

# ERC JUSTICE UPDATES December 2022 No.81

#### Dear Friends,

This 81st 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

Compassion is the world's most perfect idea.

But it comes to life only when we practise it.

Stephanie Dowrick

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.

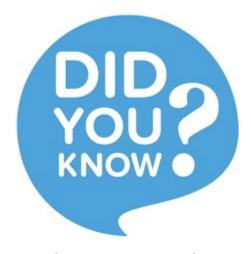
Previous editions are available at https://www.erc.org.au/newsletters

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 recently released Report from the Bureau of Meteorology and the CSIRO entitled 'State of the Climate' is a synthesis of the science informing our understanding of Australia's Climate. Some of Key Points are as follows:

#### **Australia**

- Australia's climate has warmed by an average of 1.47 ± 0.24 °C since national records began in 1910.
- Sea surface temperatures have increased by an average of 1.05 °C since 1900. This has led to an increase in the frequency of extreme heat events over land and sea.
- There has been a decline of around 15 per cent in April to October rainfall in the southwest of Australia since 1970. Across the same region, May to July rainfall has seen the largest decrease, by around 19 per cent since 1970.
- In the south-east of Australia, there has been a decrease of around
   10 per cent in April to October rainfall since the late 1990s.
- There has been a decrease in streamflow at most gauges across Australia since 1975.
- Rainfall and streamflow have increased across parts of northern Australia since the 1970s.
- There has been an increase in extreme fire weather, and a longer fire season, across large parts of the country since the 1950s.
- There has been a decrease in the number of tropical cyclones observed in the Australian region.
- Snow depth, snow cover and number of snow days have decreased in alpine regions since the late 1950s.
- Oceans around Australia have continued to become more acidic, with changes happening faster in recent decades.
- Sea levels are rising around Australia, including more frequent extremes that are increasing the risk of inundation and damage t

#### coastal infrastructure and communities.

#### Global

- Concentrations of all the major long-lived greenhouse gases in the atmosphere continue to increase, with global annual mean carbon dioxide (CO2) concentrations reaching 414.4 parts per million (ppm) in 2021 and the CO2 equivalent (CO2-e) of all greenhouse gases reaching 516 ppm. These are the highest levels on Earth in at least two million years.
- The decline in global fossil fuel emissions of CO2 in 2020 associated with the COVID-19 pandemic will have a negligible impact on climate change. Atmospheric CO2 concentrations continue to rise, and fossil fuel CO2 emissions, the principal driver of this growth, were back to near pre-pandemic levels in 2021.
- The rate of accumulation of methane(CH4) and nitrous oxide (N2O) (both greenhouse gases) in the atmosphere increased considerably during 2020 and 2021.
- Globally averaged air temperature at the Earth's surface has warmed by over 1 °C since reliable records began in 1850. Each decade since 1980 has been warmer than the last, with 2011–20 being around 0.2 °C warmer than 2001–10.
- The world's oceans, especially in the Southern Hemisphere, have taken up 91 per cent of the extra energy stored by the planet (as heat) as a result of enhanced greenhouse gas concentrations.
- More than half of all CO2 emissions from human activities are absorbed by land and ocean sinks, which act to slow the rate of increase in atmospheric CO2.
- Global mean sea levels have risen by around 25 cm since 1880 and continue to rise at an accelerating rate.

#### Read full report:

http://www.bom.gov.au/state-of-the-climate/2022/documents/2022-state-of-the-climate-web.pdf



Senator Pat Dodson says Australians need to interrogate their racism. (ABC Kimberley: Erin Parke)

# Reconciliation Australia's barometer report shows greater levels of racism than 2020, rise in support for treaty

Dana Morse, ABC News, 24th November 2022

Reconciliation Australia has released the biennial Barometer report, which takes the temperature of relationships between First Nations people and the broader community.

Key points:

- The report shows about 17 per cent of the broader community have socialised with Indigenous people in the past year
- It found more Indigenous people are experiencing racism and prejudice than they were in 2020
- Support for a Voice to parliament and treaty making processes remain high

It has delivered mixed reviews for the state of affairs, with trust between the two populations slowly increasing and support growing for treaty making, but incidences of racial prejudice are also on the rise.

Reconciliation Australia chief executive Karen Mundine says the report is an important tool to track progress.

"The report has been going since 2008 and we run it every two years, just so we get a picture a snapshot of what's going on at that moment," she said.

