras and Spoonley 1999:222-3). Indigenous development has not presented itself as a discourse of biculturalism, as has been the case in New Zealand, but Welsh nationalism and Scottish preference for separate political representation have both been addressed. Public policy in Britain is struggling to respond to the increased politicisation of the various ethnic communities and to their demands for recognition of ethnic minority rights. As the 'race riots' snapshot indicates, policy responses are also needed to deal with intermittent conflict among alienated young people of different ethnic origins.

Added to that volatile mix is Anglo-Celtic concern about the loss of British traditions and standards, fomented by right-wing politicians and articulated by the white British urban working classes (Solomos 1993). They perceive that recent immigrants are treated more favourably by government agencies, because of affirmative action policies and a

multicultural approach to service provision, resource allocation and the reduction of achievement disparities (Cashmore 1987).

### *Devolution of power and national unity*

National unity is another key issue. There is widespread debate about what 'Britishness' actually means today (Solomos 1993:219; Parekh 2000). In common with most nations in the developed world, Britain is grappling with the balance between national cohesiveness and ethnic diversity which drives demands for political and structural change (Kymlicka 2001).

The devolution of power and resources to the Welsh Assembly and Scottish Parliament, along with closer alignment with the European Union, added to pressures from minorities about their rights, cause concern that Britain as an entity is at risk of fragmentation. 'The Government is pursuing a strategy of decentralisation while at the same time appearing to surrender much of its central power to a transnational authority' (Watson 2000:79).

### *Multiculturalism as disguised assimilation*

Multiculturalism in Britain engenders resistance among conservative thinkers and a converse desire among socialist-leaning commentators to engage in it critically, through the education system (May 1999). Les Back and others, writing in *The Political Quarterly* (2002:445-453), express a pessimistic view of its effectiveness as a potential policy framework under the current Labour Administration. Their article is significantly entitled *New Labour's White Heart : Politics, Multiculturalism and the Return of Assimilation*. Despite its having passed the 1998 Human Rights Act and the Race Relations Amendment Act in 2000, and despite its focus on

institutional racism, the authors contend that the Government has moved away from multiculturalism towards right wing policies of assimilation.

They cite the report on *The Future of Multi-Ethnic Britain*, released by Bhikhu Parekh and the Runnymede Trust in 2000, to predictable Tory responses and ambivalence on the part of New Labour. They suggest that the current Government 'shows two faces...on the politics of race and nation' and that this represents 'a duplicitous attempt to please different audiences by being all things to all people' (Back et al:447). They attribute this, in part, to a 'melancholic desire for an imperial past' (ibid).

The above perspectives sum up the balances and trade-offs being confronted in Britain, Australia and New Zealand. Each Government is struggling to find acceptable solutions to the challenges to nationhood posed by globalisation, multiculturalism and the increased assertiveness of immigrant minority positions, placed alongside the rights of indigenous peoples and settler descendants. A constant theme in this debate is the constitutional issue of redistribution of power, a dilemma that lies at the heart of public policy formulation in all three countries.

### **5.7 Recurrent political questions and policy dilemmas**

Several significant issues have emerged in the official, academic and media commentary on the theoretical basis of institutional racism. They represent key considerations in policy-making, particularly where competing interests are traded off against each other to meet government or economic objectives. These issues are flagged below, for consideration in Part Six of this paper, where theory and reality are aligned and where the various national comparisons are synthesised. As significant issues to be confronted, they would be integral to any future study of the means by which institutional racism might be eradicated from public policy-making.

- ***Perceived confusion with the term ‘institutional racism’***

Several writers make the point that definitions of the phenomenon are so vague that they mean all things, or nothing, depending on the audience. Some authors mention confusion between respective organisational and personal responsibilities. Describing institutional racism as ‘unwitting’ or ‘unintentional’ and the fault of the ‘system’ can mean that politicians and officials can abrogate personal and organisational responsibility for discriminatory practices.

- ***State racism, power and structural relationships***

The focus of this research is unequivocally on state racism - that is the discrimination created by public laws and policies, which have adverse impacts on some sections of the community, for whatever reasons. As Bourne (2001:17-18) points out, ‘the act is what causes the problem, not the intent.’

- ***A range of institutionally racist Government processes***

Discrimination can be created by public laws and policies, implemented through abuse of the power which legitimises Government activity, and which therefore constitutes state racism. Monocultural accountability systems and decisions on public resource allocation run this risk. The mechanisms for it include statutes, regulations and any institutional processes and decisions, which exclude some sections of the community and limit the social participation of others (Fourmile in Collins 1995:297; Kymlicka 2001:51-53).

- ***Apparent reluctance to tackle race issues at the policy level***

Among policy developers and anti-racism educators, there is a tendency to hope, or even assume, that anti-racism training and raising cultural awareness will solve systemic problems. Yet they are not substitutes for equality when the institutional framework itself remains unchallenged. There is reticence about addressing race issues at the policy level. This might be caused by vested interests in the status quo, or by the perceived difficulties of bringing about meaningful change.

- ***Policy trade-offs between competing claims***

The respective influences of politicians, government agencies and other powerful stake-holders control a policy system subject to competing claims and decisions

based on where power is located. Individual and chosen collective interests are maximised. Decisions may, or may not be in the wider public interest and they may not be equitable for powerless minority groups.

- ***Allegations of tokenism***

Public agencies make tokenistic and palliative attempts to demonstrate equity in policy-making. Bourne describes this as ‘anti-racist gesture politics’ (Bourne 2001:14). It is seen in the recruitment of black people ostensibly to inform, and maybe influence, some strategies within overall policy development. They are not often recruited to redesign the core frameworks, so their impacts are limited.

In Australia the public discourse about ‘reconciliation’ raises the question of whether government comment about redress for past injustices is genuine, or whether a return to an assimilation policy is the real political agenda. The current Government appears lukewarm towards reconciliation as a policy direction and may be acting tokenistically (HREOC 2000a; 2002d). Similar suggestions have been made about the Third Way political environment in Britain (Sivanandan 2001; Back et al 2002).

