



Edmund Rice Centre

Awareness. Advocacy. Action

ERC JUSTICE UPDATES

November 2023 No.99

Dear Friends,

This 99th Edition of ERCJCE Justice Updates, our regular newsletter from the Edmund Rice Centre, on matters relating to human rights, first nations, refugees and people seeking asylum 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

'Our human compassion binds us the one to the other - not in pity or patronizingly, but as human beings who have learnt how to turn our common suffering into hope for the future.' **Nelson Mandela**

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>

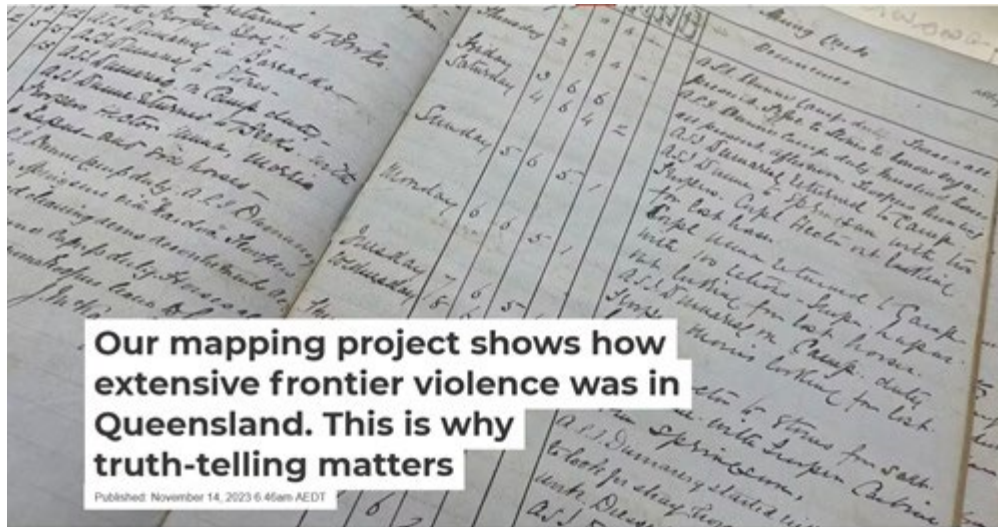
Peace & Blessings

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.



Entries in the Springsure Native Mounted Police Diary. Lynley Wallis, Author provided

Our mapping project shows how extensive frontier violence was in Queensland. This is why truth-telling matters

Lynley Harris, Heather Burke & Troy Measton, *The Conversation*, November 14, 2023

First Nations people please be advised this article speaks of racially discriminating moments in history, including the distress and death of First Nations people.

A pillar of the Uluru Statement from the Heart is truth-telling. This is easy to say, but not easy to do. Truth-telling involves the practice of revealing things that are uncomfortable, long hidden or forgotten. Truth-telling practices across the country (and globally, such as in Canada) are bringing attention to histories and societal inequities that are often contentious and difficult to hear.

The Native Mounted Police is one such difficult story in Queensland's truth-telling process.

The Native Mounted Police operated in Queensland for 80 years, starting in 1849. It consisted of small groups of between six and 15 Aboriginal troopers under the command of white officers. The troopers were typically recruited from areas far from where they were sent to serve.

covering large areas along the frontier of the colony in pursuit of Indigenous people who were considered to be “problematic”. Their main job was to protect civilian settlers, the lands they had taken up, and their livelihoods - by whatever means necessary.

While on patrol, the Native Mounted Police are known to have engaged in violence against Aboriginal people, including killings of men, women and

children, kidnappings, rape, and the forcible removal of children.

Truth-telling will mean coming to terms with this violence. Their actions radically altered the makeup of First Nations groups, diminished their populations, and changed where and how survivors could live.

With respect to this history, renowned Badtjala artist and scholar Dr Fiona Foley has said

"I believe this country carries deep wounds from the trauma of these frontier wars. We carry it inside our souls whether we are conscious of them or not."

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Ripples in Australia today

The government policies that allowed this decimation of Indigenous lives continue to have very real implications in Australian society today.

Australia's colonial history has been built on policies designed to secure and maintain possession of Indigenous lands. Historically, colonial powers employed forces like the Native Mounted Police to enact widespread violence on the Indigenous people who stood in the way of this.