The report shows almost all Indigenous and non-Indigenous Australians value the relationship the two communities have, but only around 17 per cent of the broader community have socialised with Indigenous people in the past year.

"When we're only three-and-a-half per cent of the population, there's always going to be that gap between us," Ms Mundine said.

"It's always going to be challenging for us. We know that trust increases when we know each other, but how do we create opportunities on a bigger a broader scale, to create that sense of community between us," she said.

#### Racism on the rise

The report shows Indigenous people are experiencing greater levels of racial prejudice than they were in 2020, with 60 per cent of First Nations people experiencing racism in the past six months.

Race and racism research Professor Chelsea Watego says that's likely an underestimation.

"What this barometer doesn't give us a sense of is institutional racism, which is far more covert, and every day and embedded into the fabric of our society," she said.

"So while it is alarming, it is also an underestimation of the reality of racism in Australian society."

Professor Watego says reconciliation can't happen until the broader population acknowledges the wrongs of the past.

#### Read full story:

https://www.abc.net.au/news/2022-11-24/reconciliation-australia-releases-barometer-report

/101684650?utm\_campaign=Campaign%20for%20Voice%20Treaty%20Truth&utm\_medium=email&\_hsmi=235240541&\_hsenc=p2ANqtz-8W3c3



AAP Image/Bianca De Marchi

### What we mean when we say 'sovereignty was never ceded' Eddie Synott, The Conversation, 28th November 2022

In discussing the Uluru Statement from the Heart, I will be doing something that, as a lawyer, is perhaps not best practice: I am not going to define my terms or confine my comments to the law.

Although our constitutional system of governance is underpinned by a rigid concept of sovereignty we have inherited from the British parliament, its meaning is in fact quite nebulous.

This sovereignty is not actually defined in our constitution, but rather made out by the structure and role of the institutions within. An example of this legacy is the prime minister not being mentioned. Rather, the prime minister is

established by convention as "first among equals". The only roles mentioned in the Australian Constitution are the ministers of state and cabinet itself, and the executive council.

In a constitutional monarchy, both the Crown and the parliament borrow their authority from the people: the Crown by consent and heredity, and the parliament through the electoral process.

Ostensibly, we in Australia, have two competing claims to sovereignty by right of heredity over this continent: that of the Crown and of Indigenous peoples. But although the case for Indigenous sovereignty seems irrefutable, the reality is much more complicated.

#### Sovereignty never ceded

There are two undeniable and competing facts about the relationship between Indigenous and non-Indigenous Australia that both sides must face up to.

The first is summed up in one well known phrase that is much more than a slogan: "sovereignty never ceded". It is as simple as that.

First Nations have never ceded sovereignty. The land was taken by force and has been retained by force.

#### **Read full story**

https://theconversation.com/what-we-mean-when-we-say-sovereignty-was-never-ceded-195205?utm medium=email&

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<u>utm\_content=Latest%20from%20The%20Conversation%20for%20November%</u> 2028%202022%20-%202476324800



Indigenous cultural fishing should be supported, not criminalised Paul Cleary, Eureka Street, Vol 32 No 23, 21st November 2022

The prevailing view of Australia's colonial history is that dispossession of First Peoples mainly occurred in the early decades after 1788 and was completed within the first century of British settlement, yet very recent conflict between authorities and Aboriginal fishers in New South Wales shows that this process has been occurring in recent decades and is still ongoing.

Despite the commitments by government to Closing the Gap over the past decade, and more recent progressive moves towards constitutional recognition, voice and treaty, the reality on the ground for many First Peoples is that they experience extreme and often racially biased enforcement by the State, as shown by the massive over-representation of Aboriginal people in the youth and criminal justice systems.

One example of this neo-colonial reality is an intense and often ugly battle over marine resources that has been unfolding between State authorities and Aboriginal people along the NSW coast. The battle has the hallmarks of a dim chapter in Australia's colonial past.

At the heart of the conflict is the NSW government's refusal to acknowledge the right to cultural fishing by Aboriginal people, unlike other states and the federal Native Title Act (1993).

The NSW Parliament passed an amendment known as Section 21AA to support cultural fishing in 2009 that has never been allowed to take effect. This has resulted in more than 560 charges for fisheries offences against Aboriginal people since then, with 45 Aboriginal prosecutions underway in August this year. And the government has now doubled down by securing even stronger enforcement powers through an amendment passed by Parliament in mid-November. The amendment was condemned by leading Aboriginal groups in the NSW as 'a broad expansion of powers, particularly search powers, for fisheries officers, which will disproportionately impact Aboriginal Peoples'.

