



Edmund Rice Centre
Awareness. Advocacy. Action

ERC JUSTICE UPDATES

November 2022 No.80

Dear Friends,

This 80th Edition of ERC Justice Updates, our regular newsletter from the Edmund Rice Centre, on matters relating to human rights, first nations and environmental justice.

As one faces this ever changing, complex, unjust and unequal world let us always remember Blessed Edmund Rice's three main tenets:

COMPASSION LIBERATION & PRESENCE

Generally speaking, the ardour of our zeal depends on the depth of our gratitude. Catherine McAuley

Please note that if you come up against a paywall in any of the articles below - please contact me at: mmcinerney@edmundrice.org and I will send you the full article.

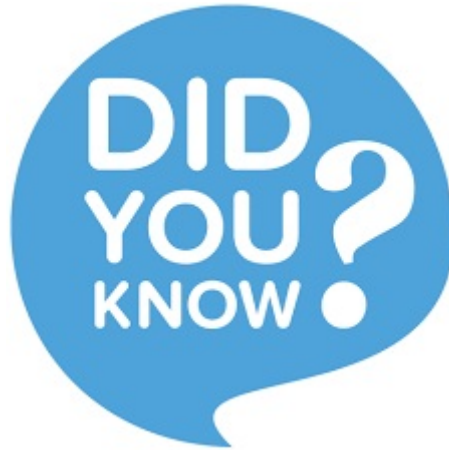
Previous editions are available at <https://www.erc.org.au/newsletters>

Peace & Blessings

Marita
Communications Project Officer,
Marita McInerney

Aboriginal and Torres Strait Islander readers are advised that there may be

articles in this publication with names and images of deceased people.



A message from the Pacific Calling Partnership Coordinator Corinne Fagueret

Dear all,

Please find below links to short videos from Maria Tiimon ERC Outreach Officer (Kiribati), Anna Nuarika (Kiribati) and Richard Gokrun (Tuvalu), our funded COP27 delegates, talking about the latest COP developments from a Pacific perspective:

https://www.youtube.com/watch?v=Ufws_yXcLgE (Maria Tiimon)

<https://www.youtube.com/watch?v=4CeWHhgilRA> (Anna Nuarika)

<https://www.youtube.com/watch?v=JuhJjg0rjic> (Richard Gokrun)

Kind regards

Corinne Fagueret

Coordinator Pacific Calling Partnership



Uluru Statement from the Heart co-chairs Pat Anderson and Prof Megan Davis speak about the Indigenous voice at the National Press Club. Photograph: Mick Tsikas/AAP

Indigenous voice referendum should be sooner rather than later, Uluru statement co-chairs say

Josh Butler, *The Guardian*, 9th November 2022

Pat Anderson and Prof Megan Davis urge Labor to not waste momentum and call on the media to 'rise to this occasion'

The Uluru Statement from the Heart co-chair Pat Anderson has urged the federal government to not waste “momentum” for the Indigenous voice to parliament, calling for a referendum on the constitutional change sooner rather than later.

Anderson said the national vote could occur in October 2023, the most recently proposed of many mooted dates, as she called for the nation's media to “rise to this occasion” in reporting on Indigenous constitutional recognition.

“You need to be a little more agile and a bit more energetic about getting to the truth of issues,” Anderson told reporters in Canberra on Wednesday.

“We have been here a really long time. We ain't going nowhere. So at some stage you're going to have to deal with us, and journalists can help.”

Anderson and fellow Uluru statement co-chair Prof Megan Davis addressed the National Press Club, speaking about the push for a constitutionally enshrined voice to parliament. Davis said constitutional recognition must not be “tokenistic” but lead to real-world changes.

“It must be substantive, it must change people's lives on the ground, otherwise why go to a referendum?” she said.

The prime minister, Anthony Albanese, has proposed a referendum question to ask Australians whether they “support an alteration to the constitution that establishes an Aboriginal and Torres Strait Islander voice”, but details of exactly how the structure would operate or its membership have not been concluded.

Davis, a professor of law at the University of New South Wales, said there was “understandable impatience for detail” on the voice, but debate about the change was often ignorant of the reasons for such a change.

