



ERC JUSTICE UPDATES

October 2019 No.14

Dear All,

Welcome to the 14th Edition of ERC Justice Updates your regular newsletter from the Edmund Rice Centre, on all sorts of matters relating to social and environmental justice.

REMEMBER WE ARE HERE TO HELP!

Thanks so much for your wonderful feedback, it is really appreciated. Please do send us your feedback or any information you think would be good to include in further updates.

Don't forget to forward Justice Updates onto anyone or let me know their email address and I will subscribe them.

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

Regards

Marita

**Communications Project Officer,
Marita McInerney**



**On Friday October the 11th 2019,
The Australian Government will
have **detained men & women on
Nauru & Manus Island/Port
Moresby for 2169 days.****

- At UN General Assembly
New York September 26th:
- 9 more countries signed & 5
more ratified Treaty on
Prohibition of Nuclear
Weapons (TPNW)
- This brings the number of
signatories to 79 with 32
States Parties to 32: When
Treaty reaches 50 States
Parties the Treaty will come
into force, making NUCLEAR
WEAPONS ILLEGAL UNDER
INTERNATIONAL LAW
- Mitchie Takeuchi, ICAN
Campaigner and second
generation Hibakusha said in
her address to UN General
Assembly: "In an increasing
climate of risk, the TPNW
offers an alternative path
forward to the
irresponsibility and
irrationality of world leaders
with nuclear weapons. It
outlaws nuclear weapons for

everyone, for all time. This treaty is the future. It will enter into force.”



Meltwater forms on the ice shelf next to McMurdo Station, Antarctica. Photograph by Nicholas Bayou, UNAVCO

Intergovernmental Panel on Climate Change (IPCC) Special Report on the Ocean and Cryosphere (ice systems) in a Changing Climate released on 24th September 2019 provides new evidence for benefits of limiting global warming to the lowest possible level:

- People in mountain regions are increasingly exposed to hazards and changes in water availability eg. smaller glaciers in Europe, eastern Africa, tropical Andes & Indonesia are projected to lose 80% of their current ice mass by 2100.
- Glaciers and ice sheets on polar regions are losing mass contributing to an increasing rate of sea level rise together with expansion of a warmer ocean. Globally sea level has risen by around 15cm during the 20th Century, currently rising more than twice as fast - 3.6mm per year - and accelerating.
- Sea level rise will increase the frequency of extreme sea level events, which occur during high tides and intense storms. Indications are that any degree of additional warming, events that occurred once per century in the past will occur every year by mid 21st century.
- To date the ocean has taken up more than 90% of excess heat in climate system. By 2100, the ocean will take up 2-4 times more heat than between 1070 and the present if global warming is limited to 2 degrees C, and up to 5 to 7 times more at higher emissions.
- Declining Arctic sea ice, The extent of Arctic sea ice is declining in every month of the year. If global warming is stabilised at 1.5 degrees C above pre-industrial levels, the Arctic ocean would only be ice-free in September - the month with the least ice - once in every hundred years. For global warming of 2 degrees C. this would occur up to one year in three.



'Stop jailing 10-year-olds': Indigenous boy addresses UN on Australia's youth detention laws

A 12-year-old Indigenous boy from Australia's Northern Territory is believed to be the youngest to address the United Nations Human Rights Council in Geneva.

Biwa Kwan, SBS News, 11th September 2019

Twelve-year-old Indigenous boy Djuwan Hoosan has appealed to members of the United Nations Human Rights Council to help bring to an end the jailing of 10-year-old children in Australia.

"I want adults to stop putting 10-year-old kids in jail," he said before the council.

Djuwan said Indigenous-led education and an emphasis on retaining Indigenous languages are key to keeping Indigenous youth out of jail.

"I want my school to be run by Aboriginal people. I want, in my future, to be able to learn strong culture and language."

"It is about our dreams, our hopes and rights. I hope you can make things better for us."

From the Northern Territory, Djuwan said he had travelled to Geneva in frustration with what he described as the inability of Australian political leaders to listen to his story.

"I come here to speak with you because the Australian government is not listening. Adults never listen to kids like me, but we have important things to say."

read more: <https://www.sbs.com.au/news/stop-jailing-10-year-olds-indigenous-boy-addresses-un-on-australia-s-youth-detention-laws>



The concept of sovereignty developed in the Western legal tradition to describe nation states is artificial if applied to the Aboriginal relationship to land. (Peter Parks / AFP / Getty Images)

Australia's moral legitimacy depends on recognising Indigenous sovereignty

Marcia Langton, ABC Religion & Ethics Report, 9th July 2019

One of the most important, and fascinating, aspects of the debate about Aboriginal rights in the last three decades revolves around the legal personality of the Aboriginal polity — by which I mean the recognition of that social complex that is sometimes called sovereignty.