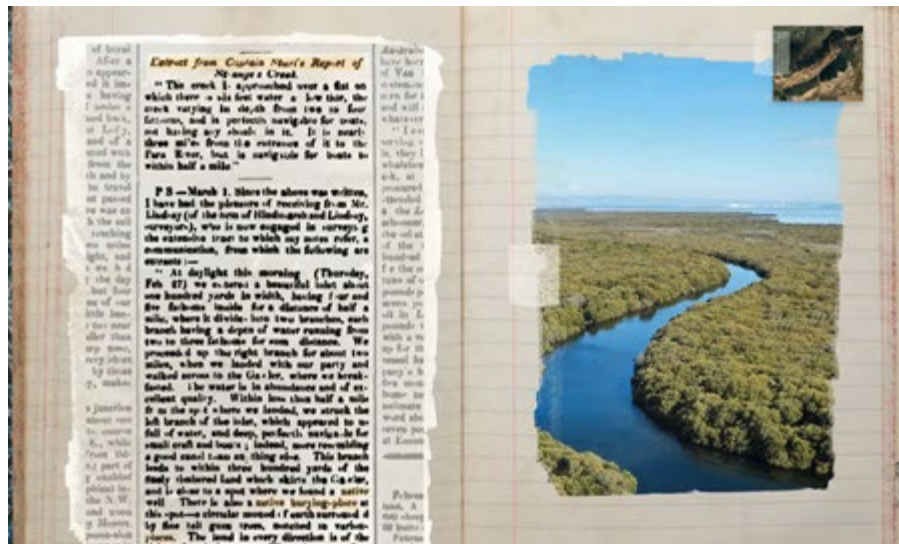
We can see the repercussions of historical actions to displace Aboriginal communities in processes such as native title claims. These processes force Aboriginal people to prove generational connections to land from which they were, at best, marginalised, and at worst, excluded.

Many Aboriginal groups can trace their families back to only a handful of ancestors because so many people were killed outright, died from starvation and disease, or were removed through measures such as the Stolen Generations.

The resounding defeat of the recent Voice to Parliament referendum is another case in point. It reveals a lack of understanding of the historical nature of violence against Indigenous people, the racist foundations of settler Australia, and how these continue to impact communities today.

Read full article:

https://theconversation.com/our-mapping-project-shows-how-extensive-frontier-violence-was-in-queensland-this-is-why-truth-telling-matters-216726?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20November%2014%202023%20-%202794028277&utm_content=Latest%20from%20The%20Conversation%20for%20November%2014%202023%20-%202794028277+CID_9fcb27d35589be2309a08ffea992aa00&utm_source=campaign_monitor&utm_term=Our%20mapping%20project%20shows%20how%20extensive%20frontier%20violence%20was%20in%20Queensland%20This%20is%20why%20truth-telling%20matters



An 1839 expedition up the Gawler River led by Capt Charles Sturt documented an Indigenous burial site.

Almost 200 years later, 27 Kaurna ancestral remains were found. Composite: Guardian design/Getty images

First Nations remains discovered at site of \$3bn Adelaide housing development

Tory Shepherd, *The Guardian*, 13 November 2023

The discovery of what an archeological assessment has deemed a burial ground has distressed the Kaurna people, many of whom 'know in our hearts that it's probably a massacre site', according to one activist

In 1839, an expedition led by explorer Capt Charles Sturt in South Australia came across “a native burying place” as they navigated the Gawler River north of Adelaide. In a report on the expedition, Sturt describes “a circular mound of earth surrounded by fine tall gum trees, notched in various places”.

Sturt led several expeditions in the early days of colonisation. Before his reported trip up the Gawler, he followed the paths of rivers including the Murray and the Darling, hoping to find a rumoured inland sea.

Almost 200 years later, 27 Kaurna ancestral remains were found near the Gawler River when work began on a \$3bn housing development. The remains have been exhumed and stored in a shipping container while the community and the developer work out a long-term solution.

The discovery has sparked fears and claims it was a previously unknown massacre site, while an archaeological assessment determined it was a burial place dating from before colonisation.

Either way, the disturbance of the remains has distressed the Kaurna community. While Kaurna people wanted them left in place, reburial at a new site nearby is now the most likely option – but protests against the original

disturbance are ongoing.