Read full story:

<https://www.theguardian.com/australia-news/2022/nov/09/indigenous-voice-referendum-should-be-sooner-rather-than-later-uluru-statement-co-chairs-say>



Jalngangurru Healing is a trail program connecting patients in the Kimberly with male and female cultural healers. Photograph:

Richard Wainwright AAP

‘The women’s song is so strong’: cultural healing in the Kimberley

AAP, *The Guardian*, 14th November 2022

Demand for WA’s Jalngangurru Indigenous healing services has been flooding in, but funding is barely enough to pay the healers

Deep in Western Australia’s outback, in a region haunted by trauma and loss, a group of elderly women carry out an ancient healing practice. Red ochre is rubbed into a patient’s knee as they sing a powerful song, their arthritic hands working in a liquid motion. The healers, whose real names are not being used for cultural reasons, have seen plenty of pain – physical and spiritual – among those seeking their help.

“We see their eyes when they come to us. We see the eyes and the eyes tell us that person is sick,” healer Patricia says.

“They come to us ladies and we sing that healing song to them. We put the red ochre on them first to protect them, because the women’s song is so strong. And after that, they feel real good. They feel settled and calm and everything.”

It targets clients in Fitzroy Crossing, Derby and surrounding communities,

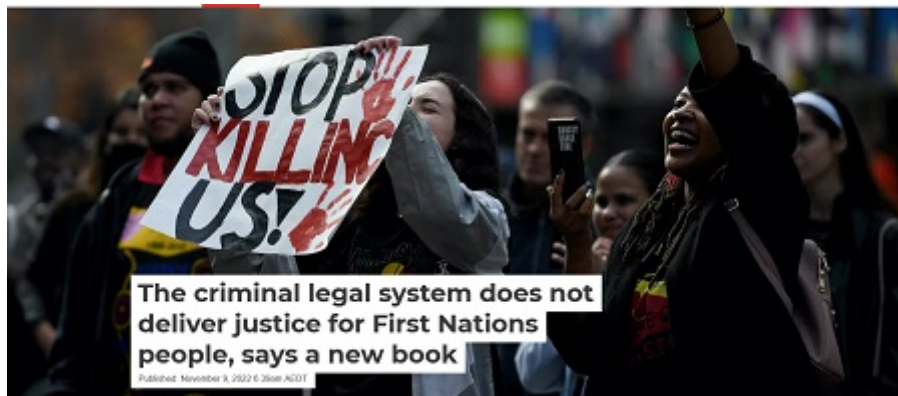
supported by the Kimberley Aboriginal Law and Culture Centre and Emama Nguda Aboriginal Corporation with federal funding.

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Traditional healing has long been practised by Aboriginal people in the Kimberley but mostly accessed through family connections. Making it more widely accessible through Jalngangurru Healing is considered an important step towards addressing mental health issues, grief and trauma in the region.

Read full story

https://www.theguardian.com/australia-news/2022/nov/14/the-womens-song-is-so-strong-cultural-healing-in-the-kimberley?fbclid=IwAR1RucpdQ2etBL8KPJ5fCjI8GUC_FHS0-JCwh2KIITED4PtulBB9Gb2Kmls



Protesters hold placards during an Indigenous deaths in Custody protest in Sydney , June 2022. Bianca De Marchi/AAP

The criminal legal system does not deliver justice for First Nations people, says a new book

Chris Cunneen, *The Conversation*, 9th November 2022

This article contains information on deaths in custody and the violence experienced by First Nations people in their encounters with the Australian carceral system. It also contains references to and the names of people who are now deceased.

Early in Russell Marks' book, *Black Lives, White Law*, he tells us that while he was writing it, at least 37 First Nations people died in Australia's criminal justice system.

During the time I've been writing this review, we have listened to the coroner's inquiry into the killing of Warlpiri teenager Kumanjayi Walker and seen (again) the racism and violence of police: from casual text messages commending physical assaults, to the use of deadly force against a young man, when there were multiple other options available.

And then came the death of Noongar 15-year-old Cassius Turvey who was fatally attacked in Perth last month. The immediate police response was to evade claims of racism in his alleged murder. "It may be a case of being in the

wrong place at the wrong time,” speculated Western Australia’s police commissioner, saying he was “not operating on any principles of racism or motivation at this point”.

