

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**AUSTRALIA'S PARTICIPATION IN  
INTERNATIONAL ENVIRONMENTAL  
ORGANISATIONS**

Report from the House of Representatives  
Standing Committee on Environment and Conservation  
October 1982

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ISBN

# House of Representatives Standing Committee on Environment and Conservation

## Terms of Reference

That a Standing Committee be appointed to inquire into and report on:

- (a) environmental aspects of legislative and administrative measures which ought to be taken in order to ensure the wise and effective management of the Australian environment and of Australia's natural resources, and
- (b) such other matters relating to the environment and conservation and the management of Australia's natural resources as are referred to it by:
  - (i) the Minister responsible for those matters, or
  - (ii) resolution of the House.

## Members of the Committee

*Chairman* Hon. M. J. R. MacKellar, M.P.<sup>1</sup>

*Deputy* Dr H. A. Jenkins, M.P.<sup>2</sup>

*Chairman*

*Members* Mr M. A. Burr, M.P.  
Mr E. C. Cameron, M.P.  
Mr P. H. Drummond, M.P.  
Mr B. L. Howe, M.P.  
Mr A. J. MacKenzie, M.P.  
Mr S. J. West, M.P.

*Secretary to the* Mr J. R. Cummins  
*Committee*

## Terms of Reference of the Sub-committee

To inquire into and report on Australia's participation in international environmental organisations.

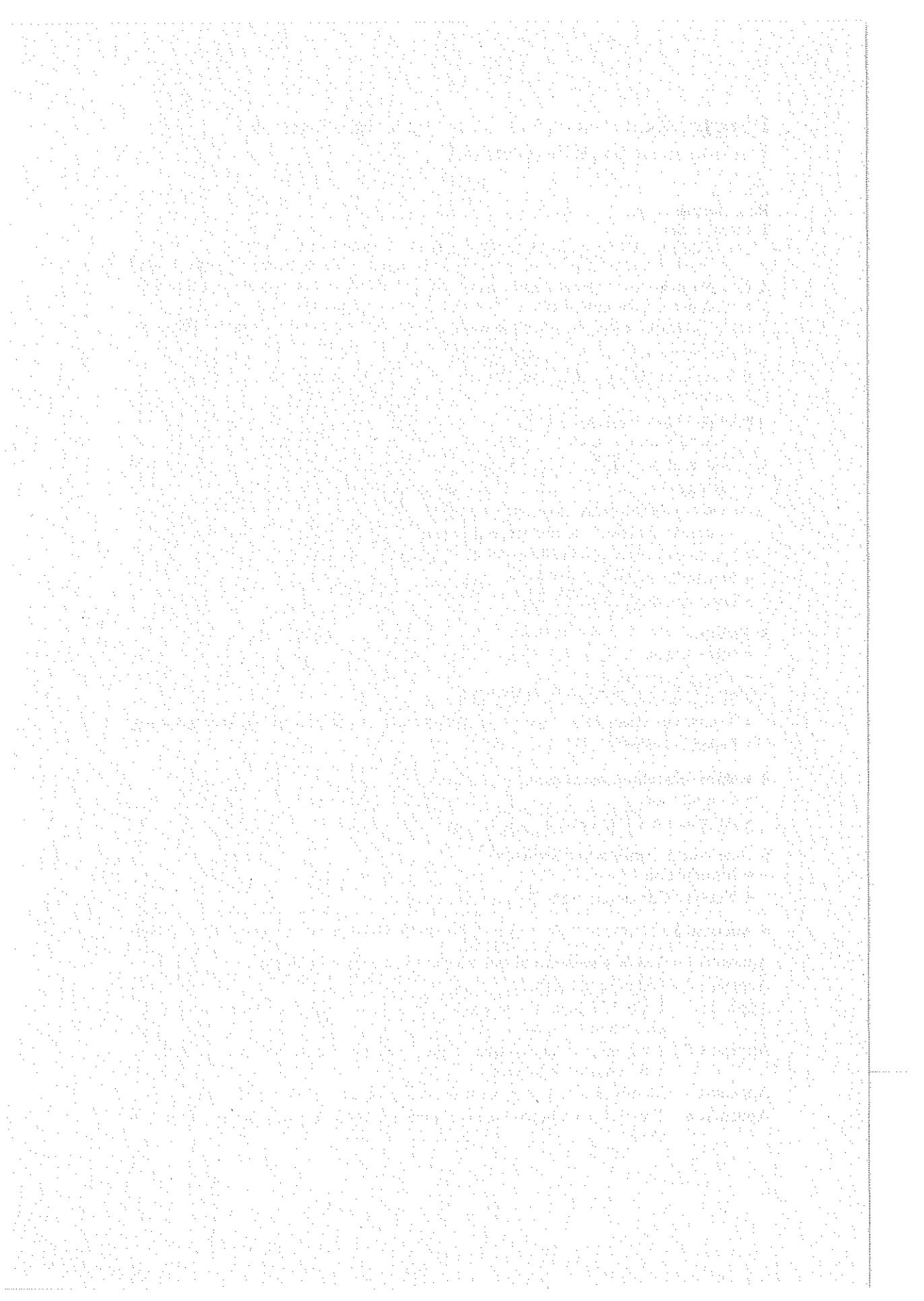
## Members of the Sub-committee

*Chairman* Dr H. A. Jenkins, M.P.<sup>3</sup>

*Members* Mr P. H. Drummond, M.P.<sup>4</sup>  
Mr A. J. MacKenzie, M.P.

*Secretary to the* Mr A. B. Hume  
*Sub-committee*

- 
1. Appointed to the Committee on 18 August 1982, elected Chairman on 19 August 1982, in place of Mr J. C. Hodges, M.P. resigned 11 May 1982.
  2. Appointed Acting Chairman from 17 May to 19 August 1982 in place of Mr Hodges.
  3. Appointed Chairman of the Sub-committee on 17 May 1982 in place of Mr Hodges.
  4. Appointed to the Sub-committee on 17 May 1982 in place of Mr Hodges.



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## Recommendations

The Committee recommends that:

1. • the Australian Government review the present role of the United Nations Environment Programme to establish its effectiveness; and
  - as part of this review, the Government examine the level of its funding to the Programme.

(Paragraph 37)

2. Australia's continued active participation in the OECD Environment Committee be encouraged and furthered by the provision of the necessary resources to enable expert Australia-based attendance at conferences of its sub-committees to which Australia has made a commitment as a 'participating nation'.

(Paragraph 50)

3. • the Australian Government maintain its support for and input to the International Union for the Conservation of Nature and Natural Resources; and
  - to facilitate a greater and more meaningful involvement of non-government organisation members of IUCN, the Commonwealth Government re-examine the feasibility of increasing funding to these organisations to a level sufficient to permit their attendance at IUCN conferences.

(Paragraph 63)

4. • the Minister for Foreign Affairs prepare and present to the Parliament a definitive statement stipulating guidelines for Australia's involvement in international organisations; and
  - a mechanism be established to coordinate this involvement fully among the Executive Departments.

(Paragraph 94)

5. the Minister for Home Affairs and Environment table annually in the Commonwealth Parliament a report or reports on the proceedings and findings of international conferences of an environmental nature which Australia has attended in the preceding 12 months, indicating to the Parliament the response of the Australian Government to the recommendations from each conference.

(Paragraph 99)

6. the Department of Home Affairs and Environment circulate, on a regular basis, to Members of Parliament and recognised conservation organisations a list of publications available relating to Australia's involvement in international environmental activities.

(Paragraph 103)

7. all reports of international environmental conferences and copies of treaties of an environmental nature be produced in a form suitable for distribution to the general public and be made available for purchase through recognised Government bookshop outlets.

(Paragraph 106)

8. the Department of Home Affairs and Environment ensure that copies of selected international publications relating to the environment be obtained in sufficient quantities to enable distribution to Parliamentary libraries, major public libraries and environmental centres and that the feasibility of selling them through Australian Government Publishing Service Bookshops be assessed.

(Paragraph 107)

9. the adoption of the May 1981 Draft Principles and Procedures for Commonwealth/State Consultation on Treaties be discussed at the earliest available Premiers' Conference.