Read full article:

[https://www.sbs.com.au/news/article/eighty-asylum-seekers-released-from-indefinite-immigration-detention-after-landmark-ruling/ik5uuf51s?dlb=\[2023/11/13\]%20del_newsmpm_bau&did=DM30793&cid=sbsnews:edm:acnewsmpm:relation:news:na:a:na](https://www.sbs.com.au/news/article/eighty-asylum-seekers-released-from-indefinite-immigration-detention-after-landmark-ruling/ik5uuf51s?dlb=[2023/11/13]%20del_newsmpm_bau&did=DM30793&cid=sbsnews:edm:acnewsmpm:relation:news:na:a:na)



**Refugee Council
of Australia**

RCOA calls for action after Afghans forcibly deported

Refugee Council of Australia, 7 November, 2023

The Refugee Council is calling on the Australian Government to urgently engage with the Pakistani Government to stop the forced return of Afghan refugees and to officiate their legal status.

On 1 November a crackdown order for all 'undocumented' Afghans, an

estimated 1.7 million people, has put Afghan lives and livelihood at risk.

RCOA CEO Paul Power said this is a significant escalation in the structural violence faced by Afghan refugees who fled to Pakistan following the Taliban's takeover in August 2021, many of whom have family and sponsors in Australia awaiting outcomes for their applications.

"We are hearing of Afghans are facing increased harassment by police, being detained illegally, their homes are being confiscated and demolished, their businesses are being dismantled, and they are being forced to cross the border to Afghanistan," Mr Power said.

The United Nations High Commissioner for Human Rights has warned that Pakistan's expulsion of refugees risks triggering a "human rights catastrophe" and has expressed concern that those who are deported to Afghanistan, particularly women and girls, will face human rights violations including torture, discrimination, arbitrary arrest and detention, and lack of access to basic needs.

The Australian Government must also join the calls urging the Pakistani Government to abide by its fundamental non-refoulement and human rights obligations. The Refugee Council of Australia calls on the Australian Government to:

- Use diplomatic pressure to urge the Pakistani Government to stop the forced return of Afghan refugees; provide Afghan refugees with a means of regularising their legal status and accessing basic services without discrimination; and provide exit permits to people who have resettlement pathways but who are currently in Pakistan without legal status.
- Prioritise the processing of visas including on-hand Refugee and Humanitarian visas and Family visas to Afghan nationals who are in Pakistan, particularly for those whose Pakistani visas have expired.

We encourage the Government to continue its constructive engagement with members of the Afghan diaspora in Australia and welcome every opportunity to discuss the points raised in this letter.

Read full story:

<https://www.refugeecouncil.org.au/rcoa-calls-for-action-after-afghans-forcibly-deported/>



High court launches full frontal assault on indefinite immigration detention

Mary Crock, Pearls & Irritations, November 10 2023

Mandatory immigration detention is a policy that has caused indiscriminate harm, including death, and permanent incapacity. It has been rightly described as our national shame. On Wednesday November 8, the High Court of Australia found indefinite immigration detention constitutes punishment, making the relevant legislation unconstitutional.

Led by Chief Justice Gageler, with freshly invested Justice Beech Jones, the 'new' High Court of Australia has made quite a splash with its debut decision on the legality of indefinite detention in Australia's immigration detention regime.

The Full Court's reasoning in NZYQ will not be known for some time. However, at the conclusion of a two day hearing their Honours took the unusual step of announcing immediately that 'at least a majority' found the ongoing detention of the stateless Rohingya Plaintiff unlawful.

Equally surprising was the disclosure that the Court is prepared to overturn the 2004 ruling in *Al Kateb*, choosing a full-frontal assault on the Migration Act instead of distinguishing the earlier precedent. In *Al Kateb* the High Court narrowly upheld the constitutionality of Australia's mandatory immigration detention regime in cases where a non-citizen has no right to a visa but yet cannot be removed from the country. While McHugh J described the result as 'tragic', other members of that majority dismissed arguments that the regime could result in truly indefinite detention. Hayne J famously quipped 'You can never say never'.