A NSW parliamentary inquiry report released earlier this month has at last acknowledged the uncomfortable truth about the enforcement against Aboriginal fishers in the state. The NSW Legislative Council committee report found that the State's enforcement, which has seen Aboriginal people fined, prosecuted and jailed in massively disproportionate numbers, are 'unacceptable and creating perverse outcomes inconsistent with the NSW Government's commitments to the Closing the Gap Agreement'.

'Given the benefits to health and wellbeing that are evident, governments should work to support cultural fishing, and to introduce and grow the Torres Strait model in NSW and around Australia.'

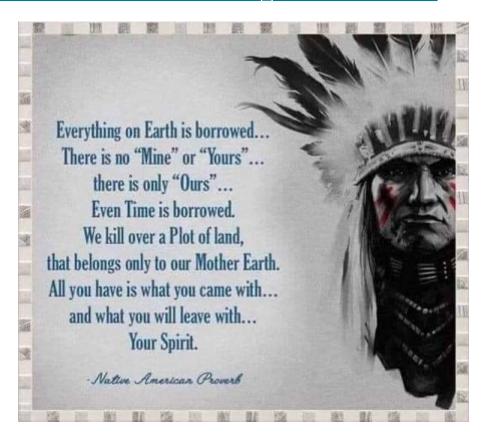
#### Read full story:

https://www.eurekastreet.com.au/why-indigenous-cultural-fishing-should-be-supported-not-criminalised?utm\_medium=email&

<u>utm\_campaign=Eureka%20Street%20-%20Thursday%2024%20November%20</u> 2022&

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Several Bangladeshi asylum seekers have been released from Yongah Hill, in Western Australia, on temporary six-month visas.

Photograph: Rebecca Lemay/AAP

'Never given a chance': freed asylum seekers lament lost decade in immigration detention

Paul Karp, The Guardian, 21st November 2022

Advocates hope release of Bangladeshi men is a sign Albanese government is winding back arbitrary detention

At least eight Bangladeshi asylum seekers have been released from immigration detention in Australia after languishing there for a decade, in a move that signals the Albanese government is winding back arbitrary detention, according to a lawyer for some of the men.

But while their release has given them hope, the men have spoken out about the terrible toll of the lengthy period of indefinite detention.

"Who is going to give me back 10 years of my life?" one man said through an interpreter.

"That was the most valuable time of my life, in my 20s, it's 10 years I will never get back."

The Bangladeshi asylum seekers were released on 10 November on temporary six-month visas with work rights, after being held in detention centres including Yongah Hilland the Melbourne Immigration Transit Accommodation.

Refugee lawyer Alison Battisson, the director principal of Human Rights for All, which represents six of the asylum seekers, said their release is evidence the government is winding back arbitrary detention, using "God-like" ministerial powers to clear what the home affairs department calls an "intractable" caseload of people in detention.

One of Battisson's clients, who Guardian Australia has chosen not to identify due to uncertainty about his future after the expiry of his six-month visa, said he had experienced "long years of hopelessness, depression and frustration" in "horrible" detention conditions.

The man, who was raised Muslim by his foster parents, fled Bangladesh after being convicted of apostasy and beaten due to his relationship with a Hindu woman. He arrived in Australia in November 2012 by boat.

#### Read full story:

https://www.theguardian.com/australia-news/2022/nov/21/never-given-a-chance-freed-asylum-seekers-lament-lost-decade-in-immigration-detention?utm\_term=637a843f4716a1578a4a17d5307c4ac4&utm\_campaign=MorningMailAUS&utm\_source=esp&utm\_medium=Email&CMP=morningmailau\_email



(Image: Zennie/Private Media)

## UN questions Australia's 'will' to comply with human rights obligations

Denham Sadler, Crikey, 22nd November 2022

After delaying its deadline several times, Australia is struggling to comply with a UN protocol against torture.

United Nations experts have questioned Australia's "will" to comply with its international human rights obligations, as hopes of meeting an impending deadline hang by a thread.

Australian officials faced questioning from the UN Committee Against Torture at a hearing in Geneva last week, with scrutiny on rising rates of incarceration, the continued use of spit hoods, the disproportionate Indigenous incarceration rates, and the treatment of detainees in immigration detention centres.

The committee also zeroed in on Australia's compliance with the Optional Protocol to the Convention Against Torture (OPCAT), which it ratified in 2017 and has just two months left to implement.