(Paragraph 117)

10. • the Commonwealth Government monitor and actively pursue the implementation of international treaties and agreements relating to environmental protection and conservation; and
  - the Minister for Home Affairs and Environment ensure that the Council of Nature Conservation Ministers and the Australian Environment Council regularly examine the implementation of new and existing treaties and agreements relating to environmental protection and conservation.

(Paragraph 131)

11. the Department of Home Affairs and Environment conduct a seminar at regular intervals of Commonwealth Government, State government and non-government representatives to exchange ideas and discuss Australia's approach to international and domestic environmental issues.

(Paragraph 163)

12. the Draft National Conservation Strategy for Australia be tabled in Parliament early in 1983 and that it be given full consideration by the Parliament prior to being adopted by the Government.

(Paragraph 186)

13. the Commonwealth Government continue to actively support Australia's involvement in Antarctica and provide sufficient resources to enable Australia's high standing within the Antarctic Treaty to be maintained up until 1991.

(Paragraph 201)

# 1 Introduction

1. On 14 May 1981 the Committee resolved to inquire into and report on:

Australia's participation in international environmental organisations and appointed a sub-committee to conduct the inquiry.

2. Prior to accepting the inquiry it was felt that a brief analysis of Australia's commitment to the United Nations Environment Program (UNEP) was needed. As the issues developed it became apparent that it would be appropriate, and useful, to cover Australia's involvement in each of the major international environmental organisations, concentrating on three bodies: the United Nations Environment Program (UNEP); the Environment Committee of the OECD (the Organisation for Economic Cooperation and Development); and the International Union for the Conservation of Nature and Natural Resources (IUCN). The purpose of this inquiry has been to investigate the role and effectiveness of Australia's participation in these organisations.

3. During the inquiry it became evident that knowledge outside of Government of the role and purpose of some of these international organisations was fragmented and ill-informed. In an attempt to correct this situation the Committee has adopted the approach of being informative as well as being investigatory in preparing this report, by providing detailed descriptions of the role, structure and history of the more significant organisations. In this way, the Committee believes that its findings can be appreciated and assessed more fully by outside observers.

## International concern for the environment

4. The emergence of environmental protection as a major area of public policy concern on a world-wide scale is a relatively recent phenomenon. In its submission to the Committee, the Commonwealth Department of Home Affairs and Environment stated that this upsurge in public interest in preserving and enhancing the environment, which occurred in many countries throughout the world in the late 1960's, was accompanied by the creation (for the first time in a number of industrialised countries) of national governmental institutions specifically responsible for environmental matters.<sup>1</sup>

5. Once the issue of environmental concern began to be considered in the national context, it soon became apparent that international cooperation would be necessary for a number of reasons:

- many of the issues being considered were inherently international because of their global ecological scope;
- local scientific data was often scarce and the sharing of information, analysis and experience between countries was seen as a means of overcoming this;
- consultation between nations helped to avoid the possibility of differing environmental policies leading to international trade distortions;
- the relationship between the environment and economic, social and political factors was being acknowledged to a greater extent, not only within countries, but between them as well; and
- more immediate bilateral problems were facing industrialised nations, particularly in Europe where transfrontier pollution was becoming critical.

6. Increased international activity in relation to conservation and environmental protection over the last two decades has enhanced understanding of the complex interactions between the economic, political, social and environmental components of

the global system. The Committee was told that this applied equally to developed and developing countries.

7. Whereas countries once may have tended to dismiss environmental concerns in their endeavour to industrialise as quickly as possible, many have now come to recognise that environmentally sound development is likely to be longer lasting with fewer unforeseen and unwelcome side effects. For some particular developing countries, sound environmental management is a question of sheer survival, often recognised too late, particularly in those areas of the Middle East, Africa and Asia where the contribution of population pressure, inadequate environmental understanding and drought has combined to produce a massive human problem.

8. The situation is little better in many other developing countries where environmental-related disease (notably in association with water pollution) and poverty, have had devastating effects on the population.

9. Today the thrust of international environmental attention is drifting away from policies which only respond to existing problems. Environmental policies now embrace a wider field of action, particularly in regard to anticipating problems of a long-term nature. These policies are designed to reinforce, not replace, the responsive type of policies. They include proposals to restore environmental quality as well as those seeking to prevent further environmental degradation.

10. The Committee acknowledges that such policies require a strengthening of international cooperation to enable a maximum possible exchange between all nations of information, assessment and experience. These exchanges reduce duplication, provide a cross-fertilisation of ideas and lead to cooperation on problems which are common to many and which in so many instances cannot be attended to unilaterally.

11. These views have been consistently supported by successive Australian Governments, both Liberal and Labor, during the past decade, with Australia taking a prominent role in key international environmental activities. For example, Australia sent a high-level contingent of Commonwealth and State government representatives to the 1972 Stockholm Conference on the Human Environment, acknowledged universally as being one of the major advancements in international environmental cooperation. At the launching of the World Conservation Strategy in March 1980, Australia's attitude to international cooperation was reiterated by the Prime Minister, the Rt Hon. Malcolm Fraser, when he said:

Increasingly, the world is coming to realise that because Earth is the only planet known to be capable of sustaining human life it too needs sustaining by all who enjoy its benefits. The future would be bleak indeed if the nations of the world failed to work together to ensure that the development and conservation of our natural resources go hand in hand.<sup>2</sup>

12. The Committee supports Australia's continued involvement in international environmental organisations to achieve these objectives.

## 2 International environmental activities

### Australia's involvement

13. Official Australian involvement in most international environmental activities is managed by the Commonwealth Department of Home Affairs and Environment through its Environment Division and four statutory authorities responsible to the Minister: the Australian National Parks and Wildlife Service (ANPWS); the Australian Heritage Commission; the Office of the Supervising Scientist; and the Great Barrier Reef Marine Park Authority (GBRMPA). The broadest based involvement of the Department with international organisations occurs with the United Nations Environment Program (UNEP), the OECD Environment Committee and the International Union for the Conservation of Nature and Natural Resources (IUCN). Liaison with each is maintained continually.

14. The Committee was surprised to learn that there were several other organisations, to which the Department contributes only on a limited basis or not at all. Many of these organisations are primarily concerned with environmental matters and work independently from one another with no coordinated direction or stated overall goal. The Committee will refer in detail to this issue later in the report.

15. Australia participates in international environmental activities through international treaties, conventions and agreements, official development assistance, collaborative research, visits of experts and information exchange. The Commonwealth Scientific and Industrial Research Organization (CSIRO) is a major contributor at these levels.

16. While the scope for participation is unbounded, Australia's total involvement is limited by resources and geographical isolation. Travel costs are significant and any decision to participate has to be weighed against the consideration of what tangible benefits will accrue from Australia's attendance. For example, many international activities relate closely to the immediate environmental problems of particular countries and can be of only marginal relevance to Australia. In activities which are more global in nature Australia finds that it has a responsibility to participate as a member of the world community, even though the benefits to Australia in such instances may be indirect and long-term in nature.

17. It must be recognised that Australia is regarded as a source of considerable expertise and assistance by developing nations and, accordingly, Australia's participation at times is provided as an element of the Australian aid program, without there being any tangible benefits to Australia itself.

18. Attendance of Australian Government officials at overseas meetings is regulated by the Overseas Travel Committee by way of the Department of Foreign Affairs, which has responsibility for funding.

19. The prime criteria for travel approval is the availability of funds, the priority of the visit (in terms of Government commitment) and the availability and suitability of Australian delegations abroad to undertake the task. At major overseas posts like London, Paris and Washington, locally-based personnel with relevant technical expertise can reduce the need for Australia-based attendance at some meetings.

20. Although limitations are imposed on Australian attendance at some less critical international environmental conferences, priority is accorded to meetings of major significance. Moreover, it is often possible to arrange for other relevant meetings to be attended in conjunction with Australia-based attendance at a major meeting. Such arrangements have enabled Australia to make contributions to the programs of various

technical working groups which would not otherwise have been possible, had not there been a major conference during the same period.