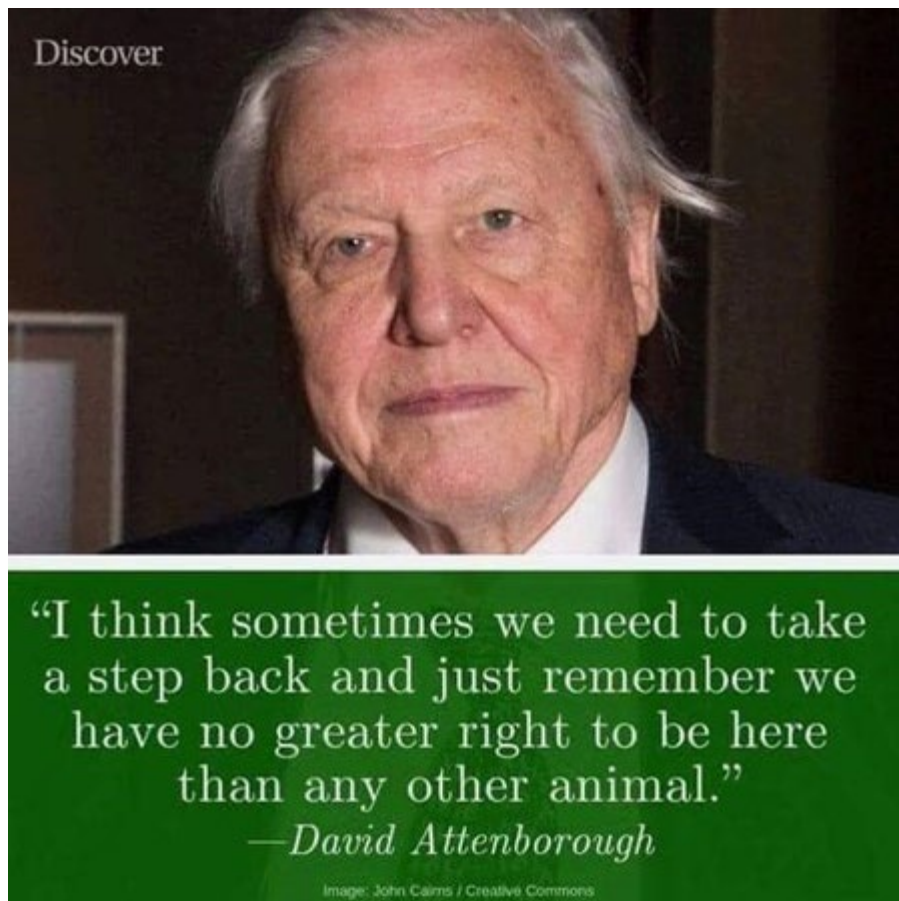
Twenty years on, the evidence suggests that the *Al Kateb* majority's 'She'll be right' assumption was misplaced. The Department of Home Affairs reports that there were 1079 people in immigration detention on 31 July 2023, with the average time spent in custody being 709 days. Of these, 127 individuals,

including NZYQ, have been held for more than 5 years. Welcoming the High Court's ruling in NZYQ, the local representative of the world's refugee agency, Adrian Evans, states:

Only this week, we have visited detention centres (in Australia) and observed the dire effects that detention can have on refugees and stateless persons, some of whom have been detained in excess of 10 years. UNHCR hopes this is the first step in creating a system of detention in which people are only deprived of their liberty as a measure of last resort and when absolutely necessary.

Read full article:

<https://johnmenadue.com/high-court-launches-full-frontal-assault-on-indefinite-immigration-detention/>





Former president of Kiribati Atone Tong, Uncle Paul, Uncle Pabai, supporters and legal representation in front of the Federal Court of Australia in Narmm on Wednesday, November 8. (Image: Jarred Cross/NIT)

'One day...we will be under water': Traditional Owners issue plea as climate case resumes

Jarred Cross, National Indigenous Times, November 8, 2023

Traditional Owners of the Torres Strait have expressed their fears at hands of rising sea levels ahead of resuming their landmark case against the federal government for climate change inaction in Narmm.

On-country hearings took place on Badu, Boigu and Saibai islands in June before moving to Cairns in July.

Climate experts are due to give evidence over the coming weeks.

On Wednesday Guda Maluyligal plaintiffs, Uncle Paul Kabai and Uncle Pabai Pabai, issued stark reminders of why they have taken action.

"Let them hear from us...what our needs are. Our islands are our whole lives," Uncle Paul said.

"As we all know, the water level, sea level is rising, and we are in great danger that one day we will be underwater. That's why we keep battling."

Uncle Pabai said it's important they keep "knocking on the Government's door".