Under the protocol, signatory nations must allow a UN group to have unfettered access to places of detention, and must establish independent inspectors of places of detention, known as National Preventive Mechanisms (NPMs).

In Australia, these mechanisms are to be established by the states and territories.

After delaying its deadline to implement these measures several times, Australia now has until January 20 next year. It looks set to miss on both counts, after a UN visit last month was suspended after being "compromised" by a lack of cooperation, with the three largest states refusing to budge on launching NPMs until provided funding.

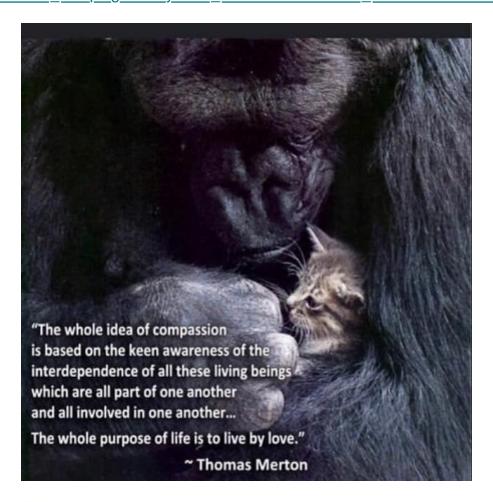
This argument was rejected during Australia's appearance before the UN, with committee member IIvija Pūce acknowledging the debate in Australia on whether the states or the federal government should pay for the NPMs.

"But looking at the situation from our perspective as outside observers and

noticing the huge amount of financial resources that Australia puts into their prison systems, then we don't think that financing of NPMs is really a financial problem," Pūce said.

#### Read full story:

https://www.crikey.com.au/2022/11/22/united-nations-australia-human-rights-torture/?utm campaign=Daily&utm medium=email&utm source=newsletter







### **Message from the Pacific Calling Partnership**

In case you missed our post-COP27 webinar last Thursday (Where to from here for the Pacific?), you can watch a recording of it here:

https://www.erc.org.au

/after\_cop27\_where?utm\_campaign=post\_cop27\_webinar\_recording&utm\_medium=email&utm\_source=erc

A big thank you to our speakers who gave us an insightful look into

COP27, its outcomes and its implications for future climate advocacy. Speakers included:

- Associate Professor Mahendra Kumar, Adjunct Professor, ANU Institute for Climate, Energy & Disaster Solution and Secretariat Pacific Elders Voice
- Ms Maria Tiimon Chi-Fang, Pacific Outreach Officer, Edmund Rice Centre for Justice and Community Education (Pacific Calling Partnership)
- Ms Teruabine Anna Nuariki, climate activist, Kiribati
- Dr Damian Spruce, Advocacy Associate Director, Caritas Australia

Please do not hesitate to circulate this email to your networks and others who may be interested.

With kind regards,

Corinne Fagueret, Coordinator Pacific Calling Partnership

# COP27: one big breakthrough but ultimately an inadequate response to the climate crisis

Matt McDonald, The Conversation, 20th November 2022

For 30 years, developing nations have fought to establish an international fund to pay for the "loss and damage" they suffer as a result of climate change. As the COP27 climate summit in Egypt wrapped up over the weekend, they finally succeeded.

While it's a historic moment, the agreement of loss and damage financing left many details yet to be sorted out. What's more, many critics have lamented the overall outcome of COP27, saying it falls well short of a sufficient response to the climate crisis. As Alok Sharma, president of COP26 in Glasgow, noted:

Friends, I said in Glasgow that the pulse of 1.5 degrees was weak. Unfortunately it remains on life support.

But annual conferences aren't the only way to pursue meaningful action on climate change. Mobilisation from activists, market forces and other sources of momentum mean hope isn't lost.

#### One big breakthrough: loss and damage

There were hopes COP27 would lead to new commitments on emissions reduction, renewed commitments for the transfer of resources to the developing world, strong signals for a transition away from fossil fuels, and the establishment of a loss and damage fund.

By any estimation, the big breakthrough of COP27 was the agreement to establish a fund for loss and damage. This would involve wealthy nations

compensating developing states for the effects of climate change, especially droughts, floods, cyclones and other disasters.

Most analysts have been quick to point out there's still a lot yet to clarify in terms of donors, recipients or rules of accessing this fund. It's not clear where funds will actually come from, or whether countries such as China will contribute, for example. These and other details are yet to be agreed.