Referring to the New Zealand situation, Harre-Hindmarsh, a contributor to the 1993 Australian conference on ‘Confronting Racism’, commented on ‘the euphoric bubble of liberal Pakeha do-gooding’ (cited in Collins 1995:147). This comment points out the dangers of ill-considered reflex actions in policy-making. Such actions can worsen entrenched problems by creating a false sense of security and complacency, patronisingly associated with deficit thinking, both in Government and in its agencies.

- ***The role of social policy in balancing free-market distortions.***

The purpose of social policy is to alleviate the effects of market failure, which was evident in the increase in poverty among disadvantaged groups in all three countries during the 1990s. Neo-liberal economic theory and new public management resulted in a disconnection between the NZ public service and its most needy client groups (Kelsey 1997,1999,2002; Hazeldine 2000; O’Brien 1999).

- ***Respective claims of indigenous people and immigrant minorities***

Governments have to manage at a policy level the claims of some representatives of the indigenous communities in Australia and New Zealand that their issues of inequality should be addressed prior to any consideration of the needs of other groups, because of rights inherent in being indigenous. This is a political and policy minefield because of the length of time it takes for redress to be enacted and the impatience of other struggling communities in the meantime.

- ***Poverty or ethnicity as a needs indicator***

Poverty is too often associated with minority ethnic disadvantage for the connection to be coincidental. There is, however, a question about whether ethnicity is the most appropriate classification for assigning public resources or targeted assistance. The Race Relations Conciliator's Annual Report for 1999-2000 refers to 'policies (which) would probably have legitimacy in the public perception if they were targeted against poverty, rather than towards particular ethnic groups' (RRC 2000a:39-40).

While institutional racism has most often appeared in the discriminatory practices of 'white' monocultural public organisations, the research commentaries identify its potential regardless of who is in control. Many policy commentators suggest, in the context of public choice theory (Hill 1997; Cheyne et al 1997; Shaw 1996; 2001) that everyone in power is out to further their own interests in competition with everyone else. Would the potential for institutional racism be any less, under another cultural value base, than that pertaining in the current 'white' system?

The foregoing dilemmas and questions highlight a significant challenge for public policy development – how to introduce and sustain policy development systems which actually produce non-discriminatory government policies. Part Six of this paper will consider this, in the course of synthesising the foregoing research on the theoretical, contextual and practical aspects of institutional racism and public policy.

## ***Part Six – Analysis, Interpretation and Critical Issues***

This research project was designed to identify the causes and indications of institutional racism, through the use of international illustrations, with a view to establishing the role of public policy in creating the phenomenon and considering whether it might be possible to use policy processes to alleviate, or even eliminate it. Theory and practice are both involved. Accordingly, the research has traversed the theories behind institutional racism, along with its differential effects in practice on indigenous people, settler communities and immigrants in three countries. It has also provided a vehicle for considering the theoretical basis of public policy and evaluation, and its relevance to institutional racism. Several policy domains have been explored, representing strategic approaches to ensuring social cohesion and equality.

The purpose of this synthesising chapter is to link the theoretical and practical research findings on institutional racism with those relating to policy and evaluation, and to draw conclusions from this linkage. The literature examined in the research suggests that connections integral to the elimination of this type of discrimination, or at least the mitigation of its worst impacts, are located at an interface between systemically racist assumptions and public policy development and implementation.

### *Revisiting the institutional racism problem*

The primary causes of institutional racism, namely the processes of colonisation on the one hand, and on the other, organisational rigidity with regard to cultural diversity, were identified at the outset. The research hypothesis was that present-day institutional racism is caused in part by a lack of robust analysis and problem definition at the start of the policy development process. This is caused, in turn, by the speed at which

policies have to be developed to meet political imperatives. A corollary to this is that institutional racism would be avoidable if effective impact analysis were undertaken prior to the implementation of policies with potentially damaging effects on some sections of the community. The potential for improvements to policy development, analysis and evaluation processes in New Zealand public organisations was the stimulus for the research and it has been enriched by British and Australian comparisons.

This research could be used as an information resource for public sector organisations, to stimulate discussion about institutional racism, its risks to minority group well-being and social cohesion, and its avoidability. Consideration was given, therefore, to these questions :

- What do public servants need to know about institutional racism itself?
- What do they need to know about the environments which create it?
- What do they need to know about the public policy processes that hold the key to its eradication?
- What, if anything, are governments doing about it?
- What can be learned from experiences in other comparable jurisdictions that might inform future policy development processes in New Zealand?

The research themes, international experiences and findings are synthesised, in the hope that a combination of policy initiatives and associated endeavours might be found that would enable governments to make progress towards the goal of a discrimination-free public service.

## **6.1 The principal research findings**

The research represents an extensive trawl through academic commentary, official documents, policy papers, conference proceedings and media articles, to identify the causes, manifestations and effects of institutional racism. Each national illustration has been included because it portrays a

particular aspect of the phenomenon and a government response with implications for the society in which it occurs.

### *Reviewing the research themes*

The study has confirmed the centrality to institutional racism of the role of governments, both in its perpetuation and in its potential removal from public life. Several recurrent themes in the literature, varying in national significance for future government action, and recalled from the foregoing introduction, are now amplified through enhanced understanding :

- Land alienation, indigenous social dislocation through colonisation and the appropriateness of policy responses to alleviate achievement disparities
- The constitutional role of the state and the incapability of its institutions to respond to indigenous rights and increased diversity through immigration
- The need for leadership by government and its agencies in ensuring equal opportunities and freedom from deliberate and unwitting discrimination
- Government's specific role in building culturally-inclusive societies, ensuring social sustainability through the participation and well-being of everyone
- The roles of indigenous communities in decision-making
- The need to ensure equity among the various rights, needs, expectations and responsibilities of indigenous people, newer immigrants and the descendants of early settlers, and
- The critical role of policy as Governments discharge their responsibilities

### *Synthesising the institutional racism problem*

The researched literature makes it clear that present-day institutional racism is about power relationships, resource control and allocation decisions, access to appropriate services and equal opportunities, non-discriminatory practices and recognition of minority group identity (Miles 1989; Castles 1993; Penketh 2000; Sivanandan 2001; Kymlicka 1995;2001). It is also about stereotyping, deficit thinking and patronising

assumptions concerning the ability of ethnic minority groups to participate in civil society, develop their potential and manage significant resources (Bishop and Glynn 1999; Brandon 2002).

