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To: The Committee Secretary, Senate Legal and Constitutional Affairs,

RE: Genocide Bill 2024

Submission to **Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes), Bill 2024**

Contact Info

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***Short Introduction to the author of this submission:***

Motivated by compassion, Dr Catherine Koerner is a non-Indigenous white Australian queer, disabled, working class, remote, is committed to interdependent nonviolent relational identities. She is a retired academic and has been a current senior research fellow at Charles Darwin University since 2019. From 2003, Catherine Koerner taught undergraduate and postgraduate in community and human services, critical race and whiteness studies, critical Indigenous studies, identities, pluralism (including religious freedom), colonialism/anti-colonialism, critical Indigenous and social policy, critical community and international development and counselling. She has collaborated in community work, advocacy and research in Australia, Indigenous Australia, Indonesia, Nepal, and India and is currently in Cambodia and Myanmar regarding genocide. And as an early retiree, she undertakes a contemplative life of meditation full-time.

She has published two books and numerous related articles; links were provided where possible.

Before this, Catherine worked ten years in the community and not-for-profit sector in youth homelessness, sexual violence crisis response, prevention and advocacy. She was elected rural and remote Qld representative on the National Youth Coalition for Housing. She also received several awards, including the Australasian finalist for the International Stop Rape contest (New York); a National University-Indigenous Community Partnership Award (with Professor Simone Ululka Tur and Associate Professor Christopher Wilson); an Australian Quality Assurance commendation and an Australian Award for Teaching all at Flinders University of South Australia.

Her research interests include critical race and whiteness, colonialism/decolonisation, Indigenous relations, pluralism and identity. Her current projects include *The Patience to Win Freedom: Tibetan Experiences of Chinese Genocide*. Her most recent publications relevant to this submission include two books and numerous articles.

Books:

Koerner, C. (2024). *Towards an Uluru Heart: Relationality, Identity and Justice in the Australian Settler Colonial State*. Available at Academia.edu

Koerner, C., & Pillay, S. (2019). *Governance and Multiculturalism: The white elephant of social construction and cultural identities*. Palgrave MacMillan

## **Key Issues**

1. Indigenous women must be at the centre of outlining and addressing genocide and other human atrocities. The sanctity of human life and diversity of human life is inseparable from the biodiversity of nature, landscapes, water (salt and fresh and bracken) and, skyscrapers, the cosmos. Acts of genocide and other human atrocities result in mass-scale environmental damage and species eradication. Meanwhile, across the globe, environmental conservation – especially anti-poaching but also mining and luxury hotels approved to operate within National Parks and other conservation areas - is becoming more militarised and also causes mass displacement and killing of the world's poorest people. Can these acts be considered war crimes by the State or acts of atrocity?
2. Acts of violence and aggression perpetrated by States (or any level or form of governance), by religious bodies or leadership figures, businesses of any size, Multi-Nationals, such as mass forced removals, displacement of any kind, destruction of homes and environment, harm to birds and animals, destruction based on ones belonging to a category of cultural, political, religious, gender, geographic, class, economies.
3. Attitudes and mindsets matter: It's life and death. A lack of compassionate mindsets leads to harmful attitudes and destructive behaviours. In Australia, Non-Indigenous people lack a critical race vocabulary and are unable to understand Indigenous land rights and Indigenous relationality. Meta-narratives of prejudice create mindsets that lead to genocide and other human atrocities in Australia; these mindsets also stop Australia from acting globally for similar occurrences. For example, the negative portrayal of Indigenous people and Indigenous issues by media of all forms was highlighted in the Deaths in Custody Report and remains critical to Indigenous over-incarceration and deaths. Additionally, such media representation affects the atrocious levels of deaths of Indigenous women and children in family violence.
4. Attitudes and mindsets within education and other institutions. Any form of assimilative, forceful, violent, oppressive acts, including not teaching in local languages, cultures and spirituality; not funding local languages, cultures and spirituality; neglecting local languages, cultures and spirituality; banning the use in any form of local languages, cultures, religious and spirituality within education systems and all other public institutions and spaces. Can this constitute cultural genocide?

## **Evidence relating to each Key Issue above:**

1. Dr Koerner has written extensively to address Indigenous women in Australia as both the worst afflicted in every way and as the centre of change for a better future. See especially Koerner (2024), *Towards an Uluru Heart: Relationality, Identity and Justice in the Australian Colonial State*. There are seven chapters uploaded separately; each fronted with an Abstract that covers 30 years of work on the reconciliation movement in Australia, including genocide. Freely available at: Catherine Koerner, academia.edu, along with all articles. See also Koerner & Pillay, (2019).

Dr Catherine Koerner also researched and published on topics relating to the socio-political lebenswelt of the past thirty years of intersections of race relations and how whiteness operates in Australia to inhibit non-Indigenous Australian people and the State from coming into proper relations with Indigenous sovereignty and, therefore refusal to see the genocide on the ground upon which they live.