Aboriginal people in Australia have continued to argue that, just as British sovereignty did not wipe away Aboriginal title, neither did it wipe away Aboriginal jurisdiction. This is the logic of the many Aboriginal proponents of a treaty or treaties between the modern Australian state and Aboriginal peoples.

The calls for a treaty go to the heart of the juridical denial in Australian case law of the existence of Aboriginal nations in Australia prior to the seizure of the land and consequent dispossession of Indigenous people by the British Crown. This denial has accorded Australia the status of an anomaly among the settler colonial states — such as New Zealand where the Treaty of Waitangi has considerable force, and Canada and the United States of America where treaties are the bedrock of relations between the state and aboriginal peoples.

In Australia, the denial at law of Indigenous sovereignty and, indeed, the very existence of Aboriginal polities has a peculiar history. Here, the doctrine of terra nullius — or empty land belonging to no-one — was applied to justify colonisation.

It seems to me that the concept of sovereignty developed in the Western legal tradition to describe nation states is artificial if applied to the Aboriginal relationship to land that is at the core of the Indigenous domain. A more appropriate concept is reflected in the judgment of Judge Fouad Amoun of the International Court of Justice in 1975 in the Western Sahara Case — a concept cited explicitly in the Uluru Statement from the Heart:

Read More: <https://www.abc.net.au/religion/marcia-langton-australia-moral-legitimacy-and-indigenous-sovereignty/11287908>



Playing God with the Tamil family's fate

Kerry Murphy, Eureka Street, Vol. 29 No.19, 23 September 2019

Last week the Federal Court granted an interim injunction to a child born in Australia preventing her removal from Australia pending a consideration of any case she may have to remain. The child is the youngest daughter of a Tamil family who until recently were living in the Queensland country town of Biloela. The case will be fully considered later but it raises complex issues regarding the statutory bars preventing asylum seekers from even making any application at all, and the exercise of the ministerial discretion to lift that bar.

Under the Migration Portfolio legislation, there are around 47 provisions that allow the minister to exercise their discretion in the public or national interest. The minister can grant any visa the minister wants to grant, or none at all. Most of these powers are in the Migration Act and generally provide an unfettered, non-compellable and non-reviewable power exercisable only by the minister. They are colloquially known as the 'God powers'. Liberty Victoria published an

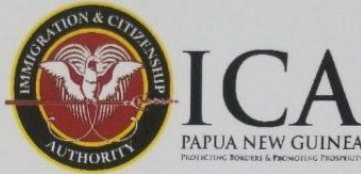
analysis of these powers in 2017 in a report called 'Playing God'.

Back in 2008, then Immigration Minister Chris Evans stated: 'In a general sense I have formed the view that I have too much power ... I am uncomfortable with that not just because of a concern about playing God but also because of the lack of transparency and accountability for those ministerial decisions, the lack in some cases of any appeal rights against those decisions and the fact that what I thought was to be a power that was to be used in rare cases has become very much the norm.'

While some of these powers are obscure and probably rarely used, what has become more common is a process whereby a statutory bar is created to prevent any application for a visa being lodged unless the minister literally personally intervenes to lift the statutory bar. The group most affected by such statutory bars are those who arrived by boat to Australia.

People who arrive by boat without a visa are called 'unauthorised maritime arrivals' (UMA) under the Migration Act, not 'illegals'. The term 'illegal' has no use in migration and refugee law in Australia, except in the political arena. Once someone is a UMA, they must be detained. The designation UMA creates a statutory bar (s46A), that can only be lifted by the minister personally (s46A(2)), and is commonly used to allow asylum seekers to apply for a protection visa, albeit only a temporary protection visa. Another ministerial power is available to give someone a bridging visa to release them out of detention (s195A).

read more: https://www.eurekastreet.com.au/article/playing-god-with-the-tamil-family-s-fate?utm_medium=email&utm_campaign=Eureka%20Street%20Weekly%20-%20Friday%2027%20September%202019&utm_content=Eureka%20Street%20Weekly%20-%20Friday%2027%20September%202019+CID_99ff3f5d00a053bc60d15f4661a8800e&utm_source=Jescom%20Newsletters&utm_term=Playing%20God%20with%20the%20Tamil%20familys%20fate



REFUGEE NOTIFICATION:

OFFER TO TRANSFER TO PORT MORESBY

- Refugees are offered the opportunity to relocate to Port Moresby.
- Refugees who transfer to Port Moresby will continue to receive services like those currently available to them.
- Refugees will be provided with residential accommodation in Port Moresby.
- You will be provided with a one-off financial relocation support to assist with setting up your accommodation, and a weekly living allowance.
- Health services and support will continue, and you will be provided assistance to attend medical appointments.
- Case management, vocational training and employment support will be provided to refugees who want it.
- Relocation to Port Moresby is not permanent settlement in PNG. ICA continues to encourage refugees to consider settling in PNG.
- Refugees are not subject to immigration detention and will not be detained by ICA.
- If you are interested in transferring to Port Moresby advise your JDA case worker as soon as possible.