Institutional racism encompasses historical assumptions about land tenure and its importance in community economic sustainability. Its impact is evident in the degradation experienced by communities whose land has been alienated (Pearson 1990; Spoonley 1993; Broome 1994; Cheyne et al 1997). It is also manifest in the barriers to immigrant settlement and integration, when services are inaccessible because of language and cultural differences (Brown 1992; Castles 1993a; Greif 1995; Henderson et al 1997; Selvarajah 1997; Watts 1999; Kymlicka 2001).

The research has examined a representative selection of information relevant to the development of policies that are free of institutional racism. It has explored policy and evaluation frameworks (Considine 1994; Fenna 1998; Owen and Rogers 1999; Bardach 2000). In several Appendices, it provides templates and checklists to aid the policy-making process. Commentators indicate that because institutional racism is endemic, it is very difficult to eradicate and therefore permeates policy processes inadvertently (MacPherson 1999). The international illustrations demonstrate the need for clarity of policy thinking, cultural awareness and an understanding of risks. These are critical to the development of more sensitive and appropriate services.

From the research it is clear that institutional racism exemplifies public policy failure, because of government adherence to old paradigms of power and control and because of weaknesses in policy design and implementation. The study has outlined what the literature tells us about the phenomenon itself, its effects, what needs to change and what the three governments are, or are not, doing about it.

There appears to be very little academic literature linking institutional racism specifically to the tools and processes of policy development (Solomos and Back 1996; Mac an Ghail 1999). Several commentators saw this as a reason for weaknesses in the policy processes themselves, exacerbated by ignorance in public institutions about the less obvious effects of systemic discrimination. These connections were, therefore, explored in a preliminary way through this Research Report. Aspects of the policy development, implementation and evaluation processes, which, through their deficiencies, appear to allow institutional racism to become entrenched, are identified. Some avenues for further in-depth analysis are identified in Appendix 9 below.

## **6.2 Linking institutional racism theories and realities**

The literature identifies the theoretical and practical components of institutional racism, which, in various combinations, perpetuate discrimination and disadvantage. These elements are :

- Its differentiated outcomes for members of minority ethnic communities
- Assumptions of majority cultural superiority
- Its origins in the colonialist values and assumptions which inform current policy decision-making paradigms
- Its consequent entrenchment in the processes of Government
- Its often inadvertent, ignorant and unwitting occurrence
- Its covert expectation that minority cultures will be assimilated and conform to majority group norms, and
- Its manifestations of political and organisational failure to provide culturally appropriate services through Government agencies.

The commentaries suggest that the political systems in New Zealand, Australia and Britain are all predisposed towards institutional racism, partly because of their dependence on Western constitutional and

democratic processes, which represent majority views but submerge minority interests, unless the latter are visibly represented and catered for explicitly (Kymlicka 2001).

In New Zealand's new social democratic environment, for example, the political dilemma lies in the need for a policy balance that provides for government social spending to meet equity goals, while ensuring sufficient investment in economic stimulation to produce the jobs that are essential for equal opportunities.

In Australia there is a Liberal/National focus on economic policy ahead of social development, with expectations of individual self-reliance rather than collective responsibility. Since Australians are ostensibly all the same, the Government believes they will all cope in a market economy. Inequality of outcome is not considered a problem.

Britain's political environment is socially polarised, reflecting the class structures there. Racism is highly politicised and institutional racism is well entrenched (Miles 1989; Dominelli 1997; Banton 1998; Sivanandan 2001; Bourne 2001; Penketh 2000). Ethnic communities are also politicised, so visionary leadership is needed to ensure social cohesion and national unity. The New Labour 'Third Way' Government focuses on economic growth, assuming that social development will then be affordable (Giddens 1998; Savage and Atkinson 2001). With the focus on institutional racism after the Stephen Lawrence Inquiry, however, government agencies are now legislatively obliged to address systemic racial discrimination and a Social Cohesion Unit has been set up to promote integrated social development (Home Office 2001a; 2001b).

Each snapshot in the Research Report represents the realities of institutional racism and demonstrates aspects of it in practice, as follows :

- ***Maori land alienation and ‘Closing the Gaps’***

The ‘Gaps’ policy was an attempt to alleviate the effects of institutional racism, but effectively it is an example of poorly-conceived affirmative action policy – with no criteria, no measurements, no wider stakeholder consultation, and no way of assessing the quality of the multi-million dollar ‘spend’. It could have worked well, with more effective policy processes, demonstrable outcomes and transparency of explanation to the wider public. In fact it exacerbated cultural racism in the New Zealand community. It represents a lost opportunity for a coordinated response to reducing disparity through targeted programmes and resource devolution to Maori (TPK 1998; 2000; Chapple 2000; Humpage 2002).

- ***Australian native land title and the Mabo cases***

Colonisation had resulted in Aboriginal marginalisation and high levels of welfare dependency, exacerbated by continuing institutional racism in Government agencies dealing with them. The Mabo cases challenged pastoral and mining leasehold interests in large tracts of land, and the Native Title Act 1993 was passed as a result. It is ineffectual, however, because of its statutory extinguishment provisions, which are continually invoked. The result is continued Aboriginal disadvantage and institutional racism (Pettman 1995; FRDC 1997; Pearson 1997; Docker and Fischer 2000; Markus 2002).

- ***The devolution of power and resources to Scotland***

While Scotland has participated in wider British development, the local preference for independence led to a ‘Yes’ vote in a 1999 referendum. This resulted in the devolution of most domestic policy and decision-making to a new Scottish Parliament. The decline in the local economy, indigenous language and culture had been similar to that in the British colonies, but the resolution came through political and constitutional processes, which may in time lead to independence. While it does involve a discrete geographical area, it is an example of devolution achieved peacefully. As such, it may provide cues for other jurisdictions where indigenous people aspire to self-determination. Hence its inclusion in this research (Ritchie 1997; Kelly 1998; Scottish Executive 2003).