We continue to bear witness to the visceral hatred of Aboriginal people by too many non-Aboriginal people – and the sheer indifference of too many others. The collective trauma borne by First Nations families and communities throughout Australia is palpable.

Russell Marks is not a First Nations person, and nor am I. Marks is, among other things, a criminal defence lawyer who has worked for Aboriginal legal services in the Northern Territory and Victoria. I have been writing on policing in Aboriginal communities since the 1980s. Our experiences and understanding of the world are not those of Aboriginal individuals, families and communities, whose lives are heavily impacted by racism and violence – both within the criminal legal system and without. But we can contribute to the struggle for justice. And Marks’ book does that.

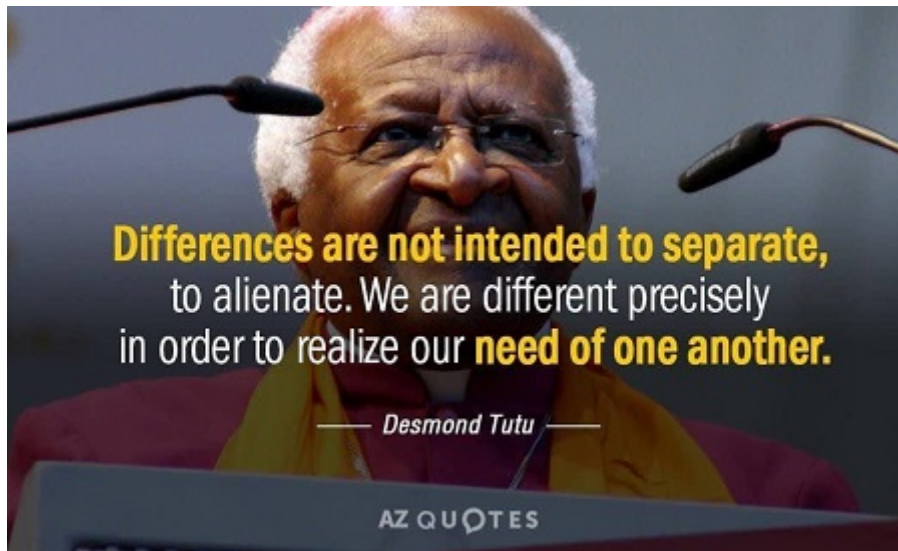
Nothing to do with justice

Justice. If Black Lives, White Law does nothing more, it shows the hollowness of a set of institutions and practices called the “criminal justice system”. In too many cases, these collective institutions of policing, courts and prisons have little to do with justice, but a great deal to do with perpetrating and legitimating profound injustice. My preferred term is “the criminal legal system” – because this wording doesn’t pretend these institutions offer justice.

Many Australians might prefer to see Aboriginal deaths in custody and the appalling rates of Aboriginal youth and adult imprisonment as the result of First Nations people’s failings. But Marks’ book aims to understand the contemporary situation by turning the gaze back onto Australia’s criminal legal system.

Read full story:

https://theconversation.com/the-criminal-legal-system-does-not-deliver-justice-for-first-nations-people-says-a-new-book-191005?utm_medium=email&utm_campaign=The%20Weekend%20Conversation%20-%20202462524658&utm_content=The%20Weekend%20Conversation%20-%20202462524658+CID_eb89d1a6fdc7d189a9f71bf8e89d3cfc&utm_source=campaign_monitor&utm_term=The%20criminal%20legal%20system%20does%20not%20deliver%20justice%20for%20First%20Nations%20people%20says%20a%20new%20book



Nauruan locals see little money spent on infrastructure. Credit: Jason Oxenham / Pool Photo via AP

The people left behind on Nauru

Martin McKenzie-Murray, *The Saturday Paper*, November 12th – 18th 2022, No. 425

For Mamoud, this period is a melancholy twilight. The Nauru detention camp is empty now – though still expensively maintained – and the island's population of refugees and asylum seekers has greatly reduced. Their numbers were once well over a thousand; today there are a little more than a hundred.