#### Not-so-good news

The loss and damage fund will almost certainly be remembered as the marquee outcome of COP27, but other developments were less promising. Among these were various fights to retain commitments made in Paris in 2015 and Glasgow last year.

In Paris, nations agreed to limit global warming to well below 2°C, and preferably to 1.5°C this century, compared to pre-industrial levels. So far, the planet has warmed by 1.09°C, and emissions are at record levels.

Temperature trajectories make it increasingly challenging for the world to limit temperature rises to 1.5°C. And the fact keeping this commitment in Egypt was a hard-won fight casts some doubt on the global commitment to mitigation. China in particular had questioned whether the 1.5°C target was worth retaining, and this became a key contest in the talks.

#### Read full story

https://theconversation.com/cop27-one-big-breakthrough-but-ultimately-an-inadequate-response-to-the-climate-crisis-194056?utm\_medium=email&utm\_campaign=Latest%20from%20The%20Conversation%20for%20November%2021%202022%20-%202470424734&

utm\_content=Latest%20from%20The%20Conversation%20for%20November% 2021%202022%20-%202470424734+CID\_80afea47843a0341e74e1e1bba84f 001&utm\_source=campaign\_monitor&

<u>utm\_term=COP27%20one%20big%20breakthrough%20but%20ultimately%20an%20inadequate%20response%20to%20the%20climate%20crisis</u>



### 'This case has made legal history': young Australians just won a human rights case against an enormous coal mine Justine Bell-James, The Conversation, 25th November 2022

In a historic ruling today, a Queensland court has said the massive Clive Palmer-owned Galilee Basin coal project should not go ahead because of its contribution to climate change, its environmental impacts, and because it would erode human rights.

The case was mounted in 2020 by a First Nations-led group of young people aged 13 to 30 called Youth Verdict. It was the first time human rights arguments were used in a climate change case in Australia.

The link between human rights and climate change is being increasingly recognised overseas. In September this year, for example, a United Nations committee decided that by failing to adequately address the climate crisis, Australia's Coalition government violated the human rights of Torres Strait Islanders.

Youth Verdict's success today builds on this momentum. It heralds a new era for climate change cases in Australia by youth activists, who have been frustrated with the absence of meaningful federal government policy.

#### 1.58 billion tonnes of emissions

The Waratah Coal mine operation proposes to extract up to 40 million tonnes of coal from the Galilee Basin each year, over the next 25 years. This would produce 1.58 billion tonnes of carbon emissions, and is four times more coal extraction than Adani's operation.

While the project has already received approval at the federal government level, it also needs a state government mining lease and environmental authority to go ahead. Today, Queensland land court President Fleur Kingham has recommended to the state government that both entitlements be refused.

In making this recommendation, Kingham reflected on how the global landscape has changed since the Paris Agreement in 2015, and since the last major challenge to a mine in Queensland in 2016: Adani's Carmichael mine.

She drew a clear link between the mining of this coal, its ultimate burning by a third party overseas, and the project's material contribution to global emissions. She concluded that the project poses "unacceptable" climate change risks to people and property in Queensland.

https://theconversation.com/this-case-has-made-legal-history-young-australians-just-won-a-human-rights-case-against-an-enormous-coal-mine-195350?



Elimination of violence against women

Andrew Hamilton, Eureka Street, Vol 32 No 23, 24th November 2022

Every year the International Day for the Elimination of Violence against Women is celebrated on 25th November. This year it is particularly significant because it follows shortly after the release of the National Plan to End Violence against Women and Children.

The Plan goes beyond exhortation and good intentions to propose a ten year project to eliminate violence against women in a generation. The plan will be followed by two detailed five-year action plans, backed up by set targets and reviews. Crucially, it enjoys the support of Federal and State Governments. Of course, as has been the case with the commitment to close the gap between Indigenous and other Australians, large initial hopes may be disappointed. The implementation of plans is always the most difficult challenge.

The National Plan itself is impressive in its seriousness and focus. It identifies a national scandal and names it uncompromisingly. Its focus is on persons who have been wronged, on the violence which they have suffered and on its lasting effects on their health and confidence. It asserts that domestic violence is overwhelmingly suffered by women and children, and is overwhelmingly inflicted by men. The extent of violence is illustrated by the claim that one in three women have suffered from physical violence after they are fifteen years old, and that one in five have experienced sexual violence.

This focus on the persons who have suffered violence shapes the goal of the National Plan. Its intent is to spare people intolerable pain and abuse by eliminating violence. This focus on persons draws it beyond identifying, exploring and apportioning blame. It also names what must change if persons are not to suffer, states how it can be changed, establishes processes of evaluation, and sets dates by which change must take place.