"Our community is sinking at this moment," Uncle Pabai said.

"Recognise that we are the people of Australia as well.

"The government doesn't take any care for the Torres Strait Islanders.

"It's very important to me to take this step forward. And to keep keep my journey going until we win the battle."

Uncle Pabai said the threat to his homeland, and culture - including "cultural protocol", is important not only for his community but "Pasifika brothers and

sisters", Australians in-general and the world, for now and future generations.

Read full article:

<https://nit.com.au/08-11-2023/8521/one-day-we-will-be-under-water-traditional-owners-issue-plea-as-climate-case-resumes>



Some analysts are criticising the pact as a much better deal for Australia than for Tuvalu. (Ben McKay/AAP PHOTOS) Credit: AAP

Pacific doubts on Australia's Tuvalu pact

Ben McKay, The West Australian, November 14 2023

Australia's treaty-making with Tuvalu at the Pacific Islands Forum has been met with scepticism and accusations of Canberra's heavy-handedness among regional commentators.

There are doubts as to whether the new pact has support in Tuvalu, or if it will survive upcoming elections.

Tuvalu Prime Minister Kausea Natano and Australian counterpart Anthony Albanese signed the treaty on Friday (AEDT) in the Cook Islands with far-reaching defence and climate impacts.

Australia grants Tuvalu a "security guarantee" as part of the Falepili Union, which is named after a Tuvaluan term for caring for neighbours.

Under the pact, it allows Australia an effective veto over Tuvaluan efforts to partner with other nations on matters concerning "defence, policing, border protection, cybersecurity and critical infrastructure, including ports, telecommunications and energy infrastructure".

The deal will also fund a land reclamation project, and grant Australian residency rights to 280 Tuvaluans each year as the Micronesian government looks to stave off the effects of climate change.

The federal opposition backs the treaty, with shadow defence minister

Andrew Hastie saying it was "important that Australia leads and develops strong relationships" in the Pacific.

Others across the blue continent have assessed the Falepili Union with uneasiness.

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The Melanesian nation has struggled with political instability, with deal-making prime minister Ishmael Kalsakau since replaced by Sato Kilman and Charlot Salwai.

Read full article:

<https://www.perthnow.com.au/politics/world-politics/pacific-doubts-on-australias-tuvalu-pact-c-12548518>



Massacre of the Innocents in Bethlehem - An ancient fresco in Elmelunde Church Denmark

Enemy twins: Israel and Hamas unite to massacre innocents

Susan Connelly, Pearls & Irritations, November 9 2023

Hamas's refusal to recognise Israel as a state is as absurd as Israel's belief that the current massacre of Palestinians will destroy Hamas. If all this were mere stupidity it would be bad enough, but the consequent violence against innocent people is extreme and it is accelerating.

The 1500 Israeli deaths and hundreds of kidnappings from October 7 onwards is the stuff of terrorism. Yet the Palestinian death toll in Gaza at the hands of the Israelis is greater, now approaching 10,000 – with 4,000 of them children.

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children.

This is an example of the classic human response to violence: imitation. This is violence dressed up in all the finery of mutual victimhood, revenge and hatred. It is a macabre competition about who has the most grievances, who is the greatest victim. In this case it is about who controls a strip of land disputed for millennia.

Matthew's Gospel Chapter 2 presents an incident worthy of reflection here – the massacre of the innocents. The Gospels are theological texts, not necessarily historical accounts of events. The account of the massacre during the infancy of Jesus points to the opposition he experienced from the great and the powerful throughout his life.

Herod the Great, trembling on his throne as all despots eventually do, gets wind of a threat – someone is coming who might take his power, his land, his kingdom. He employs the age-old weapon of lies and trickery, and then deals with the problem by killing the little boys of Bethlehem. The story is a true depiction of the means too often used to cling to power – kill. Sometimes the killing occurs between those who are more or less equal; at other times the violence is employed against weaker ones, but its aim is always the same – to shore up power.

The essence of the same story was retold in the massacres of Australian Aboriginal people, in the Holocaust, in My Lai in 1968, in East Timor, and is currently being told in Yemen and West Papua – and so on throughout history and across the globe. It is articulated for us nightly in Gaza in 2023. The difference between current death tolls is numerical; the determination to annihilate the other remains the same.

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Where does each of us stand in the face of the violence and brutality that confront us daily?