Immigration policy was identified in the academic literature and the media commentary as a major site of institutional racism, particularly with regard

to non-white people. Government agencies are poorly equipped to deal with its policy implications and its varied societal impacts. Large-scale immigration puts pressure on jobs, housing, schools and civil infrastructures. Host communities struggle to adapt to rapid change. Insensitive government policy exacerbates mutual fear and distrust.

Some social commentators believe that immigration policy elicits new forms of institutional racism (Webber 2000; Kundnani 2001; Bridges 2001; Back et al 2002). It is based on economic and political expediency, resulting in short-term, racist and opportunistic approaches to it in all three countries. The 'immigrant' snapshots confirm this view :

- ***Unemployed doctors –Policy and coordination failure***

The New Zealand case of the overseas-trained doctors unable to gain professional employment is an example of institutional racism caused by poor problem definition and inadequate policy specification. The problem was compounded by a lack of cross-sectoral coordination and by discriminatory treatment. The particular systemic problem has been solved, but the snapshot is useful because there are abundant similar, though lower-profile, examples of institutionally racist policy defects and coordination gaps with adverse consequences, throughout the New Zealand public service (Selvarajah 1997; North et al 1999; Oliver 2000).

- ***Australian immigration policy related to migrant communities and asylum seekers***

Research on the socio-economic position of small and emerging ethnic communities in Australia suggests they are systemically disadvantaged regarding access to services, resources and integration opportunities. The research suggests the need for greater Government attention to their situation. In addition, the hard line on immigration breaches United Nations Conventions on the treatment of refugees and asylum-seekers. Mandatory detention contravenes ICCPR Article 9. CROC, CAT, CSR and ICESCR are also contravened. The immigration policy message, nevertheless, is 'don't come here unless it suits us', which, in many instances, translates into contemporary forms of institutional racism. (Vasta and Castles 1996; HREOC 1999; Jupp 2002; Burnside 2002).

- ***Race riots in northern British cities***

The race riots provide an example of the institutionally racist effects of social, economic, cultural and political disadvantage caused by ineffectual and sometimes negligent policy-making. The clear message is that such disturbances could happen anywhere if some sections of the community are alienated and disadvantaged. The sectors identified as problematical included housing, employment, education and policing and such problems are not confined to Britain. The institutionally racist practices included leadership failure, wasteful use of resources for urban regeneration and an absence of inter-agency coordination. The risk of riots will only dissipate when Government tackles the issues which reduce people's life chances (Harris and Bright 2001; Home Office 2001; Ouseley 2001; Kundnani 2002a).

### **6.3 New insights into the original research questions**

Apart from the specific learnings provided by the snapshots, some of the new insights emanating from this research lie in the analysis of the interface between institutional racism and policy-making processes. Mac an Ghail has a particularly relevant comment on this :

'Race and ethnicity are currently of major significance to Western societies in uncertain times. There is, however, little acknowledgment of this in the literature. For example there is little empirical sociological work on how the social transformation of regions and institutions – such as the north/south geographical divide, restructured labour markets, the decline of manufacturing and the increase in the services sector, deregulated housing markets, contracted-out health services or redesigned educational agendas – are impacting on new forms of racism and new ethnicities' (Mac an Ghail 1999:4).

The macro policy connections with institutional racism are evident in this observation. Minimal acknowledgment and understanding will, almost inevitably, lead to policy development that discriminates inadvertently against some ethnic minorities, such that their outcomes differ from those of the majority community. This is 'unfinished business' in the New Zealand, Australian and British public policy domains.

A concern runs through the literature about treating the symptoms, rather than the causes, with regard to policy initiatives in general, and to the eradication of institutional racism in particular. Well-intentioned anti-racism strategies, racism awareness training, equal employment opportunity strategies and targeted services all run this risk. Needs-driven policies based on deficit thinking create similar risks. The lack of focus on the underlying constitutional issues, with too much emphasis on the visible and more easily-resolved aspects, is the main reason for the difficulty in eradicating institutional racism. The remedy lies at the heart of the policy process – in government, where the current decision-making paradigms require extensive change.

#### **6.4 Governments and culturally inclusive societies**

The research literature indicates that communities are very conscious of the relationships between respective rights, equality of opportunity, social participation, racial harmony and national unity (Kymlicka 1989; 1995a; 1995b; Baubock 1996; Cheyne et al 1997; McConnochie 1998). They look to their governments to provide leadership, to attend to past injustices, and to ensure that public policy processes demonstrate integrity (Spoonley 1993; Considine 1994). The role of governments in building culturally inclusive societies was a key facet of this research. Some aspects of this, as reflected in the literature, are captured below :

- Minority group expectations of input into policy-making, with the potential for differentiated population-based services
- Attempts by all three Governments to reconcile varying perspectives on cultural rights, expectations, needs and responsibilities
- The future debates on biculturalism, multiculturalism, self-determination, bi-nationalism and various other forms of power and resource devolution

- An expectation that Governments will consider in depth the optimum future shape of public institutions in all three countries, in the context of increasing population diversity
- The need for Governments to consider new constitutional relationships and forms of citizenship, to meet post-colonial aspirations for nationhood
- The need for an equitable and workable balance between economic efficiency, cultural identity and social justice
- Sustained political leadership for government agencies struggling to adapt to the demands of pluralistic societies

A constant theme that emerged in the exploration of the colonisation, biculturalism and multiculturalism discourses was the redistribution of power. This dilemma lies at the heart of constitutional debate and public policy formulation in all three countries. Some commentators (Mac an Ghail 1999; Kymlicka 2001) suggest that the concept of nationhood itself is under scrutiny, as the effects of globalisation, new communications technologies and trans-national monetary systems become more pervasive in their local impacts.

### **6.5 Design issues for policy development**

The literature on policy theory, while not focusing on institutional racism specifically, indicates many policy interventions which have anti-racism implications. These include affirmative action programmes or positive discrimination, redistributive welfare policies targeted ethnically and the devolution of public resources to the control of indigenous or immigrant communities (Cheyne et al 1997; Fleras and Spoonley 1999). All these interventions are highly controversial. This is not a reason to resile from introducing them, but the social equity justification and the intended outcomes need to be very clear.