### **United Nations Environment Programme**

21. The United Nations Environment Programme (UNEP) was established by resolution 2994 of the United Nations General Assembly in 1972 to meet an urgent need that had been identified earlier that year by the UN Conference on the Human Environment held at Stockholm, Sweden. Its original aim was to promote international co-operation on environmental questions and to undertake a major role in implementation of the Stockholm Action Plan for the Human Environment. The plan which had been adopted at the Conference contained a range of proposals aimed at safeguarding natural resources through their rational use and at halting serious damage to ecosystems by excessive exploitation or hazardous discharge.

22. It was envisaged that UNEP would oversee the activities of other UN agencies such as the Food and Agriculture Organisation (FAO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the World Health Organisation (WHO), to ensure that due emphasis was given to environmental considerations in the application of their respective schemes. It was to be the 'environmental conscience of the UN system'.<sup>3</sup> An extract from the Rules of Procedure of the Governing Council setting out UNEP's terms of reference is shown at Appendix 3.

23. Since its creation in 1972, UNEP has implemented its mandate through—

- the establishment of global monitoring information and assessment works;
- sponsoring international meetings on specific issues;
- the development of international programs and conventions for the protection of the environment, and
- conducting public education programs,

so that today it attempts to be more than simply a catalyst, merely stimulating and persuading national governments and other UN agencies to pay proper attention to environmental matters. UNEP sees its role as being to undertake executive functions in its own right under which it actively sponsors an extensive program aimed at environmental data collection, research and remedial action.

24. As a United Nations organisation, membership of UNEP is comprised of all UN member states. A UNEP Fund (UNEF) was established with effect from 1 January 1973, to finance the Programme to which contributions by member States is voluntary. As shown at Appendix 3, a 58-member Governing Council was established to act as the policy-making organ. The Governing Council reports annually to the UN General Assembly on the work of the Programme. Membership of the Council rotates, normally on a 3-year term basis. As with other UN bodies a system of economic and geographic groupings has been established on the following basis:

- 16 seats for African States;
- 13 seats for Asian States;
- 6 seats for Eastern European States;
- 10 seats for Latin American States; and
- 13 seats for Western European and other States.

Australia, New Zealand and Canada share 2 of the 13 Western European and other States seats on the Governing Council on a rotating basis. Australia is not a member of Governing Council during the current term, but, as a matter of practice, it participates in the sessions of Governing Council each year on an observer basis. The Committee

was told that this is a common practice for nations which have a substantial and ongoing interest in the work of the Governing Council.

25. Since its inception UNEP's achievements have included the establishment of global monitoring and information networks covering areas such as climate, soil, water and vegetation and the conclusion of a number of international agreements and protocols such as the Convention on the Prevention of Pollution from Land Based Sources. A current area of activity by UNEP is the negotiation and conclusion of an international convention on the protection of the ozone layer.

26. At the global monitoring level, UNEP's most notable achievement has been the development of its EARTHWATCH scheme, which monitors changes in the environment to warn against impending crises through a worldwide surveillance system. It consists of 3 major components—

INFOTERRA—The International Referral System, which is a computerised information system listing sources around the world able to answer specific technical environmental questions. This system has been of some value to more than just Commonwealth authorities, being used by some Australian State National Parks and Wildlife Services and by some non-government conservation groups, albeit to a lesser extent;

GEMS—The Global Environmental Monitoring System, which, as the monitoring arm of EARTHWATCH, collects data on the human environment, and

IRPTC—The International Register of Potentially Toxic Chemicals, which lists the characteristics and effects of potentially harmful chemical substances and aims to be accessible world-wide.

27. The Department of Foreign Affairs told the Committee that the severe environmental difficulties being experienced in many parts of the Third World have led to demands from developing countries for UNEP to increase substantially its assistance to developing countries and for developed member countries to make available the additional resources required. It was these demands which figured prominently in the Council's decision to adopt a program budget for the 1982-83 biennium of \$US120 million, designed to achieve a 5% real growth in expenditure.

28. Many western members of UNEP voiced reservations about these demands as being unrealistic in the present global economic climate. They propounded the belief that UNEP should continue to give priority to purely global programs. A more active role in providing special assistance to developing countries could diminish this overall function and tend to redirect UNEP's overall character away from that of an environmental monitoring organisation to that of an international aid organisation. The Committee was told that new mechanisms are under consideration by member States for the handling of additional contributions for developing countries in a manner which would allow for increased assistance while still preserving the integrity of the Central Programme.

29. Despite attitudes expressed in evidence that UNEP is adequately, if not dramatically, achieving the goals set down in Stockholm in 1972, the Committee notes the evidence given by The Fund for Animals Ltd.

30. In the opinion of that Organisation, which is a non-government group, UNEP has been a 'brilliant failure'. Whilst acknowledging UNEP's valuable work on regional programs, The Fund for Animals Ltd. maintains that it is worth comparing the elan of June 1972 with the utter weariness and short-sightedness manifested at the May 1981 9th Annual Session of UNEP's Governing Council.<sup>4</sup>

31. *The Fund for Animals Ltd. claim that whereas a few years ago any discussion on possible international action to help the environment would have included UNEP's role as a matter of course, today UNEP is hardly mentioned. One of the reasons given*

for this growing lethargy is that UNEP from its inception was denied the status of a UN Specialised Agency so that while its programs are important in themselves they lack the status and prestige normally accorded that of a specialised agency. As well, it was suggested that sections of the UN itself were loath to relinquish part of their work to UNEP. This situation was compounded by the cautious attitude of some Governments who did not want UNEP to have too much power over their own internal affairs. These misgivings coincided with a downgrading of UNEP's status, staff and range of work.

32. It was suggested to the Committee that because of its low status, UNEP has continued to lack a specific role so that today it simply potters around, reporting on the decline of the global environment, holding conferences and making recommendations without any power of enforcement.

33. While the Committee is unable to attest to the validity of the assessments that have been made by one non-government organisation which has little official involvement with UNEP, it is, nevertheless, rather poignant to observe that the following comment was included in the CSIRO submission:

'International programs sponsored by UN agencies and other supranational bodies are generally poorly conceived, badly managed and politically motivated, rather than soundly-based technically and scientifically.'<sup>5</sup>

34. The Committee is concerned that the true effectiveness of UNEP, and perhaps other international organisations like it, may be overrated. This does not imply that Australia should question its commitment to UNEP, but given that Australia is the 10th largest contributor to the Environment Fund, the Government must ensure that it maintains constant vigilance of the aims and objectives of UNEP and be prepared to speak up at UN General Assembly conferences to ensure the effective continuation of this worthwhile program.

35. The Committee was advised that the United States of America is proposing to decrease its funding markedly to organisations such as UNEP in the coming years. The overall effect of such a proposal, both on UNEP itself and on the attitudes of the other member States of Governing Council, must be closely assessed if Australia is to both benefit from and make a useful contribution to, the future work of UNEP. The Committee is of the opinion that Australia, as a developed country in a remote geographical region, must take a leading role in maintaining the effectiveness of organisations like UNEP for the overall benefit of the declining global environmental condition.

36. Assurances were received from the Departments of Home Affairs and Environment and Foreign Affairs that Australia is making a 'significant' contribution to the effective maintenance of UNEP. The Committee notes however that Australia's contribution to the UNEP Fund has remained at \$US500,000 each year since the inception of the Programme in 1972, so that today Australia is contributing less in real terms to what it once was contributing.

37. The Committee recommends that:

- the Australian Government review the present role of the United Nations Environment Programme to establish its effectiveness; and
- as part of this review, the Government examine the level of its funding to the Programme.

#### **Environment Committee of the OECD**

38. The Environment Committee of the OECD (the Organisation for Economic Co-operation and Development) was established as a new plenary body of the Organisation for an initial period of five years. This decision was prompted by an

awareness in Member countries that the environment, seen as the common heritage of all nations, had in many instances deteriorated to an alarming degree and that efforts were needed to promote a pattern of growth and development which would be in harmony with environmental protection.