Asylum seekers transferred from Manus to Port Moresby 'forced into poverty'

SBS News, 4th October 2019, Nick Baker

Asylum seekers who were transferred from Manus Island to Port Moresby are being "forced into poverty", according to an advocacy group.

In recent months, dozens of asylum seekers on the island took up an offer from Papua New Guinea authorities to move to the capital, with the promise they would "continue to receive services like those currently available to them".

But on Wednesday, the Refugee Action Coalition claimed their "living conditions and safety are now under threat".

Warnings of 'looming disaster' in Port Moresby as last asylum seekers to leave Manus Island

The group said asylum seekers were initially offered accommodation at the Granville Motel, but had since been told their living allowance would be cut off if they did not leave and move into other accommodation.

The asylum seekers are given a living allowance of 100 kina or approximately \$50 a week. "It is impossible to survive on 100 kina a week in Port Moresby," the Refugee Action Coalition said in a statement.

"At present, the hotels accommodating the refugees are guarded. But in the suburbs there is no security. The refugees who tried to live in one residential district, Morata, are now destitute and have all been bashed and robbed more than once by locals armed with guns or knives."

Read More: <https://www.sbs.com.au/news/asylum-seekers-transferred-from-manus-to-port-moresby-forced-into-poverty>.





Edmund Rice Centre Staff and Volunteers Participated in Global Climate Strike

The sun came out in Sydney on September 20th for #climatestrike. The Domain was full and we estimate the crowd was at least 70,000-strong. We know that this number will keep growing. Thank you to all the children and young people at School Strike 4 Climate for your courage, passion and determination. We're right behind you. Pacific Climate Watch Edmund Rice Centre



After the climate strike

Bronwyn Lay, Eureka Street, Vol. 29 No.19 23 September 2019

The morning of the climate strike I woke up exhausted by climate change, depressed by the cruelty of our politicians and generally dismayed by humans. I've come to accept that cognitive dissonance and confusion is part of facing the reality of climate change, its impacts and what to do about it. This is especially true when we look at the temporal and spatial challenges: it's urgent and huge but we're slow and small.

Climate strikers in Melbourne on 20 September 2019 (Tim Kroenert) The reality is that politicians and governments are doing nothing and the systems of power are corrupt and unresponsive to the point of criminal neglect, if not ecocide. Working in the area of climate change can grind us down as we also face the barriers against action: the many levels of denial, our frozen collective imaginations, the poverty of our intergenerational connections and the lack of precedents to guide us through uncertainty.

But this is the reality. Change is rarely a sudden transformative wave of happy solidarity that rushes to metamorphose everything at a cellular level. More often change is slow, iterative, incremental, difficult and filled with moments of waking

up to a grey, unspectacular loneliness that illuminates a circuitous dark path ahead. Climate change is a crisis of unprecedented proportions and impacts. It's not fun.

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These strikes aren't solely sites of protestation but rather a chance to step out of the individual grey loneliness to come together for our collective future in intergenerational solidarity. As Judith Butler talks about, there is something powerful and visceral about putting your body on the street, in the public forum, with other bodies and being vulnerable and exposed together.

However, after the strike the question of what to do remains. It's naïve and reductive to presume all 300,000 Australians who marched on Friday agree on what we need to do. It's evident that what's increasingly needed and long overdue is the nurturing of healthy climate change politics where we can debate and explore different approaches.

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"Once we jump over the persistent and harmful denial discourses that hold politics hostage, we're going to realise that climate justice politics is just as diverse and multiple as social justice."

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These marches are only the tip of the iceberg. Denialism and political neglect is stalling a mature, diverse and healthy climate change politics that is hankering to expand. Intelligent and mature conversations around climate change have been hijacked by the constant need to address the monsters of history that refuse to take responsibility for the major schisms that appear in all our futures.