The literature indicates that effective problem specification in policy work is essential. Causes and effects must be distinguished (Weimer and Vining

1992; Considine 1994; Fenna 1998; Bridgman and Davis 2000; Bardach 2000). Government goals and policy specifications also need to be clear whether equality of opportunity or equality of outcome is the desired end, and why. These highly politicised concerns are at the core of policy decisions about legislation, distribution and redistribution.

As creatures of mainstream policy systems, the methodologies of policy analysis do not usually compensate for cultural bias, as the earlier national snapshots indicate. There appears to be a tendency also to take cautious approaches to alternative resource distribution mechanisms, to avoid disturbing vested interests. This means that possibilities such as devolution depend on the political environment and on the extent to which social pressure can force change (Ritchie 1997; Fleras and Spoonley 1999).

The research has identified some of the systemic weaknesses in the policy making and evaluation environments in the three countries (Fischer 1995; Aitken 1998; Fenna 1998; State Services Commission 1999; Ministry of Social Development 2001; NZ Treasury 2001; Home Office 2000; 2001a) If outcome evaluation can be made integral to all public policy development, there is a greater chance that *ex ante* impact analysis will identify the likelihood of systemic discrimination and institutional racism before policies are put in place and inequities entrenched.

## **6.6 Unfinished business – imperatives for change**

The research uncovered a number of recurrent political questions which pose dilemmas for policy developers. They would each be critical to any future study of the specific means by which institutional racism might be eradicated from our public organisations. Some of them are itemised here :

- Abrogation of personal responsibility for racist attitudes by shifting all the liability to public agencies, which are the sum of their managers and staff
- The apparent reluctance to tackle race issues at the strategic policy level until significant events force such consideration
- The risks inherent in political and economic restructuring processes which fail to consider their social and cultural consequences
- The inevitability of policy trade-offs between competing claims for resources and services, by indigenous people, immigrants and settler descendants
- The role of social policy in balancing free market distortions
- The extent to which poverty is an indicator of institutional racism and how this should be addressed in a way that avoids creating other inequities
- The potential for institutional racism in governments and public services, irrespective of who is in control
- The relationships between indigenous rights, and those of early settler descendants and later immigrants, and between individual and group rights
- The need to consider differentiated forms of citizenship to articulate the different rights and the effect this might have on constitutional frameworks and national unity

With their diverse specific impacts, these macro policy issues all warrant focused national attention. Government leadership and commitment to change are essential if progress on them is to be made.

## **6.7 Looking to the future**

The aim of this research was to examine institutional racism cross-nationally, in the expectation that aspects of British and Australian experience would add to New Zealand knowledge and inform local policy thinking. The future focus is, therefore, on New Zealand and on some informative new insights, which point the way forward.

The most illuminating insight is the opportunity to revisit the notions of power and resource devolution and the need for constitutional change. The Maori issues of self-determination are not going to go away and the model

of bi-nationalism alluded to earlier in this Research Report (Fleras and Spoonley 1999:240-250) or one of the options described by Kymlicka (2001:92-119) might offer a way forward. In addition, Scotland provided an unexpected but pertinent avenue for further thought.

Within the current paradigm, the system for allocating public resources has continually been found wanting (Markus and Rasmussen 1987; Braham et al 1992; Brown 1992; Kelsey 1997; MacPherson 1999; Boston et al 1999; Ruwhiu 1999; Jupp 2002). Multiple agencies deal with various aspects of social service delivery, frequently crossing over each other in dealing with clients (Dominelli 1996; Penketh 2000; Selvarajah 1997; Benson-Rea et al 1999; Oliver 2000). Lack of coordination creates servicing gaps and unnecessary transaction costs. Despite considerable social service expenditure over the years, socio-economic disadvantage and achievement disparities among ethnic groups remain (Austin et al 1997; Te Puni Kokiri 1998; 2000; Friesen 2000; Statistics New Zealand 2002). As part of a re-think on core constitutional relationships, the devolution of resources and accountability to communities might produce better outcomes (Tamihere 2003). The potential bears examination.

The research shows that there are two significant risks to social stability and community well-being if the disparities caused by systemic racism are not alleviated. These are continued welfare dependency and civil unrest arising from alienation from wider community interests. Overseas experience has shown the consequences of neglecting valid claims for equality. There is still time in New Zealand to address the core issues, through far-reaching and courageous decisions, but not a lot of time. We are evolving into a new kind of society due to international influences and we need to be clear what we want the shape of it to be. Government and its agencies have a key role in shaping our collective future.

## 6.8 Reflections

In 1999, I followed with interest the British media coverage of the Stephen Lawrence Inquiry and the responses of the Government to its findings. As a public servant, working for a time at the Race Relations Office, I reflected on its implications for service delivery in government organisations in New Zealand. I had been aware of racially inequitable treatment in the delivery of social services in this country for many years and now I had a name for it – institutional racism. I had thought it referred primarily to the inability of Government agencies to respond appropriately to all forms of cultural diversity. Engagement in this research, however, has brought with it a fuller perspective on institutional racism in its original form – colonisation and its aftermath.

The material gathered and analysed for this research is extensive. I anticipate considering, at some point, other aspects of institutional racism for further research. Future endeavours are likely to focus on the identified ‘unfinished business’ in New Zealand, informed now by the commentary relating to Britain and Australia – the two countries with which we have shared so much in our respective development.

In my lengthy public service career I have worked in several social service sectors, most of which have, at times, demonstrated institutional racism (usually inadvertently) in their service delivery. It is probable that the same applies in sectors I have not directly encountered, such is the pervasive nature of the problem. It would be extremely satisfying to make a contribution towards its alleviation. In my continuing public service operational and policy work, I will investigate avenues for achieving that.

## *Appendix 1*

### **Description of the methodology used in this research**

This research is a cross-national exploration of official documents, academic literature and media commentary relating to institutional racism. It has a six-part structure, covering the following areas :

- Introduction and summary of the research approach
- Institutional racism in theory
- Institutional racism in practice
- Public policy in theory
- Public policy in practice, and
- Analysis, interpretation, synthesis and conclusions

It was undertaken in part fulfillment of the requirements for the Master of Public policy degree. It also represents a foundation study for a longer-term research project on institutional racism in New Zealand public sector organisations. It relies on several social research and policy development principles, the use of which is now described.