39. In 1975, at the end of the Committee's initial mandate, the Council renewed its mandate with the following provisions:

- to examine on a co-operative basis, common problems related to the protection and the improvement of the natural and urban environment with a view to proposing acceptable solutions to them, taking into account all relevant factors, in particular economic and energy considerations;
- to review and consult on actions taken or proposed by Member countries in the environment field and assess the results of these actions;
- to provide Member governments with policy options or guidelines to prevent or minimise conflicts that could arise between Member countries in the use of shared environmental resources or as the result of national environmental policies; the Committee may organise as appropriate, and with the agreement of the countries concerned, consultations to that effect; and
- to encourage, wherever appropriate, the harmonisation of environmental policies among the Member countries.<sup>6</sup>

This mandate is derived from a formal Declaration unanimously adopted by Ministers responsible for environmental policy in OECD countries at their first meeting in Paris in 1974.

40. The role of the OECD Environment Committee is similar to that of UNEP in that it consists of government representatives who meet to discuss common problems, to examine possible solutions and, where appropriate, to develop for adoption by the Council recommendations and guidelines for national policies. Being a committee of OECD however its application to the problems of developing, or Third World, countries is less than that of UNEP.

41. The present emphasis of the Committee can be divided into four main themes:

- environment and economic resources;
- energy and the environment;
- chemicals and the environment, and
- urban affairs.

42. To assist the Committee to cover such a large and diverse range of interest, specialised subsidiary bodies have been established each of which is made up of government representatives concerned with specific aspects of environmental policy. These sub-groups are:

- Group of Economic Experts —which advises the other environment groups and may examine selected economic issues in the overall analysis of environmental problems;
- Group on the State of the Environment—which advises on and reviews the work of the Secretariat on environmental information and reporting, and examines guidelines to improve the comparability of environmental indicators and information format for use in OECD member countries;
- Chemicals Group;
- Group on Energy and the Environment;
- Waste Management Policy Group;
- Air Management Policy Group;
- Water Management Policy Group;

- Group of Experts on Traffic Policies for Improvement of the Urban Environment, and
- Ad hoc group on Urban Problems—established in 1979 with a 3-year program aimed at assessing policies in urban decline, urban growth and urban public finance.

43. This revised direction of activity came about following an analysis of the first 10 years' work. The programs of the 1970-79 decade were primarily directed at assisting governments to deal with their most urgent environmental problems, and as a result useful guidelines for environmental policy were developed. Today however, the OECD Environment Committee is paying increasing attention to measures to conserve resources and to improve the overall quality of life. That is to say, the development of policies that are anticipatory and preventive receive greater emphasis and are used to reinforce policies that are essentially reactive and curative.

44. The basis of this new directional thrust is set out in the Environment Committee's 'Declaration of Anticipatory Environmental Policies', adopted on 8 May 1979. The full text of this declaration is re-printed at Appendix 4.

45. Australia's involvement in the OECD Environment Committee is focussed through the Department of Home Affairs and Environment. Dr D. F. McMichael, Secretary of the Department, was elected Chairman of the OECD Environment Committee in April 1981. The Environment Directorate, which is part of the OECD Secretariat, provides the secretariat for the Committee and its subsidiary bodies. The overall approach to environmental problems has been determined by meetings of the Committee held at Ministerial level, the first of which was held in 1974 with the second being held in 1979.

46. Evidence was given that while Australia has fewer of the acute environmental problems faced by some OECD countries, Australia has generally been in the forefront of OECD environment activities, participating on a day-to-day basis through its Counsellor (Scientific and Environmental Affairs) of the Permanent Delegation to the OECD Headquarters in Paris and by sending high-level Australia-based representatives to special meetings. The Committee was told that much of the work being conducted by the specialised agencies of the Environment Committee parallel similar research being conducted in Australia and that Australia stands to gain much from its continued involvement in the OECD Environment Committee. For example, in recent years Australia has strongly supported the OECD work on chemicals, which is regarded locally as being of major importance to Australia in the development of national policies and which may be used as guidelines in the development of future legislation. The Department of Home Affairs and Environment believes that it is essential that Australia's involvement in OECD activities be maintained so that Australia can continue to benefit from the exchange of experience with industrialised nations. In addition, Australian involvement in the work of OECD enables it to put forward its own views in a consistent and sustained way in the process of the development of international environmental agreement.

47. The Committee was told that Australia's standing within the OECD Environment Committee is high. Nevertheless, it has attracted its share of criticism from other Member countries on occasions for a failure to follow through with expert attendance and detailed briefings of its representatives to some sub-groups of the Committee to which it has made a commitment.

48. The Committee raised with the Department of Foreign Affairs this question of adequate representation at international meetings. Representatives of the Department stated that Australia is currently in a situation (which it has been in for some time) where it has been under substantial budgetary restraint, which naturally affects the

attendance of Australia-based officials at international meetings.<sup>7</sup> Throughout the world meetings occur weekly in international forums on which Australia would ideally like to be represented, but where it is unable to be present because of limited resources. The comment was made that it is very easy for Australia, being so isolated geographically, to lose sight of the global dimension of some international environmental problems, and that problems of travel distance and costs perhaps tend to make Australia somewhat less inclined to be aware of the critical nature of some of these environmental issues. While acknowledging that this may be an unavoidable reality in relation to some current environmental issues criticism from Member countries regarding Australia's lack of total commitment must be viewed with concern.

49. Apart from this, the Committee overall is satisfied with the standard of Australia's input to the OECD Environment Committee and acknowledges Australia's high standing in that Organisation in the eyes of the other Member countries. It draws to the attention of the Government however that concerted efforts are needed to maintain this level of recognition and that the value of participation in such a body should not be permitted to be downgraded through shortsightedness and for purely economic considerations.

50. It is essential that Australia is recognised as a responsible member of the international community. Accordingly, the Committee recommends that:

**Australia's continued active participation in the OECD Environment Committee be encouraged and furthered by the provision of the necessary resources to enable expert Australia-based attendance at conferences of its sub-committees to which Australia has made a commitment as a 'participating nation'.**

#### **International Union for the Conservation of Nature and Natural Resources**

51. The International Union for the Conservation of Nature and Natural Resources (IUCN) is quite different from UNEP and the OECD Environment Committee in that it is a totally independent international union of sovereign states, government agencies and non-government organisations. It was founded in 1948 and, in 1980, had a total membership of 470 from some 109 nations. Of this membership 54 represented national governments, 116 represented government agencies and the remaining 300 consisted of non-government environmental organisations. Its headquarters are situated in Gland, Switzerland.

52. The Committee was told that IUCN is a highly respected organisation and the most important international non-government organisation in the conservation field. The only criticism received about IUCN was from the Australian Conservation Foundation (ACF), itself a member of the Union, to the effect that it tends to concentrate only on conservation issues at the expense of other equally pressing environmental considerations. ACF told the Committee that IUCN has a particular approach to problems by which it adopts a scientific attitude and tends to ignore the value systems that exist in the community.<sup>8</sup> That is to say, in the case of the rapid rate of loss of rain forest, for instance, IUCN's approach is more likely to be one of setting aside areas which are samples of the main types of rain forest rather than looking at the underlying causes of deforestation, in economic and land loss terms, and coming up with a set of options for varying the situation to conserve rain forests in the broader scale. ACF advised however that IUCN recognises its shortcomings in this regard and that it was undergoing 'some' change, although the extent of these changes was not elaborated upon.

53. The Committee notes the criticism of IUCN that it concentrates on basically scientific approaches to conservation issues. As stated previously IUCN consists of a wide cross section of organisations including substantial non-government

representation. It can be assumed that the approach adopted reflects the interests of the member groups. Other international organisations cover matters not included in IUCN's mandate and it is the Committee's view that the direction of IUCN is appropriate.

54. The stated aims of IUCN are:

- monitoring events of nature conservation significance and bringing conservation requirements to the attention of organisations able to take action to meet these requirements;
- planning, at strategic, program and project levels, conservation action which is scientifically sound and realistic in socio-economic terms;
- promoting conservation action by governments, inter-governmental bodies and non-government organisations through effective dissemination of information, and providing assistance and advice necessary for the successful achievement of conservation activities.

These aims clearly demonstrate the advisory character of IUCN, and its desire to be simply a catalyst for government action in the conservation field. As a totally independent organisation with no inherent power of enforcement of its findings and decisions this is all that it can aim to achieve.