Many have been relocated to the United States, in a deal made with the Obama administration and then, eventually and reluctantly, upheld by Donald Trump after he was persuaded by Malcolm Turnbull. Some have been transferred to Australia for acute medical care. Some have died.

Those remaining live in the community now. All arrived as single men. Mamoud is one of the last. He's lost count of his trips to the airport to farewell

friends. "I go to airport for many goodbyes," Mamoud says. "It is sad, but I know my day will come. But then, I will say goodbye to friends. So I will not be full happy."

"Whatever arrangement is in place must be a humanitarian one. But now we have a prison management company running it. That's not how we envisaged it. These people aren't criminals; they're seeking asylum."

Mamoud has lived in Nauru for nine years now. His journey is a familiarly punishing one. In 2012, he fled tribal warfare in his home country of Somalia. He says he feared both conscription and the fatal consequences of refusing.

"My area have some tribe problem," he says. "We fight always together. Some people die. Your tribe force you to fight. If you do not fight, they will kill you. If I stayed there – this area – maybe I die. And also, family die because of small sickness like malaria or TB. We have no hospitals. When women make baby, many die. Plenty of my family die like that."

In 2012, Mamoud's preferred destination was Italy, but he says a local people smuggler told him Australia was the better – and easier – option. He agreed. From Somalia, Mamoud travelled to Kenya.

Then Dubai. From Dubai to Jakarta, then a bus and plane trip to Makassar and, finally, a night drive to a remote jetty – the staging point for their boat. Their destination was Darwin.

"We were at sea for nine days," Mamoud says. "It was very hard. People were sick. At night water come into the boat. There were women and children and it was very bad."

The Australian Navy intercepted their boat in November 2012, and transferred them to Christmas Island. From there, Mamoud was relocated to Manus Island, in Papua New Guinea, and then to Nauru's regional processing centre (RPC).

Full article link for subscribers:

<https://www.thesaturdaypaper.com.au/news/immigration/2022/11/12/the-people-left-behind-nauru>

NB Please note if anyone wishes to read full article please contact me at mmcinerney@edmundrice.org and I will send you the full article.



Afghan supreme leader orders full implementation of sharia law
Agence France-Presse in Kabul, The Guardian, 14th November 2022

Public executions and amputations some of the punishments for crimes including adultery and theft

Afghanistan's supreme leader has ordered judges to fully enforce aspects of Islamic law that include public executions, stonings, floggings and the amputation of limbs for thieves, the Taliban's chief spokesperson said.

Zabihullah Mujahid tweeted on Sunday that the "obligatory" command by Haibatullah Akhundzada came after the secretive leader met with a group of judges.

Akhundzada, who has not been filmed or photographed in public since the Taliban returned to power in August last year, rules by decree from Kandahar, the movement's birthplace and spiritual heartland.

The Taliban promised a softer version of the harsh rule that characterised their first stint in power, from 1996-2001, but have gradually clamped down on rights and freedoms.

"Carefully examine the files of thieves, kidnappers and seditionists," Mujahid quoted Akhundzada as saying. Those files in which all the sharia [Islamic law] conditions of hudud and qisas have been fulfilled, you are obliged to implement. This is the ruling of sharia, and my command, which is obligatory."

Hudud refers to offences for which, under Islamic law, certain types of punishment are mandated, while qisas translates as "retaliation in kind" – effectively an eye for an eye.

Hudud crimes include adultery – and falsely accusing someone of it – drinking alcohol, theft, kidnapping and highway robbery, apostasy and rebellion.

Qisas covers murder and deliberate injury, among other things, but also allows for the families of victims to accept compensation in lieu of punishment.

Islamic scholars say crimes leading to hudud punishment require a very high degree of proof, including – in the case of adultery – confession, or being witnessed by four adult male Muslims.

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The hard-won rights of women in particular have evaporated in the past 15 months, and they are increasingly being squeezed out of public life.

Most female government workers have lost their jobs, or are being paid a pittance to stay at home, while women are also barred from travelling without a male relative and must cover up with a burqa or hijab when outside the home.

In the past week, the Taliban also banned women from entering parks, funfairs, gyms and public baths.