#### *Methodological theory and literature*

Social research has two major theoretical traditions. The positivist approach follows the lines of inquiry common to the physical sciences – logical, linear, systematic and based on natural laws similar to those pertaining in the world of physics. The assumption is that the social world is ordered in the same way as the natural one (Sarantakos 1998).

The contrasting tradition, developed more recently, is the interpretivist approach, which describes social reality as something created by people, rather than being a natural process independent of, and governing, humanity. In this tradition, researchers aim to understand the perspectives

of individuals and groups (Babbie 1989; Davidson and Tolich 1999). This research project uses elements drawn from both research traditions. Its fact-finding, policy analysis and evaluation facets tend towards the positivist model. Its impact analysis aspects are interpretivist (Babbie 1989; May 1997; Davidson and Tolich 1999).

### *Qualitative and quantitative research*

This research is based on qualitative research methods, which include observation and interviews of research subjects. Academic literature and social commentaries explain phenomena, describe effects and outline processes. Quantitative data, in the form of official statistics of disparity and socio-economic disadvantage, are used illustratively in this literature. These provide evidence of racial discrimination and inequalities, which are likely to require new policy approaches for their resolution.

### *Inductive and deductive logic*

Comparative social/public policy research can evolve from a deductive or an inductive logical process. A theoretical proposition or assumption may be the starting point, presented for examination and possible validation through the research process. Alternatively, policy patterns and relationships can be observed without any prior articulation of their causes, with inferences as to their theoretical bases subsequently being made. This research makes use of both forms of logical analysis.

### *The hypothesis for this research*

The research opens with a general observation that public policy often has adverse differentiated impacts on some sectors of the population and that this can create inequalities among diverse ethnic groups. This observation

is supported by the hypothesis that defective policy development, analysis and evaluation processes cause this differentiation. The proposition further suggests that this systemic inadequacy causes the continued entrenchment of institutional racism in our public institutions.

The above hypothesis represents the starting point for the exploration of the phenomenon of institutional racism. Observations are made, through the official documents and the literature, from which inductive conclusions are drawn incrementally. In this context, Heidenheimer et al (1983:4) make the point that 'inductive approaches to public policy highlight complexity, uncertainty and ambiguous relations between ends and means.' They refer to 'questions to be explored, rather than subsumed under axioms to be taken for granted.' Inadvertent policy impacts are also mentioned. 'Rarely are the results exactly what Governments intended when adopting a policy' (ibid:6). This point is relevant to institutional racism, since unintended policy consequences are one of its key elements.

From the synthesis of the documentation and the interim conclusions derived inductively throughout the research process, some general conclusions about the originating hypothesis are deduced. Through the use of both inductive and deductive reasoning, used at different times during the research, the aim is to find some answers to these questions - Are public policy processes deficient in design and implementation? Does this deficiency cause the continuation of institutionally racist practices in Government institutions? If so, what are the Governments in Britain, Australia and New Zealand doing about it?

#### *Explorations and comparisons*

A comparative and exploratory method (Hantrais 1996; Sarantakos 1998) has been chosen as the structural vehicle for the research project because it

provides opportunities for learning from the experiences of different societies. It is a disciplined means of organizing for analysis a large quantity of information (Antal 1987; Hantrais 1996). The three countries whose policies and literature are studied have common language, constitutional, social and cultural traditions. They differ, however, in their histories, experiences of colonisation, indigenous people's experiences, government structures, social service delivery mechanisms, political and economic environments, sources of immigrants, ethnic mix and acceptance of diversity (Teune cited in Oyen (ed) 1990; May 1997). With a reporting requirement for succinctness, full comparative equivalence has not been sought. The comparisons in this Research Report are thus illustrative and information-seeking rather than exhaustive.

#### *A focus on published secondary data sources*

The raw material for this project comprises policy documents, official comments, media articles, published records of people's experiences, ideas, viewpoints and themes apparent from the literature. Specific policies are alluded to theoretically and as examples of institutional racism in practice. The literature is examined for commentary on the extent to which these policies are systemically racist. Information collection and analysis is augmented by a set of specific templates, questionnaires and checklists (attached at Appendices 2-9 below), the purpose of which was to keep the theoretical analysis and practical illustrations focused.

#### *Triangulation in principle and practice*

The research includes aspects of various analytical methods, which according to the principles of triangulation, should help to validate the research findings. Triangulation refers to the use of varied research methods, to overcome weaknesses inherent in using only one method. It

also refers to the use of multiple sites, and as such, constitutes another reason for comparing institutional racism in three countries rather than focusing solely on one. The specific research and analysis techniques which, in varying degrees, contribute to this research are listed below :

- ***Comparative or cross-national research***

An analytical framework to compare how issues present themselves in other nations' social and cultural environments, to augment local insights

- ***Literature review***

Analysis of the literature on a discourse to identify key issues, the range of views, who holds them, work completed and avenues not yet researched

- ***Document analysis***

Examination of documents to assess their types, sources, purposes, contexts, coverage, intended users, authenticity, validity and reliability

- ***Policy development and analysis***

Systematic approaches to setting Government goals and priorities, in the knowledge of who will gain or lose as a result of policy decisions

- ***Summative evaluation***

Evidential assessment of policy intervention effectiveness, in terms of intended outcomes, to determine policy utility and improvement potential.

## *Appendix 2*

### **Checklist for cross-national comparisons**

These are the criteria used in this research for comparison of the New Zealand, Australian and British social environments

- Constitutional settings
- Current political environments
- Colonisation perspectives and impacts
- Immigration policies
  
- Current cultural mix
- Social and cultural factors
- Major contemporary race issues
- Evidence and impacts of institutional racism
  
- Origins of indigenous issues
- Present indigenous issues
- Origins of immigrant issues
- Present immigrant issues
  
- Human rights legislation
- Human rights protection agencies
- Strategies to enhance social inclusion
- Policy approaches to affirmative action
  
- Multiculturalism in policy and practice
- Key comparisons for synthesis

### *Appendix 3*

#### **Checklist for the international snapshots analysis**

- What is the situation ?
- What happened and why ?
- Who was affected and how ?
- Which policy domains were, or are, involved ?
- Where did the policy fall down and why ?
- How is institutional racism involved in this experience ?
- What is Government doing, if anything, to address the problem ?
- With what degree of success to date ?
- What other solutions might be appropriate ?