Koerner, C. (May 11 2021) What Black Deaths in Custody has to do with White Privilege in Australia. politicstoday.org.

(June 23 2021) The Denial of White Privilege in Australia is Hegemonic.  
politicstoday.org

Koerner, C. & Pillay, S. (2019). *Governance and Multiculturalism*

Koerner, C. (2015), White Australian identities and Indigenous Land Rights.

Koerner, C. (2013) Learning the past to participate in the future: Regional discourses of Australian colonial history.

Koerner, C. & Haggis, J. (2011), In relationship with Indigenous sovereignty.

2. Evidence includes but is not limited to Australia. One example is Adani multinational mining giant (and much evidence cited in Koerner & Pillay, 2019), USA, Canada, NZ, and Germany. Chinese invasion and genocidal occupation of Tibet and Mongolia since 1959. Two years ago, Chinese State officials stole every Tibetan child from 5 to 20 years old and placed in enforced child jails labelled boarding schools that teach only Mandarin, praise Communist China doctrine and denigrate and ban the Tibetan language, culture and religion (Tibet Times, Jul 19, 2023, Genocide of roughly 1 million Tibetan Children; Genocidewatch, Sep 22, 2023, Tibetan Children forced to Assimilate to China; India Today May 25, 2023 China's 'Bilingual Education Policy in Tibet: Is it cultural genocide?'. Myanmar violence massacre of Rohingya, Cambodian genocide led by Pol Pot, the Rwandan genocide, Israeli occupation and massacres in Palestine, Indonesian local Imam-incited massacre of Ahmadi (Catherine Koerner & Widodo Putro, 2017), Kaziranga National Park, Assam, India (see Pranab Doly Apr 14, 2024, Kaziranga is becoming a laboratory for militarised forest conservation, Maktoob Media ).
3. Dr Koerner (2024) undertook fieldwork in several studies. The first examines Indigenous and non-Indigenous understandings of reconciliation in Central Queensland. Data includes views about genocide and concern that public Australians and politicians have as much information as required but, because of prejudice, will not use the words 'invasion' or 'genocide'.  
Koerner, C. (2015), White Australian identities and Indigenous Land Rights.  
Koerner, C. (2013) Learning the past to participate in the future: Regional discourses of Australian colonial history.  
Further, Dr Catherine Koerner collaborates with Mr Tenzin Choephel, a Tibetan refugee participant researcher, who co-presented their research "Patience to win freedom" at the 21 February TASA Youth 2019 youth thematic group event titled *The Ethics of Engagement: Participation and Representation*. This research involves interviews with Tibetan refugees living in exile details their first-hand witness of historical invasion, killing, massacres, and genocide from the 1950s through to the varying Chinese tactics of cultural and spiritual genocide today designed to assimilate Tibetan people as Mandarin-speaking Chinese wholly. All school-aged children aged 5 to 20 years are forcibly removed from their families and placed in child concentration camps they call boarding schools.
4. Finally, state laws that contribute to diminishing minorities in any way and increasing majority or dominant group, for example, historical and contemporary assimilative laws in Australia. Also, in Indonesian law, a married couple must by law be of the same religion. The result is for any mixed religion, a couple of minority religions are forced to convert to Islam, the majority religion. This has accelerated the Islamisation of Indonesia since this law's inception. Does this and other laws influence the rise in Islamist fundamentalism in Indonesia?

## Case Studies

Dr Catherine Koerner's teaching, research, writing and advocacy, over the past thirty years begins with ten years of community development worker in various roles detailed in the introduction. She was a crisis youth worker, and Coordinator of the youth shelter and NorQYAC peak body representative. Later as Coordinator of the Sexual Violence Crisis and Prevention Centre of Rockhampton, Central Queensland. Over this decade of grass roots community work with an undergraduate in social science and welfare studies and later an Honours in Sociology at CQU, Rockhampton.

See Koerner, C. (2024). Ch 3 in *Towards a n Uluru Heart: Relationality, Identity and Justice in Australian Settler Colonial State*. Accessible at: <https://cdu.academia.edu/CatherineKoerner?PaperPostSuccess=true>

See Koerner, C., Tur, S.U., & Wilson, C. (2009) Bringing Indigenous Sovereignties into university-community partnerships: Unpacking racialisation to re-engage Indigenous Australian students in education.

## Recommendations

1. A working group of some kind led by Indigenous women co-create with non-Indigenous members to develop a policy platform on genocide and human atrocities of this continent now called Australia and global occurrences past, present and future to become legislation on Genocide and other human atrocities that aligns with the signed Genocide Convention.
2. No one individual politician or any other position has veto power over the prosecution of cases of genocide or other acts of atrocity.
3. That nationwide education prevention program based on current successful race and intersectional programs are developed that cultivate compassionate mindsets as prevention of prejudicial acts of genocide and acts of atrocity (Koerner, 2024; Koerner and Pillay, 2019 and Koerner, Tur and Wilson, Bringing Indigenous sovereignties into community partnerships: unpacking racialisation to re-engage Indigenous Australian students in education.