Read full story:

<https://www.theguardian.com/world/2022/nov/14/afghanistan-supreme-leader-orders-full-implementation-of-sharia-law-taliban>



A Kenyan farmer tills and plants his farm in Machakos Nov. 3, 2022. African bishops said as people struggle against the current global climate crisis, they are losing biodiversity and traditional seeds. (CNS photo/Fredrick Nzwili)

African bishops: No climate justice without land justice

Fredrick Nzwili, Catholic News Service, 9th November 2022

NAIROBI, Kenya (CNS) — As the U.N climate change conference unfolds in the Egyptian city of Sharm el-Sheikh, Catholic bishops in Africa are warning that there cannot be climate justice without land justice.

The bishops of the Symposium of Episcopal Conferences of Africa and Madagascar said Nov. 8 that land, natural resources and the ecosystem were the main sources of subsistence for the people in Africa, but many did not have access to land due to perverse commercial relations and ownership.

At the same time, as the people struggled against the current global climate crisis, they were victims of land and water grabs, experienced pollution of their water and soil by pesticides, and were losing biodiversity and traditional seeds, according to the bishops.

“Communities share the experience that, as they claim their rights to land, they are being persecuted, which is leading to more violent conflicts, despair

and instability,” Congolese Cardinal Fridolin Ambongo Besungu, president of SECAM’s Justice, Peace and Development Commission, said in a statement titled, “No climate justice without land justice.”

The cardinal said it was clear the communities would be better if their resources were not captured by powerful people and corporations and given away by weak public institutions.

“We are denouncing false solutions that deprive local communities of their livelihoods, their land rights and tenure. We join communities in mobilizing against ill-advised large-scale land acquisition investments and their struggle against land grabs,” said Cardinal Ambongo Besungu, archbishop of Kinshasa.

The statement listed multinational companies it said were involved in land grabs in Congo, Sierra Leone, Ivory Coast, Mozambique, Uganda and Tanzania.

Read full story

<https://catholicnews.com/african-bishops-no-climate-justice-without-land-justice/>



COP27 signage in Egypt. Credit: Mohamed Abdel Hamid / Anadolu Agency via ATP

What is being decided at COP27?

Mike Secombe, *The Saturday Paper*, November 12th–18th, 2022, No. 425

Shiva Gounden can claim a rare, dispiriting double effort. In March 2015 his humanitarian work saw him in Vanuatu, cleaning up after Cyclone Pam, then the most powerful storm ever in the southern hemisphere. In February the following year he was in the country of his birth, Fiji, in the wake of Cyclone Winston, which was even stronger and more damaging.

Tens of thousands of homes were destroyed, the islands’ infrastructure wrecked by wind gusts faster than 300 kilometres an hour and storm surges up to seven metres. But what he remembers with particular sadness, he says, were the “intangible” losses.

“Like the burial grounds, washed away. Your family members, the remains of your family members, being washed away. Cultural monuments that you’ve ... valued and cherished, and [that] spoke to your future generations, being wiped away by climate change.”

Gounden explains the cultural cost by reference to a “beautiful concept” of another South Pacific state, Samoa, where the same word is used to describe both the land and the placenta.

“It’s really deeply felt in the region. There’s a shared sense of loss and damage that climate change is causing and will cause. It’s not some far-in-the-future issue. It’s permeating everything right now.”

“When a baby is born, the umbilical cord is taken to ancestral land ... and is then buried in the ground. It’s like a symbolic thing, so the baby from the beginning of his or her life is connected to that ancestral land ... to culture.”

Climate change threatens to break that connection by forcing people across the Pacific to relocate, either because extreme weather makes life untenable or, in the case of low-lying islands, because rising sea levels inundate them.

Full article link for subscribers:

<https://www.thesaturdaypaper.com.au/news/politics/2022/11/12/what-being-decided-cop27>

NB Please note if anyone wishes to read full article please contact me mmcinerney@edmundrice.org and I will send you the full article.



Demonstrators demand pay for loss and damage at the COP27 UN Climate Summit in Sharm el-Sheikh, Egypt. Credit: AP

Fairness and finance: At COP27, Australia stands in the middle of tense climate talks

Nick O'Malley, Sydney Morning Herald, 17th November 2022

Sharm el-Sheikh: As expected, the COP27 climate talks in Egypt have devolved into a stand-off between rich nations and poor ones over fairness and finance.