55. This assessment is not to underrate the significance of IUCN nor the effect that it can and does have on international conservation issues. Many Australian organisations, both government and non-government, have recognised the importance of having an international body primarily concerned with conservation of the world's living resources and have joined IUCN. These include the Commonwealth Government, through the Australian National Parks and Wildlife Service, several Commonwealth and State government agencies and various non-government conservation organisations. A full list of these Australian members of IUCN is shown at Appendix 5.

56. At the suggestion of the Director of the New South Wales National Parks and Wildlife Service the Australian representatives of IUCN have formed an Australian Committee of IUCN, whose role is to further the objectives of IUCN in Australia and its environs and to co-ordinate the views of member organisations in advising governments on matters of national and regional importance to nature conservation. The Australian Committee is currently in its third year of operation.

57. Evidence was received that the activities of the Australian Committee are funded by annual subscriptions from member organisations and occasional specific grants from the World Wildlife Fund (Australia). At present the Australian Committee for IUCN receives no direct funding assistance from the Commonwealth Government. It was suggested to the Committee that this lack of Commonwealth funding appears to be an anomaly in Commonwealth policy as the Australian Committee is a conservation body of genuine international concern which should receive assistance and recognition in line with that given to similar bodies.

58. The Committee does not accept that the Australian Committee of IUCN receives no Government financial assistance. The membership of the Australian Committee listed at Appendix 5 shows that almost half of the membership (13:16) are in fact either Commonwealth or State government agencies. Of the remaining 16 non-government members of the Australian Committee several are organisations which already receive some form of Commonwealth grant in their own right.

59. While appreciating the value of Australian members of IUCN combining as a local committee, the Committee does not support the direct funding of that body. The Committee notes that the Executive of IUCN is currently developing a proposal for regional coordination of IUCN activities in the South Pacific, including Australia and the Island States of South East Asia. When this proposal is finalised it may be that the

Australian Committee will be disbanded or, alternatively, it may be given much greater autonomy by the Executive of IUCN. At that stage it may be appropriate for the responsible Minister to review the situation regarding Commonwealth funding.

60. In its May 1980 report on Grants to Voluntary Conservation Organisations (Parliamentary Paper No. 83/1980) the Committee recommended that the Commonwealth Government review its priorities and examine the feasibility of increasing the funding to voluntary conservation organisations to a level sufficient to ensure their continued effectiveness. It is the Committee's view that member NGO's should themselves determine their own priorities and decide what resources should be allocated to participation in the Australian Committee of IUCN. In line with the 1980 recommendation, funding should be at a level which permits reasonable choice.

61. The Committee was told that whereas the Australian Government has provided reasonable levels of funding for IUCN and has facilitated attendance of its officials at meetings of IUCN, it has not assisted non-government organisations to send representatives to IUCN meetings. Instead the Government has suggested that NGO members should make their inputs by discussion with official delegates before these delegates leave Australia. The Australian Conservation Foundation suggested that the Government's grounds for refusing this assistance would appear to overlook the nature of IUCN as a unique blend of government and non-government groups and deny the validity of involvement by the non-government conservation sector.

62. The question of non-government attendance at overseas conferences as part of an official Australian delegation is discussed more fully later in the report. At this point, the Committee makes the observation that attendance of non-government organisations at IUCN meetings is a vastly different consideration to including representatives of NGO's on official Australian delegations to, say, UNEP or the OECD Environment Committee. Given that many NGO's in Australia are members of IUCN in their own right, the Committee believes that it would be improper for the Commonwealth Government to assume direct responsibility for their attendance at IUCN as part of a recognised official Australian delegation. However, the Committee does believe that NGO's which are members of IUCN ought to be given every opportunity to attend, even if this entails providing greater grants-in-aid from Commonwealth sources to more easily enable them to finance their own attendance, which the Committee feels is a more desirable approach.

63. To this end, the Committee wishes to reinforce its recommendation contained in its May 1980 report on Grants to Voluntary Conservation Organisations regarding funding of non-government organisations and, accordingly, recommends that:

- the Australian Government maintain its support for and input to the International Union for the Conservation of Nature and Natural Resources; and
- to facilitate a greater and more meaningful involvement of non-government organisation members of IUCN, the Commonwealth Government re-examine the feasibility of increasing funding to these organisations to a level sufficient to permit their attendance at IUCN conferences.

#### **Other Organisations**

64. As mentioned at the beginning of this chapter, there are several other international environmental organisations to which Australia makes a positive contribution. Although Australia's commitment to these numerous other bodies was not looked at in detail by the Committee, it is important that a brief description of the primary functions of some be mentioned as an indication of the type of international work with which Australia has become involved. The Committee has not attempted to make recommendations in relation to each of these bodies.

### **World Wildlife Fund**

65. The World Wildlife Fund (WWF) is an international foundation based in Switzerland, at the headquarters of IUCN, with 27 national organisations around the world. All its national organisations are voluntary bodies without official government representation. It is primarily a fund raising body, as its title suggests, which works closely with IUCN. IUCN provides advice on priorities for expenditure and enjoys financial support from funds collected by WWF. Together with IUCN and UNEP, WWF is a co-sponsor of the World Conservation Strategy. It has also supported international legislation such as the Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES).

66. The focus of WWF's operations is the conservation of native wildlife in danger of extinction. It aims to create awareness of the threats to nature and to man's natural environment and to generate and attract financial support which can be converted into action based upon scientific priorities. The Committee was told that since its establishment in 1961 WWF has channelled over \$55 million into more than 2000 projects which has helped to save species from extinction and to conserve natural habitats throughout the world.

67. WWF has also helped fund 260 national parks and other protected areas throughout the world and regularly provides aid in the form of equipment (e.g. aircraft, vehicles, camping gear and scientific and technical instruments) as well as providing finance for surveys, the preparation of management plans and technical assistance.

68. World Wildlife Fund Australia was established in June 1978. The Commonwealth Government supports it by granting a tax deductibility to donors and by making a direct annual contribution of \$50,000. The Committee was told that the Secretary of the Department of Home Affairs and Environment, Dr D. F. McMichael, is a Member of the WWF Australian Executive Council and is Chairman of the Conservation Program Committee. Being a non-government organisation, both of these positions are held in a private capacity. The Director of the Australian National Parks and Wildlife Service, Professor J. D. Ovington, serves in a private capacity as a member of the Conservation Program Committee.

### **International Whaling Commission**

69. The International Whaling Commission (IWC) was established under the International Convention for the Regulation of Whaling, 1946, of which Australia was one of the original signatories. The aim of that Convention was to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. The Convention applies to all waters in which whaling occurs and to factory ships, land stations and whale catchers. The Convention defines roles for the IWC in research and publication of reports.

70. The IWC consists of one member (the Commissioner) from each contracting government, and is advised by Scientific and Technical Committees. The Committee was told that the IWC holds annual meetings at which it amends the Schedule to the Convention, thereby establishing regulations for the following whaling season.

71. A major criticism of the Commission is that it has been ineffective as a whale conservation organisation in that it has no power to enforce its regulations and because a three-fourths majority is required to amend the Schedule, a minority of whaling nations has been able to block various initiatives. At the 1982 meeting a decision to impose a moratorium on whaling from 1985 was agreed to by the required three-fourths majority. The major whaling nations, Japan, the USSR and Norway voted against the proposal and have given no formal indication as to whether they will abide by the

decision. Another two meetings of the Commission are to be held before the moratorium is due to come into effect. The Department of Home Affairs and Environment told the Committee that despite criticisms Australia's view was that the Commission is still the appropriate international body for the conservation and management of all cetaceans.

72. Australia takes an active interest in the work of the IWC. For example, in recent years Australia has played a leading role in seeking a solution to the complex 'indigenous races/subsistence whaling' issue which aims to ensure the survival of both traditional cultures and threatened species. At the organisational level, Australia is prominent. For the 3-year period up to the 1978 annual meeting, the then Australian Commissioner was Chairman of the Commission. The current Australian Commissioner, Professor Ovington, has chaired working groups of IWC's Technical Committee in 1979, 1980 and 1981.

73. The Committee acknowledges the substantial input which Australia is making to the IWC.

### **Intergovernmental Oceanographic Commission**

74. The Intergovernmental Oceanographic Commission (IOC) was established in 1960 as a semi-autonomous agency within the United Nations Educational, Scientific and Cultural Organisation (UNESCO) framework. It is recognised as being the most important United Nations organisation specialising in marine scientific matters. Membership is open to any member country of the UN and currently stands at 103.