When Herod realised that he had been outwitted by the Magi, he was furious, and he gave orders to kill all the boys in Bethlehem and its vicinity who were two years old and under, in accordance with the time he had learned from the Magi. Then what was said through the prophet Jeremiah was fulfilled:

*"A voice is heard in Ramah,
weeping and great mourning,
Rachel weeping for her children
and refusing to be comforted,
because they are no more."* (Matt 2:16-18))

Rachel continues to weep, and the world continues to gallop towards extremes of violence.

Read full article:

<https://johnmenadue.com/enemy-twins-israel-and-hamas-unite-to-massacre-innocents/>



The International Prayer for Peace is a universal expression of our yearning.

The relational consequences of October 7

Philip Huggins, Pearls & Irritations, November 13 2023

Overhead, suddenly, there was a noisy helicopter. I didn't look up. Then I noticed that I hadn't looked up. If I was in a place of terror from the sky, I would have looked up.

The next day a friend and I went for a walk by the beach in Point Lonsdale. He is just back from a meditation pilgrimage to Bodh Gaya where the Buddha had his 'great awakening'. There was a lot of teaching about breath. Being more aware of our breathing in the gift of life, here and now.

As we reflected, this was all very peaceful in its ordinariness. We looked up at the sounds of laughter, not war.

That's what we want for everyone, yes? Peaceful places, full of laughter. Isn't this our best yearning?

As it happens, these benign moments coincided with an unexpected meeting with the Oceania leaders of Focolare, a movement dedicated to building unity across any divisions. Since the 1980's I have been connected in friendship with folk of the Focolare community.

The origin of the Focolare movement was at a war ravaged time like our time in 2023. This movement for unity began in the Roman Catholic Church and became interfaith and for everyone, over time. It's a movement of universalism compared to tribalism, with the latter's miserable 'us' versus 'them' mentality.

From that unexpected meeting with the Oceania leaders of Focolare, our interfaith work over many years has gifted us with wonderful friendships. This includes Jewish and Muslim friends who have taught us so much and helped us in our own discipleship of Jesus.

Accordingly, we therefore decided to invite our friends who are Jewish and Muslim to a simple afternoon tea in the coming days.

Our plan is a simple gesture and seems miniscule in relation to the scale of suffering, hate and anger.

But, like the local Peace Prayers and Meditations, it's that choice to keep offering a possibility for some healing.

Maybe those reading this can see similar possibilities.

And perhaps they can find some solace in a prayer and a diagram to help guide our choices now in peacebuilding. I know the diagram from educator John Hendry's work. (See above)

Editor's note: Some short sections have been left out of this article I recommend reading the full article.

Read full article:

<https://johnmenadue.com/the-relational-consequences-of-october-7-in-israel-palestine/>

REFLECTIONS



Rumi Heals Facebook Post 4 November 2023

Our life is a constant journey, from birth to death.

***The landscape changes, the people change,
our needs change, but the train keeps moving.***

Life is the train, not the station.

Paulo Coelho.



Facebook Post Robert Rutherford 5 November 2023

Someone asked me today, "whose side are you on?"

I answered, " I am on the side of LOVE and LOVE is on the side of Humanity."

We ALL are ONE. There are no "chosen people."

LOVE thy Neighbor.

"Let us develop respect for all living things. Let us try to replace violence



and intolerance with understanding and compassion. And love." - Jane Goodall

Pace - e - Bene Nonviolence Inspirations

"The poverty of the poor is not a call to generous relief action, but a demand that we go and build a different social order." Gustavo Gutiérrez

"Only when head and heart work in harmony can we obtain our true human potential." Jane Goodall

"One of the few certainties we have is that certainty of any interesting kind is rarely possible. If you seek greater clarity, on the other hand, new vistas open up. . . . Another reason to be suspicious of certainty is that it is seductive. Certainty is also the friend of dogmatism, arrogance, and fundamentalism." Julian Baggini

"We must fight with the weapons of light against the weapons of darkness." Jonathan Kuttub

“I am not automatically a human being. I have to decide to be human; I have to decide to be human every day of my life. . . . I have to decide to cooperate with the flame of the Spirit inside me.” Alan Jones

“The whole idea of compassion is based on a keen awareness of the interdependence of all these living beings, which are all part of one another, and all involved in one another.” Thomas Merton



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