Australia finds itself at the centre of the action with just two days left to negotiate an outcome.

There is a brutal and simple dynamic at play here in Sharm el-Sheikh at the 27th United Nations Conference of the Parties.

It is this: in climate talks rich nations care most about driving down emissions so as to stave off the worst impacts of warming; while poor nations are also focused on securing finance they need not just to cut emissions, but to even survive warming they did not cause.

And at these talks, the rich nations hold all the cards.

This takes a little explaining.

Under the terms of the Paris Agreement, emissions reduction commitments are only brought to the table every five years. That is why COP26 in Glasgow last year mattered so much.

The rich world was willing to horse trade – and to (promise to) put more money on the table – because they wanted global consensus on deeper greenhouse gas cuts.

But this year emissions targets aren't on the table, so the developing world, gathered in a UN grouping known as the G70 plus China, has big financial demands but little leverage.

Nonetheless, the G70 has proved determined and united.

Read full article:

<https://www.smh.com.au/environment/climate-change/fairness-and-finance-australia-now-stands-in-the-middle-of-tense-of-climate-talks-20221117-p5byzh.html>



World Day of the Poor 2022 Pope Francis celebrates Mass in St. Peter's Basilica for the World Day of the Poor Nov. 13, 2022. |

Daniel Ibanez/CNA.

Pope Francis: 'Light candles of hope in the midst of darkness'

Hannah Brockhaus, Catholic News Agency, November 13th 2022

On the World Day of the Poor, Pope Francis encouraged Christians to not be brought down by the “doom and gloom” of the world, but to witness to the joy of the Gospel through service to those in need.

“Let us take to heart the clear and unmistakable summons in the Gospel not to be led astray. Let us not listen to prophets of doom,” the pope said at Mass in

St. Peter's Basilica Nov. 13.

"Instead, let us bear witness," he said. "Let us light candles of hope in the midst of darkness. Amid dramatic situations, let us seize opportunities to bear witness to the Gospel of joy and to build a more fraternal world, at least a little more fraternal. Let us commit ourselves courageously to justice, the rule of law and peace, and stand at the side of the weakest."

Pope Francis, assisted by Archbishop Rino Fisichella, celebrated Mass for the sixth annual World Day of the Poor, which was established at the conclusion of the Year of Mercy.

The poor were special guests at the Mass in St. Peter's Basilica. The day was also marked by a number of initiatives to aid those in need, including a free meal and medical care.