75. Finance for IOC activities is provided by contribution from participating nations with support in kind being provided by the UN and a number of its associated bodies. UNESCO provides the necessary secretariat support.

76. Australia's involvement in IOC programs is undertaken by a number of Commonwealth Government organisations with an interest in the marine environment, such as the Departments of Primary Industry, Home Affairs and Environment and Defence (Navy), the Australian Institute of Marine Science, the CSIRO Divisions of Fisheries Research and Oceanography and the Bureau of Mineral Resources, Geology and Geophysics. The Department of Science and Technology is responsible for the policy role.

77. The Committee is rather concerned by this fragmentation of interest which could be seen as being excessive. When contributing to international organisations, whether environmental or not, Australia must be seen to provide a consistent and unified policy, based on sound economic principles, avoiding unnecessary duplication and wastage. The Committee impresses upon the Government the need for such fragmented involvement to be carefully and continuously monitored. This aspect will be discussed further later in the report.

78. Australia is involved in several of IOC's regional program groups. One such body is the Program Group for the Western Pacific (WESTPAC) which was established in 1979. Because it focusses on the Western Pacific and South-East Asian regions, WESTPAC is of significant interest to Australia. Since its inception, WESTPAC has held two planning meetings—one in Tokyo in 1979, the other in Jakarta in 1981. Australia will host the 3rd meeting in 1983. There are presently 19 members of WESTPAC all of whom have some interest in the particular region.

79. The main objectives with which WESTPAC is concerned are the prediction or forecast of ocean climate variability and of ocean food resources variability and the improved understanding of geological processes which have economic impact upon the countries comprising the Western Pacific Community.

80. The Committee acknowledges the increasing importance of the world's oceans, especially as a possible source of food in the years ahead, and fully supports Australia's continued active involvement in the IOC.

#### **Other UNESCO sponsored programs**

81. Australia participates in several other UNESCO sponsored international environmental organisations, like the IOC, to a large extent by way of CSIRO. These include:

- Man and the Biosphere Program (MAB)—which has an Australian Committee to which the CSIRO Division of Land Resources Management and Tropical Crops and Pastures make a valuable commitment;
- International Hydrological Program (IHP)—a number of CSIRO scientists are members of the Australian IHP Committee. There are about 60 projects in the second phase of the Program (1981-83) some of which will be carried out in Australia;
- International Geological Correlation Program (IGCP)—CSIRO scientists from the Division of Mineralogy are corresponding members of the Australian Committee;
- General Information Program (GIP)—CSIRO has been active in the Program and in the associated Technology Information Systems Program (UNISIST).

82. Evidence was given that CSIRO plays an important role for UNESCO through Regional Networks (which usually consist of a number of national research teaching or professional bodies linked together to improve regional communication and cooperation), general conferences, intergovernmental meetings and various seminars and workshops conducted on behalf of the Australian National Commission for UNESCO.

83. The Committee notes the valuable contribution CSIRO is making in the international environmental forum and acknowledges that much of the credit for Australia's high standing in this field has come about as a direct result of the expertise and willingness to cooperate that is demonstrated by CSIRO.

#### **International Waterfowl Research Bureau**

84. The International Waterfowl Research Bureau (IWRB) is a non-government body concerned with co-ordinating international waterfowl and wetland conservation programs. It has 32 member countries and has its headquarters in Britain.

85. Australia actively supports the IWRB work program and is particularly interested in migration studies and regional cooperation in the South Pacific area. The Australian National Parks and Wildlife Service is the Australian member organisation of the Bureau and Professor Ovington is a member of the Bureau's Executive Board. Australia submits annually to the Bureau a report of wetlands/waterfowl research and conservation programs undertaken in Australia, after consulting government and non-government agencies and reference is made to research or management projects carried out by State nature conservation authorities.

86. The Committee was told that Australia was the first nation to accede to the Convention on Wetlands of International Importance Especially as Waterfowl Habitat and thereby demonstrated its strong support for international cooperation in conservation of wetland habitats. However, the Committee does not accept that accession to a Treaty necessarily indicates a commitment. The implementation of treaties and conventions is discussed more fully later in the report.

## **Fragmentation of responsibility**

87. As mentioned earlier in this report a point which became evident when the Committee began to assess Australia's international participation was the administrative fragmentation inherent in this involvement. At informal discussions the Committee was told that there was often a lack of cohesion in Australia's commitment. Various Government departments and authorities make assorted contributions of manpower and other resources to a wide range of international bodies, not only those with environmental affiliations, often without consulting other areas with a similar interest, nor with the benefit of any uniform policy guidelines behind their actions.

88. Australia's involvement in the United Nations Educational, Scientific and Cultural Organisation (UNESCO) is a prime example. Australia's commitment to UNESCO is diversified. This reflects the wide range of subjects which fall within UNESCO's responsibility, as outlined above. As a result, the Commonwealth Departments of Education, Science and Technology and Home Affairs and Environment, together with CSIRO, all make various contributions to the committees of UNESCO. The commitment overlaps directly at times; whereas the Department of Education provides the secretariat to the Australian National Commission for UNESCO, the Executive Secretary of CSIRO was the Commission's Chairman during 1980-82. The Committee accepts that where direct overlaps like this occur, there would no doubt be adequate liaison between the Departments or authorities concerned.

89. What concerns the Committee is the existence of a situation whereby a Department might attend an international conference with the assumption that the subject matter of the conference is solely within their own area of responsibility. For example, this could be the case at meetings of the Food and Agriculture Organisation (FAO), to which the Department of Primary Industry has the major input, the World Meteorological Organisation (WMO) to which the Department of Science and Technology makes a contribution and even the International Labour Organisation (ILO), contributed to by the Department of Employment and Industrial Relations.

90. Likewise, the Department of Health may attend a conference of the World Health Organisation (WHO) with the attitude that it has the only interest when environmental factors may play a more prominent role than originally envisaged. The Committee believes that at many of these meetings decisions with environmental significance for Australia could feasibly be made without the knowledge or input of those sectors of the bureaucracy expert in environmental matters.

91. As will be shown later in this report this sort of problem has become a reality with respect to the implementation of the various Antarctic treaties to which Australia is a signatory. The Australian National Parks and Wildlife Service, the Departments of Science and Technology, and Transport and Construction, the CSIRO and the Fisheries Division of the Department of Primary Industry each have roles to play in this area. Evidence was given that often one Department or authority is not aware of the specific involvement of the other, nor of the commitments being made on behalf of Australia.

92. On some occasions in the past Government authorities have only discovered that international conferences in which they may have had an inherent interest were to be held when non-government environmental bodies made inquiries about the proposed conferences or sought to make an input themselves. Similarly, the reverse can occur whereby two Government departments or authorities may each be working on similar projects with international application without knowing of the other's involvement.

93. It is imperative that Australia's international activity is closely monitored and coordinated within the bureaucracy. The Committee believes that a mechanism needs to be set up whereby all Departments are aware of Australia's international

responsibilities in all fields at all times. The Minister for Foreign Affairs should ensure that this involvement is efficiently coordinated and that this information is disseminated throughout all Government Departments. For example, a list of all of the forthcoming international meetings to which Australia will be contributing could be circulated on a quarterly or two-monthly basis, giving a brief synopsis of the issues to be canvassed and nominating a contact officer in the Department sponsoring the Australian input. By this means, other Departments that feel that they have an interest in the proposed topic of any such meeting would be made aware of it and be given an opportunity to contribute.

94. The Committee considers that there is a need for a reassessment to be made of Australia's international commitment in all areas, not just the environmental area, and that definitive guidelines for Australia's involvement in internationally-based organisations should be established. Accordingly, the Committee recommends that:

- **the Minister for Foreign Affairs prepare and present to the Parliament a definitive statement stipulating guidelines for Australia's involvement in international organisations, and**
- **a mechanism be established to coordinate this involvement fully among the Executive Departments.**

#### **Benefits from Australian involvement**

95. Given Australia's geographical isolation and the costs associated with attendance at international environmental conferences it must be asked what are the benefits to be gained from attending these meetings.