## *Appendix 4*

### **Literature review template**

- The title, sub-title and abstract
- About the author – discipline, nationality, main works
- Highlights in the Foreword and who wrote it
- Points emphasised in the author's Preface
- Political and historical contexts for the work
- Author's world view, ethics, value base, philosophy, politics
- Author's research orientation and approach
- The research issue and its clarity of articulation
- Structure of the book or article
- Main themes in the book or article
- Main arguments put forward
- Strengths and weaknesses in problem definition, evidence, arguments and conclusions
- Authorities cited by the author
- How controversy is handled and whether the work contains views other than those of the author
- Identification of any gaps in the coverage of the research question, including limitations and disclaimers
- Author's comment and reviewer's assessment of the contribution of the book or article to the discourse

*(References for this template : Fink 1998; Hart 1998; Bell 1999; Tolich and Davidson 1999; Babbie 2001)*

## *Appendix 5*

### **Document analysis template**

- Purpose for accessing this document
- Research questions to be considered in analysing the document
- Type of document, its source and its organisational context
- Social and political context
- Document purpose and intended readership
- Document production for external research and public information or for internal organisational or specific client use
- Timing and circumstances in which the document was produced
- Author's background, perspectives and biases
- Public or private document
- Primary, secondary or tertiary source of information
- Coverage of the document
- Extent to which the document is complete, or a work-in-progress
- Disclaimers, delimitations and inadvertent gaps in topic coverage
- Use and sources of qualitative and quantitative data
- Structure of the document
- Lines of argument and clarity of presentation
- Linguistic style and vocabulary used
- Extent to which the document is typical of its genre
- Cross-checks with other documents for coverage, accuracy, objectivity and reliability

*References for this template : May 1997; Sarantakos 1998; Bell 1999*

## *Appendix 6*

### **Types of policy documents consulted**

\* Publications and media releases from the (UK) Commission for Racial Equality, the Human Rights and Equal Opportunity Commission (AUS), the Human Rights Commission and former Race Relations Office (NZ)

\* Documents routinely published by Government agencies, including Annual Plans, Annual Reports, Ministerial Post-election Briefing Papers, media releases, public consultation documents, policy papers, exploratory issues papers, speeches by Ministers or senior Government officials, Ministerial statements and manifestos, Occasional Papers, Working Papers, inter-departmental project reports, affirmative action policies and programmes, and strategies to increase social cohesion, address indigenous rights and meet other key goals of Government

\* Contentious materials such as Reports on Public Inquiries, and discussion documents on difficult indigenous or immigrant issues, explanations of the impacts of new legislation, reports by the Auditor General and other central 'control' departments of Government such as Treasury, the Department of Prime Minister and Cabinet or the State Services Commission, and their British and Australian counterparts

\* National and international conference proceedings and the publicised results of significant national consultations on aspects of race relations

\* UN (ICERD) reports on the performance of States Parties in meeting international obligations, reports from the UN Secretary General on broader global issues related to ethnicity, immigration, globalisation, and social sustainability and local triennial Country Reports forwarded to the United Nations

## *Appendix 7*

### **Policy development and analysis checklist**

- Requirement for a clear statement of the problem to be addressed
- Provision of evidence for the existence of the problem
- Specification of policy goals and intended outcomes and outputs
- Identification of main stakeholder interests, consultation processes and findings
- The intervention logic, including the range of policy alternatives developed, each evaluated according to common criteria and compared, so that trade-offs can be identified and choices made
- A summary of the main factors to be taken into account by the decision-maker
- The rationale for the course of action to be recommended
- Identification of the public resources required to implement the policy proposal
- Clear descriptions and analysis of the implementation processes, issues and risks
- A strategy and timeline for ongoing assessment and periodical evaluation, both formative and summative
- Clear conclusions and recommendations

#### *To which might usefully be added*

- Specification of any intended target groups and reasons
- Extent to which indigenous and other ethnic minority perspectives and needs are integrated into the policy

*(References for this checklist : Weimer and Vining 1992; Considine 1994; Bardach 2000; Bridgman and Davis 2000)*

## *Appendix 8*

### **Summative evaluation questionnaire**

- What was intended by the policy intervention and why?
- How does the policy contribute to the key goals of Government?
- How clear was the problem specification and was the evidence for it explicitly documented?
- How effectively were the alternatives articulated?
- What were the criteria for *ex ante* evaluation of outcomes?
- Who was affected by the policy/programme and in what way?
- Did the policy achieve its stated objectives and to what extent?
- How robust was the rationale for the chosen policy option?
- Did the policy create any perverse incentives?
- Was the policy balance between public choice and Government intervention fit for the purpose and acceptable to the community?
- Is the policy consistent with other related policies?
- How accurate was the assessment of risk and opportunity?
- Were there any unforeseen consequences of the policy?
- Did the policy adversely affect any groups in the community?
- How realistic were the resourcing specifications and strategies for implementation?
- Did Government get the outcomes it wanted?
- Was a timetable designed and adhered to for *ex ante* formative evaluation, periodical programme evaluation and *ex post* summative evaluation of policy and programme effectiveness?
- What, if anything, was learned and changed as a result of these evaluations?

*(References for this questionnaire : Weiss 1987; Patton 1990; Fischer 1995; Aitken 1998; Owen and Rogers 1999)*

## *Appendix 9*

### **Avenues for future research**

In the course of researching and preparing this Report, the following areas for subsequent research presented themselves :

- Detailed examinations of institutional racism in specific domains of public policy and service delivery
- A closer examination of the Scottish devolution processes, to identify aspects that might inform Government responses to Maori aspirations for self-determination
- Evaluations of the effectiveness of the mergers of race-focused anti-discrimination agencies and broader human rights commissions in Britain, Australia and New Zealand, as regards their impacts on systemic racism in public sector agencies
- A study of the race relations environment in a country where the indigenous population has taken over from the former colonising government and created its own constitutional form
- An exploration of the implications for sovereignty of complying with UN Conventions in the area of immigration as continuing population mobility and political instability cause dislocation
- The implications of globalisation for national identity
- A comparative study of the resilience and adaptability of host communities to absorb the impacts of large-scale immigration from increasingly diverse sources
- An exploration of the potential of bi-nationalism as a constitutional and equitable socio-economic way forward for New Zealand

## ***Appendix 10***

### **Glossary of key terms**

The following terms recur throughout this research. Definitions have been sourced from the official documents, the literature, the legislation and the international conventions on human rights and the elimination of racism. From the literature, it is apparent that each one is contestable, including the concept of institutional racism itself. The following definitions can, therefore, represent a starting point only.