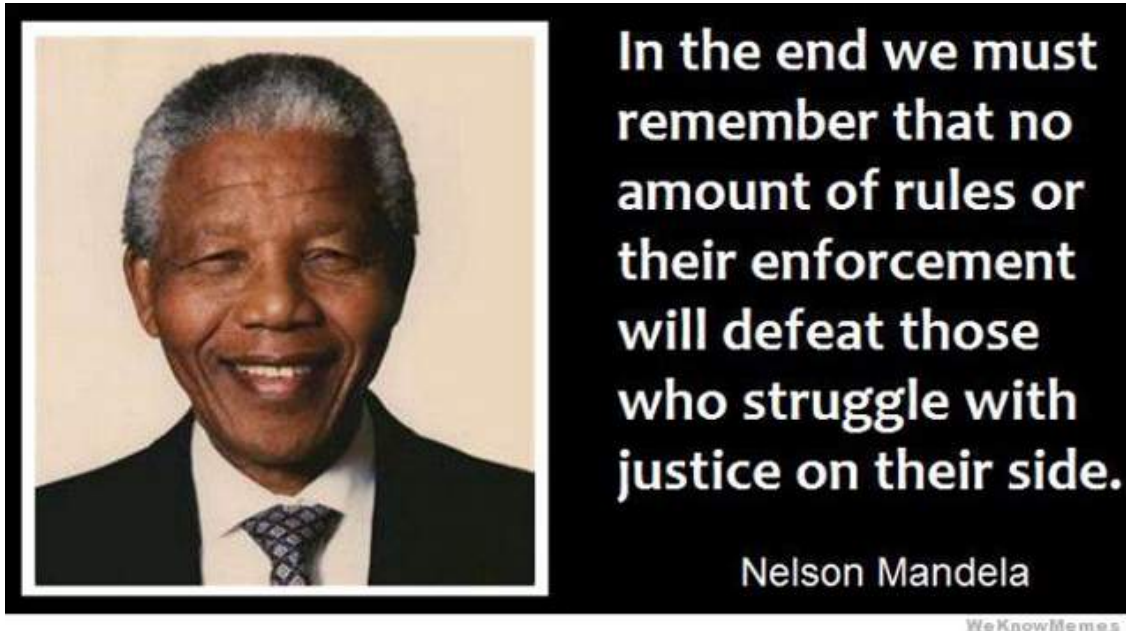
.....

Climate justice is important, necessary and really difficult. Those working in institutions and with organisations and communities trying to address the climate emergency or climate change impacts know that the work is circled by a common anxiety: outcomes cannot be predicted with certainty, the scale of the problem is unprecedented and the availability of solutions varied, diverse and hard to match up. Institutional and organisational adaptation and mitigation aren't as spectacular as a strike, or as passionate as a rebellion, but that's where climate and ecological justice gets implemented and made real.

Critics of the climate strikes are not worth repeating. They were boring and based upon the outdated idea that the individual is solely responsible for the climate crisis. I think everyone left the climate strikes feeling less alone, for we had touched upon the possibilities of collectivism, of a public movement, and remembered that we are not alone in the really difficult labour involved in accepting that action is necessary. Everyone who marched knows the problem wasn't solved on Friday and there is a lot of work to do. This is a long, rocky collective ride.

Read more: https://www.eurekastreet.com.au/article/after-the-climate-strike?utm_medium=email&utm_campaign=Eureka%20Street%20Daily%20-

[%20Monday%2023%20September%202019&utm_content=Eureka%20Street%20Daily%20-%20Monday%2023%20September%202019+CID_90d3e4a14ea50e730b92af2deee6528a&utm_source=Jescom%20Newsletters&utm_term=READ%20MORE](#)



REFLECTIONS

A Confession of Faith

God of love, we believe that you are our hope.

God of love, we believe that you have called us to work for peace.

God of love, we believe that your Holy Spirit is breathing new life into our communities, churches and nations.

God of love, we believe that you make it possible for light to shine upon all who suffer in our world.

God of love, we believe that you are speaking to the world's peoples in all their differences, turning those differences into opportunities to build a new world.

God of love, we believe that you speak to the world's peoples in all life's situations, in the midst of our social, religious, political and economic life, in order to bring us hope.

God of love, we believe that you are calling all peoples and nations today to work together for change wherever there is pain and suffering in our world.

God of love, we believe that you are our hope. Amen.

(Revd Adelaida Jiménez, Colombia)

Making it Real

Genuine human encounter in our digital world

ACBC Social Justice Statement 2019-2020

Prayer Card

Lord, make us instruments of your peace.

Help us to recognise the evil latent in a
communication that does not build communion.
Help us to remove the venom from our judgements.
Help us to speak about others as our brothers and sisters.

You are faithful and trustworthy; may our words be seeds
of goodness for the world:

where there is shouting, let us practise listening;
where there is confusion, let us inspire harmony;
where there is ambiguity, let us bring clarity;
where there is exclusion, let us offer solidarity;
where there is sensationalism, let us use sobriety;
where there is superficiality, let us raise real questions;
where there is prejudice, let us awaken trust;
where there is hostility, let us bring respect;
where there is falsehood, let us bring truth.

Amen.

- A Prayer from Pope Francis, 2018

Message for the 52nd World Communications Day

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.

Our mailing address is:

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