96. Australia, to a large extent, does not yet have the international problems that many nations experience, such as transfrontier pollution, acid rain and acute water pollution problems. Accordingly, when resources are limited it can afford to be selective in the type of conferences which it attends.

97. The benefits to Australia from involvement at the international level can be extensive. Despite the absence in Australia of the internationally experienced problems outlined above, many of Australia's environmental problems are similar to those experienced overseas. These common issues include pollution control, wildlife and park management, desertification, environmental assessment of development proposals, environmental economics, waste management (including radioactive waste) and recycling. Access to information on these matters is important to Australia and would not be available to the same extent if Australia did not participate directly in international activities.

#### **Dissemination of information**

98. The time taken to derestrict documents emanating from international conferences caused some concern to the Committee. It sometimes takes up to 12 months to derestrict proceedings and findings of international environmental conferences because of the need to get formal agreement from all participating nations. The time-span in most instances is not as long as this. All members of the OECD, for example, endeavour to derestrict their documents as expeditiously as possible. This does not necessarily mean that this documentation flows freely into the hands of the general public, nor even to the public's elected representatives in Parliament. Indeed, there is no regular basis of reporting in detail to Parliament on Australia's involvement in any of the committees of the OECD, the United Nations Environment Program, the International Union for the Conservation of Nature and Natural Resources nor on much of Australia's commitment in the international environmental field. Whereas Departmental annual reports

tabled in Parliament often do make passing reference to Australia's involvement in international bodies, this information is rather general and tends to gloss over key issues. References in these reports to Australia's involvement are generally only descriptive with no explanation or interpretation of Government policy or attitudes being offered. As an indication of Australia's international contribution, these brief acknowledgements fall far short of what is required. Furthermore, the fragmentation of involvement between Departments also makes it extremely difficult to discern an overall picture of Australia's policy and commitment at this level.

99. Given that Australia's representation at these conferences is generally at the Commonwealth Government level, involving the expenditure of public moneys, the Committee believes that some accountability to the Parliament is warranted. Accordingly, the Committee recommends that:

**the Minister for Home Affairs and Environment table annually in the Commonwealth Parliament a report or reports on the proceedings and findings of international conferences of an environmental nature which Australia has attended in the preceding 12 months, indicating to the Parliament the response of the Australian Government to the recommendations from each conference.**

100. In its Second Report on Environmental Protection, of September 1981 (Parliamentary Paper No. 278/1981), the Committee referred to the report prepared annually by the Council of Environmental Quality in the United States of America on the state of the American environment. The Committee recommended that the Australian Government adopt as a matter of policy the production of a similar comprehensive state of the environment report for Australia and that it be tabled in Parliament. Such a report would be an ideal document in which to include a section on Australia's international environmental activity. This section however would have to include inputs by all other Government departments and agencies which have an international involvement and not be simply a report of the international work done by the Department of Home Affairs and Environment alone.

101. The Department of Home Affairs and Environment said that a varied range of written material concerning the work of international organisations and the application of various environmental treaties is produced. At present, little or none of this type of material is tabled in the Parliament nor is it distributed to Members of Parliament on an ad hoc basis. While the Committee appreciates that it would be impractical to table in Parliament the huge volume of documents produced, it believes that a better attempt could be made to keep Members and others informed of Australia's commitments at the international level.

102. In order that Parliament may adequately fulfil its function of constantly monitoring the performance of the Government of the day, both locally and internationally, it is essential that its elected representatives be kept fully informed of the latest developments at all levels. Unless steps are taken to inform Members of Parliament of the type of written material which is available to them it will not be possible for them to adequately perform that role for which they were elected.

103. Accordingly, the Committee recommends that:

**the Department of Home Affairs and Environment circulate, on a regular basis, to Members of Parliament and recognised conservation organisations a list of publications available relating to Australia's involvement in international environmental activities.**

104. This lack of information flow is encountered not only by Members of Parliament but also by recognised conservation groups. The Fund for Animals Ltd., in preparing

their submission to the Inquiry were confronted with a considerable lack of written information, necessitating them to rely to a large extent upon informal comments which were sometimes inconsistent and misinformed. Copies of environmental treaties and conventions were not readily available and reports of international conferences were not available at all to bodies which had not attended the particular conference in question. The Committee was told that it was once possible, several years previously, to obtain copies of reports of almost all conferences (except conference reports relating to Antarctica which have always been excluded) but that this availability had simply lapsed in recent years despite no official restriction having been placed upon the reports. Ironically, The Fund for Animals Ltd. staff had been able to obtain copies of restricted conference reports through their associates in the United States of America, where they were simply obtained by public order.

105. Except for matters of strategic concern, the Committee does not see any justification for restricting the distribution of reports of international conferences held ostensibly for environmental purposes.

106. The Committee recommends that:

**all reports of international environmental conferences and copies of treaties of an environmental nature be produced in a form suitable for distribution to the general public and be made available for purchase through recognised Government bookshop outlets.**

107. From informal discussions between the Committee and Commonwealth Government officers it appears that the Department of Home Affairs and Environment receives meagre quantities of some of the many publications produced by international bodies. Often these publications are of a style which would be of interest generally but which are difficult to reproduce by the Department because of style of binding, colour photography and overall format. Neither the Department nor the Department of Foreign Affairs are willing to pay for the shipment of bulk copies to Australia. This seriously limits availability. The Committee believes that selected publications which do not need to be urgently distributed could be shipped to Australia as surface mail for negligible cost and that sufficient copies should be made available for distribution to selected libraries and institutions. An attempt should be made to assess the feasibility of disseminating these reports through Government bookshop outlets. Accordingly, the Committee recommends that:

**the Department of Home Affairs and Environment ensure that copies of selected international publications relating to the environment be obtained in sufficient quantities to enable distribution to Parliamentary libraries, major public libraries and environmental centres and that the feasibility of selling them through Australian Government Publishing Service Bookshops be assessed.**

### 3 Treaties

#### Introduction

108. The description 'treaty' is a generic term which includes agreements, conventions, exchanges of notes and letters, protocols and other instruments governed by international law and giving rise to international rights and obligations. The term does not generally include those instruments which are more correctly described as arrangements or memoranda of understanding.

109. Australia is currently a signatory to 42 multilateral and 7 bilateral environmental (or environmentally related) treaties covering such subjects as the law of the sea, wildlife protection, nuclear power, hazardous chemicals and Antarctica. A list of these treaties is set out at Appendix 6. A number of treaties have still to be ratified or implemented by Australia. In this Inquiry the Committee has not attempted to study the effectiveness of any particular treaty, being more concerned with the problems being encountered in formulating and implementing environmental treaties in general.

110. Only the Commonwealth Government has the capacity, in international law, to conclude treaties with other countries and international organisations, but neither the Australian Constitution nor any subsequent Commonwealth legislation contains any specific provision for treaty-making. This act is the prerogative of the Crown and is exercised in Australia by the Governor-General-in-Council whose approval must be sought before a treaty is either signed, ratified or acceded to by Australia.

111. Approval is sought on the submission of the Minister for Foreign Affairs following a decision by Cabinet or the responsible Minister. Parliament has no formal constitutional function in the treaty-making process, although today the practice has developed whereby periodically the texts of all treaties concluded over a given period are tabled in each House for the information of Members and Senators.

112. The Department of Foreign Affairs has responsibility for coordinating and overseeing the conclusion of treaties irrespective of their subject matter. The Committee was told that Australia is a contracting State to the Vienna Convention on the Law of Treaties and the procedures practised by Australia for implementing treaties are in accordance with the terms of that Convention. Like other nations, Australia maintains the right not to participate in a treaty, to withdraw from a treaty and to make reservations on a treaty.

#### Treaty formulation

113. The Commonwealth Government constitutionally has responsibility for external affairs, which entails the negotiation of international treaties. Nature conservation and environment protection domestically has traditionally been a function of the States. When it comes to negotiating treaties with environmental implications therefore, it is evident that some machinery for regular and consistent consultation between the Commonwealth and the respective State governments is necessary.