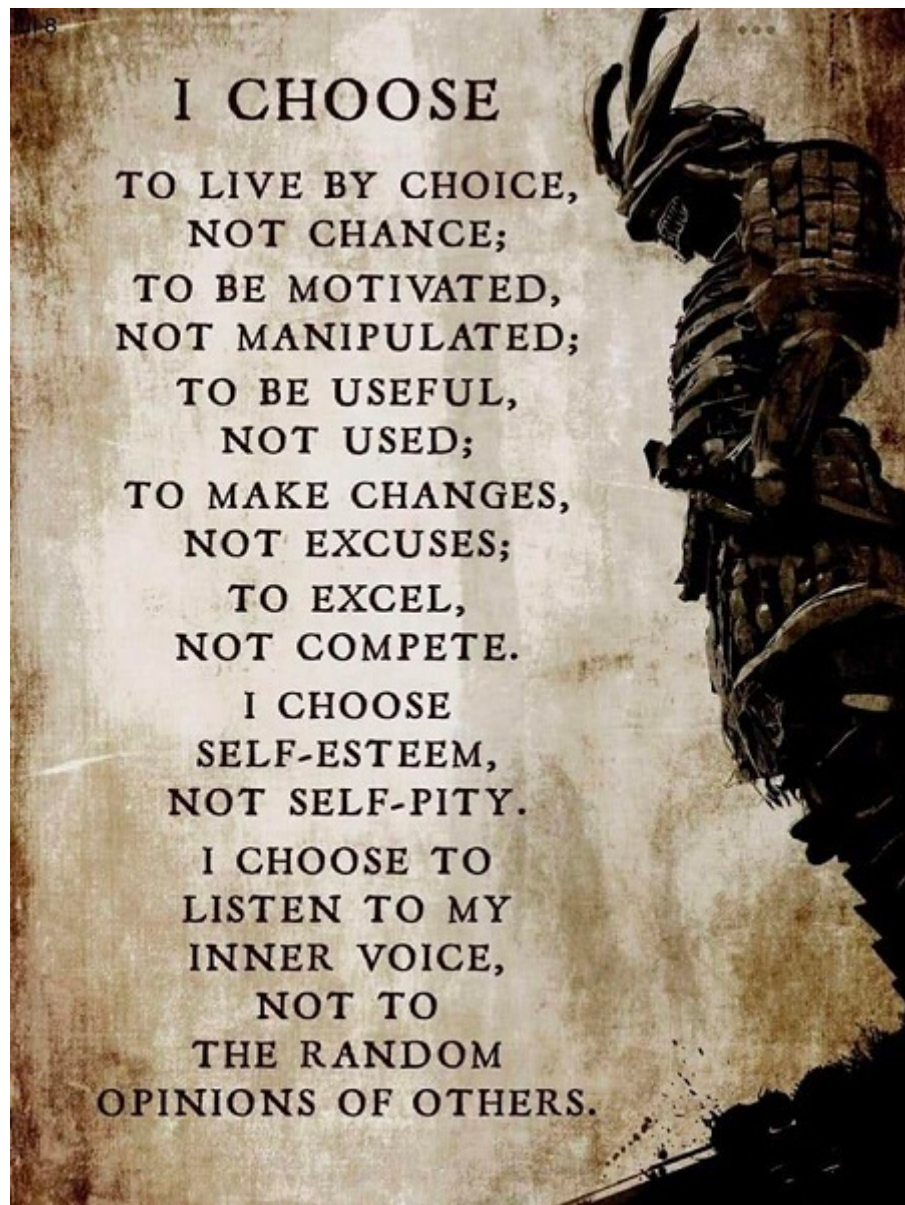
Read full story:

<https://www.catholicnewsagency.com/news/252800/pope-francis-light-candles-of-hope-in-the-midst-of-darkness>

Pope Francis Message for Sixth World Day of the Poor

<https://www.vatican.va/content/francesco/en/messages/poveri/documents/20220613-messaggio-vi-giornatamondiale-poveri-2022.html>

REFLECTIONS



*God of harmony and diversity,
God who created the wolf and the lamb, the lion and the ox,
help us to take a long view toward the change you have promised.
Let us not be so intent on seeing the transformation of the lions
that threaten our lives and haunt our experience
that we fail to notice those who might be pinned
under our claws, those who also cry out for delivery and safety.
Amen.*

Source: Out in Scripture



Pace - e - Bene Nonviolence Inspirations

"I am doing the best that I can do—always. Everyone else is doing the best that they can do—always." Buddhist Teaching

"The sun never says to the earth, 'You owe me.' Look at a love like that. It lights the whole world." Hafiz

"The only recognizable feature of hope is action." Grace Paley

"My peace activities are based on a belief that small probabilities can be enlarged and that, however remote success may be, it is worthwhile pursuing because so much is at stake. When everything is at stake, it is worth risking one's life or sacrificing one's freedom in order to help bring about radical change." Daniel Ellsberg

"Peace is not the product of terror or fear. Peace is not the silence of cemeteries. Peace is not the silent result of violent repression. Peace is the generous, tranquil contribution of all to the good of all. Peace is dynamism. Peace is generosity. It is a right and it is a duty." St. Oscar Romero



We acknowledge the Aboriginal and Torres Strait Islander Peoples of Australia as the traditional owners and custodians of the land. We commit ourselves to actively work alongside them for reconciliation and justice. We pay our respects to the Elders; past, present and future. As we take our next step we remember the first footsteps taken on this sacred land.

The Edmund Rice Centre wholeheartedly supports and endorses the
ULURU STATEMENT FROM THE HEART
and urges all Australians to get behind this wonderful statement.

Our mailing address is:

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