The tight and practical focus on the persons who suffer from violence

paradoxically leads to a very broad survey of what is involved in a proper response. Persons, as distinct from individuals, are defined and shaped by their interlocking relationships. All these are salient to their experience of violence and freeing themselves from it. They include personal relations to parents, children, partners, friends and neighbours, institutional relations to police, courts, hospitals, schools, banks, churches, and government departments of health and welfare. They also include cultural relationships involved in personal history, religion, peer group influences and environment. Because violence against women involves a destructive relationship with men, to understand and address it must be built on understanding the same range of relationships in the men who abuse them.

If women are to be freed from violence men must form respectful relationships with them and receive help to act respectfully.

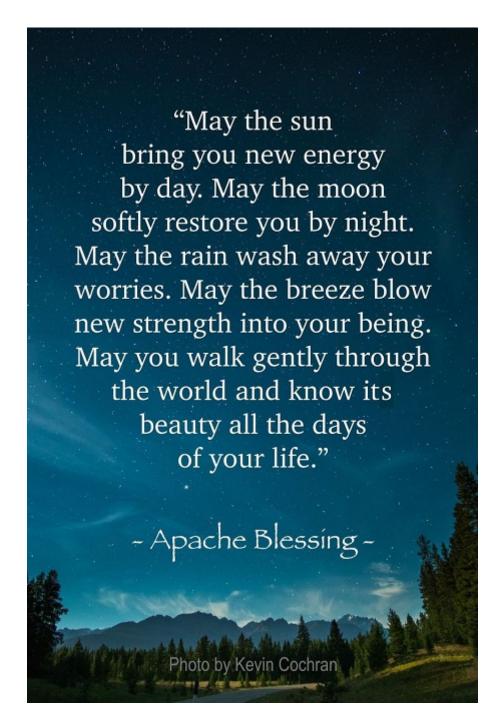
#### Read full story:

https://www.eurekastreet.com.au/article/elimination-of-violence-against-women?utm\_medium=email&

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#### REFLECTIONS



Holy One, we are an Advent people, those who are called to struggle for a new and transformed world for all your creation.

Help us to claim this Advent season as a renewed commitment to bring your realm into being on behalf of all those who are waiting and hoping for justice and liberation.

Help us take on the mantle of courage as we face into all the places where we are complicit in the world's suffering, so that our true repentance might help turn our world around. Help us take on the mantle of justice making in this moment and time, for this is truly revolutionary patience.



Pace - e - Bene Nonviolence Inspirations

"Justice is not a natural part of the lifecycle of the United States, nor is it a product of evolution; it is always the outcome of struggle." Keeanga-Yamahtta Taylor, From #BlackLives Matter to Black Liberation

"My wish for the movement tonight: I DESPERATELY want a movement space that knows that compassion is not a zero-sum game. Where we have compassion for people's ignorance. Where we are allowed to be messy and to make mistakes. Where accountability is an act of love and the word "holding" is the key word in "holding others accountable." Where the sanctity of all life and our interdependence to everything that exists is so deeply known and felt that no person will ever question their sense of belonging. Where no matter what any of us has done, that we all know that there will always be space for us here. That no matter what we have done, we will trust our circle enough to grieve the harm that we caused and to say "yes, I did that" and know that we will not be cast out of humanity. Where we can learn to respond to even the most egregious harms without letting our sights off of the North Star of healing." Kazu Haga, after the killing of Daunte Wright

"A Church that doesn't provoke any crises, a gospel that doesn't unsettle, a word of God that doesn't get under anyone's skin, a word of God that doesn't touch the real sin of the society in which it is being proclaimed – what Gospel is that?"

St. Oscar Romero

"We have come a long way in America because of Martin Luther King, Jr. He led a disciplined, nonviolent revolution under the rule of law, a revolution of values, a revolution of ideas. We've come a long way, but we still have a distance to go before all of our citizens embrace the idea of a truly interracial democracy, what I like to call the Beloved Community, a nation at peace with itself." John Lewis

"The two wheels of Scripture and Tradition can be seen as sources of outer authority, while our personal experience leads to our inner authority. I am convinced we need and can have both. Only when inner and outer authority come together do we have true spiritual wisdom."

Richard Rohr







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: \*|HTML:LIST\_ADDRESS\_HTML|\* \*|END:IF|\*