- ***Assimilation***

This is the process by which minority ethnic and cultural groups are absorbed into mainstream society, in a way that repudiates their values and cultural norms, by subsuming them into 'the prevailing social, political and cultural order' (Fleras and Spoonley 1999:113).

- ***Culture***

This is 'the way in which we see the world...a system of knowledge and beliefs represented in...language...and customs...and sustained by traditions and rituals' (Donn and Schick 1995:25). The emphasis is on difference and distinctiveness among cultures.

- ***Deficit thinking***

This refers to a judgmental thought process which blames the victims of injustice for their own misfortune, suggesting, for example, that they are unemployed or incapable of educational achievement because of their own laziness, when the real cause might be a lack of opportunities or damage done to their cultural integrity and sense of worth (Brandon in Slater 2002; Bishop and Glynn 1999).

- ***Disparity***

This term is often used in the context of differing levels of social and economic achievement between ethnic groups. It is frequently attributed to the differential effects of

public policy and systemic disadvantage, created over many years of exploitation of less powerful sectors of society by those which are more powerful (Te Puni Kokiri 1998).

- ***Ethnicity***

This is the term by which we describe our race, culture, language and identity as distinct from those of other people. We expect the community to recognise and accept this self-identity. 'Ethnic identification is a process of defining the limits of what constitutes 'us' as a group and 'me' within that group' (Pearson 1990:17).

- ***Formative evaluation***

A formative evaluation is one which has developmental or instructional tools and methods 'built into the design of a policy or programme to provide continuous evaluation' during implementation (Davidson and Tolich 1999:198). Its purpose is to assist with learning, development and improvement.

- ***Indirect discrimination***

'When a policy or rule that treats everyone in the same way has an unfair effect on more people of a particular race, colour, descent or national or ethnic origin than on others, this is known as indirect discrimination (HREOC 2002e:1). It is not confined to public sector institutions. It occurs wherever cultural norms are ignored or ridiculed.

- ***Institutional racism***

'Institutional racism occurs when the policies and practices of an organisation result in different outcomes for people from different groups' (CRE 2002). It has also been described as a situation where 'national structures are evolved which are rooted in the values, systems and viewpoints of one culture only' (Rangihau 1986:19).

- ***Integration***

This is a policy whereby ethnic minorities become accepted in mainstream society without the loss of their own cultures and values, which they remain free to exercise in their own way, alongside those of the majority culture. In an integrated society, cultural groups have equal rights and opportunities, protected by law, but within an overall framework established by the majority group. The intent is to create cohesive societies without destroying the cultural integrity of any of their component parts.

- ***Intervention logic***

This is an aspect of public policy development concerned with the identification of policy options or possible interventions by government, and the rationale for deciding which will be recommended and implemented. It is a logical series of steps. The policy problem is described, evidence for it is examined and options for improvement are considered. Trade-offs between the options are identified and each option is evaluated in terms of its contribution to the desired outcome (Weimer and Vining 1992).

- ***Inverse racism***

A form of indirect racial discrimination against one group, created, usually inadvertently, by the implementation of targeted policies to assist another group which may have been recognised in policy terms as being systemically disadvantaged. If services or resources offered to one ethnic community exclude others, to their socio-economic disadvantage, this is arguably inverse racism. It may be justifiable on affirmative action grounds.

- ***Outcomes in public policy***

A public policy outcome focuses on the end result of a course of action. The term is used to refer to 'the impact of the activities of Government on the community' (Boston et al 1996). Governments specify the outcomes they wish to achieve and several agencies are likely to have a contribution to them. As well as planned outcomes, there are inadvertent outcomes, which frequently constitute a risk to social wellbeing.

- ***Pluralistic societies***

These are open societies comprising diverse cultures and ethnicities, within which each group can observe its own cultural traditions without imposing on anyone else, or being legally impeded or discriminated against, by members of any other culture (Baubock et al 1996; Kymlicka and Norman 2000).

- ***Post-colonialism***

A developmental stage reached by formerly colonised nations which are in the process of establishing their identities and international allegiances based on their own geographical, demographic and cultural realities, rather than continuing to identify themselves in terms of their relationships with their original colonisers.

- ***Race***

This is a process of categorising different groups of people according to skin colour and other physical characteristics (Docker and Fischer 2000). Such categorising creates a context for notions of racial superiority and inferiority. The definition of 'race' concerns cultural practices and patterns of relationships within and among groups in society, which makes it a 'social construct' rather than a set of objective facts.

- ***Racial discrimination***

This behaviour 'refers to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has the purpose of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life' (ICERD Article 1).

- ***Racism***

This is 'the belief or practice based on the assumption that one race, culture or ethnic group is inherently superior to another' (Rangihau 1986:18; Collins 1995:3). At an individual level it involves prejudice against another who is different from oneself. At the systemic level it involves indirect discrimination through the inequitable exercise of power, to the disadvantage of one or more ethnic groups.

- ***Summative evaluation***

A summative evaluation occurs at the conclusion of a programme of action and assesses its final results, with a view to determining whether the objectives were achieved, whether the programme represented value for money and whether any aspects of it should be changed (Tolich and Davidson 1999:198).

- ***Well-being***

'Well-being demonstrates the life satisfaction of people. It includes...free and open participation in family, wider kinship and community groups...in formal and informal political processes...and in cultural processes that create and sustain individual, group and collective identity' (Ministry of Social Development 2001:2). It is driven by the principle that 'all individuals should be guaranteed an adequate quality of life' (ibid:5).

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