114. The need to establish sound guidelines for consultation, agreeable to all concerned, led to the formation of a Commonwealth/State officials committee in 1980 to review the effectiveness of principles for consultation adopted at Premiers' Conferences in 1977 and 1978. The review produced a set of draft principles and procedures for consultation on treaties which has yet to be considered and finally agreed to by Premiers' Conference. To all intents and purposes these draft principles accurately reflect the current approach to the consultation process, at least from the Commonwealth's point of view. The draft guidelines are set out in full at Appendix 7.

115. These revised guidelines constitute a major advance towards resolving the most common complaints of the States concerning the Commonwealth's involvement in environmental treaty negotiation. Some States emphasised however that the provision contained in paragraph A(i) that the States be informed of proposed international treaty discussions 'at an early stage' needed to be stressed and adhered to rigidly. Without this early forewarning the States would be unable to consider the issues of the proposed treaty and decide whether it was necessary to press for the inclusion of a States representative on the Australian delegation attending the overseas conference to discuss the proposed treaty provisions. The Committee believes that the inclusion of this provision in the draft procedures is an adequate indication to the States that the Commonwealth acknowledges their rights in this regard and is willing to make a positive contribution towards facilitating State involvement in environmental treaty formulation.

116. The Department of Foreign Affairs advised that prior to 1977 (when the initial decision to formulate consultation guidelines was made at Premiers' Conference) the consultation process with the States left a good deal to be desired. In the ensuing 5 years there has been a marked improvement, to the point now where the States themselves have expressed satisfaction in principle with the newly adopted practices. The New South Wales National Parks and Wildlife Service, for example, presented a breakdown of its assessment of many of the draft principles, in which it indicated agreement with each with only minor qualifications. The Committee believes that it is desirable to have such structured guidelines available in order to formalise the process of Commonwealth/State consultation on environmental treaty matters and is of the opinion that efforts should be made to secure the early adoption of these guidelines by all parties.

117. The Committee accordingly recommends that:

**the adoption of the May 1981 Draft Principles and Procedures for Commonwealth/State Consultation on Treaties be discussed at the earliest available Premiers' Conference.**

118. The Committee acknowledges the valuable contribution which the Council of Nature Conservation Ministers (CONCOM) and the Australian Environment Council (AEC) have made to further Commonwealth/State harmony over conservation and environment issues. Through bodies such as these the States can seek to ensure that their role in the negotiation of environment and nature conservation factors of international agreements is maintained.

119. The importance of these two bodies was recently acknowledged at the first joint CONCOM and AEC meeting held to mark the 10th Anniversary of the Stockholm Conference on the Human Environment. Among other things, the joint meeting acknowledged that continuing efforts should be made to contribute to international activities directed towards safeguarding and improving the global environment. It was agreed that AEC and CONCOM would continue to provide the main focus for cooperation and consultation between the States, the Territories and the Commonwealth on environment protection and nature conservation in Australia. The full terms of the joint meeting declaration are set out in Appendix 8.

120. The Committee fully supports AEC and CONCOM as the main consultative machinery for the development of Australia's approach to the negotiation of treaties and conventions.

## **State representation at overseas conferences**

121. Paragraph B(ii) of the Draft Principles for Commonwealth/State Consultation provides for the attendance of a States representative(s) at international conferences. Although the draft guidelines relate primarily to treaty negotiations, evidence was given that the same principles would be applied to State representation at meetings of international organisations such as UNEP and the OECD Environment Committee. (It must be recognised that each of the Australian States are members of IUCN in their own right).

122. In discussing State representation at international forums the Committee finds that it must agree with the provision contained in paragraph B(ii) of the Draft Principles for Consultation, that the purpose of State representation is not to share in the making of policy decisions or to speak on behalf of Australia, but is only to ensure that the States know what is going on and are always in a position to put a point of view to the Commonwealth. In this respect, the Committee does not oppose attendance of a States representative at international environmental conferences where it is anticipated that matters affecting State environmental responsibilities will be canvassed.

123. The Committee emphasises however that the primary input from the States must be at the stage when Australia's approach is formulated rather than at the international negotiation stage. To this end it is essential that the Commonwealth Government consult fully with the States.

## **Treaty implementation**

124. Whereas the negotiation and settlement of treaties is the responsibility of the Department of Foreign Affairs the actual implementation of international environmental treaties is quite fragmented, not only among Commonwealth Departments but also between States. As mentioned elsewhere in this report this fragmentation of responsibility has led to a fairly low level of understanding in some Departments of the inherent responsibilities invoked by some treaties.

125. The Department of Foreign Affairs told the Committee that ultimately it is the Commonwealth Government's role to ensure that treaties are adequately implemented, despite the fact that to so implement a treaty may require State legislation. Generally the onus is on the Commonwealth Government to seek the agreement and cooperation of the States before any international promise is made by the signing or ratification of a treaty. It is for this reason that the ratification process can take up to 10 years. The suggestion was made to the Committee that this is one method by which a State can make political mileage in any anti-Federalism campaign that it may be pursuing, by merely being obstructionist for purely political reasons. The Convention for the Conservation of Antarctic Seals is a case in point. Although signed by Australia on 5 October 1972, this treaty has yet to be ratified by Australia. While the Committee is not suggesting that any lack of agreement with the States is the sole reason for this Convention not having been ratified, it notes that Western Australia still has not committed itself one way or another with respect to its perceived responsibilities in this area.

126. The fragmentation of responsibilities also becomes apparent when one looks at the Seals Convention. At present seals are covered by 3 Commonwealth Departments: the Department of Science and Technology, which controls funding and policy on Antarctic matters; the Department of Home Affairs and Environment, which is responsible for wildlife conservation through the Australian National Parks and Wildlife Service; and the Fisheries Division of the Department of Primary Industry, which has declared

the seal to be an 'honorary fish'. It is little wonder that an agreed policy on this Convention has been so difficult to achieve. The Committee was told that Australia's ratification of this Convention would remove a point of criticism by other nations and complete the regime for protecting seals in Antarctica under Australian law. The Committee was further advised that the Australian National Parks and Wildlife Service is in the process of drafting regulations under the *National Parks and Wildlife Conservation Act 1975* to enact this Convention, while it was suggested that recently enacted Antarctic environment legislation administered by the Department of Science and Technology would be more appropriate.

127. These attitudes highlight the problems that can arise from the fragmentation of responsibilities regarding the application of this type of convention. Despite evidence given to the Committee that ultimately it is the Commonwealth's responsibility to ensure that treaties are adequately implemented, this is an example of where the Commonwealth itself cannot resolve an implementation problem. This approach can only have a detrimental impact on the effectiveness of these type of treaties and on Australia's overall international standing.

128. Another instance of a treaty being permitted to languish despite having been already ratified by Australia, is the Convention on Wetlands of International Importance, Especially as Waterfowl Habitat. It is generally recognised that this Convention has not been very influential in environmental conservation. Although entering into force on 21 December 1975 the first meeting of the 29 parties to the Convention did not take place until November 1980. A 'List of Wetlands of Importance' has been established under the Convention to which Australia to date has nominated only two, Cobourg Peninsula and Kakadu National Park both of which are situated in the Northern Territory. Tasmania is the only Australian State which has made an approach to have a wetland listed under the Convention even though there are numerous areas in each Australian State which are eligible and ought to be listed. Despite Australia being the first nation to accede to the Convention, and despite assurances given by Australia in the international forum that it was willing to become a party to the treaty and to be bound by its provisions this is another instance of an environmental treaty not being implemented.

129. Given the problems that Australia has experienced, as evidenced by these two examples, there needs to be some kind of machinery to monitor Australia's implementation of environmental treaties. The actual implementation process role is convoluted and, at times, mismanaged. This goes beyond purely Commonwealth responsibilities however, as it involves the States. Despite treaties being ratified by Australia, they are at times difficult to implement and enforce because the States do not pass complementary legislation to a level where it can be said that the treaty has been adequately implemented.

130. The Committee believes that this is an area which needs to be monitored on a regular basis by Commonwealth and State governments alike in order that deficiencies in implementation can be continually assessed and acted upon. It is appropriate that this be performed at the Commonwealth/State Ministerial level.

131. It is totally unacceptable to the Committee that Australia should enter into international agreements and not implement them. This action is nothing more than a meaningless gesture and places Australia's international reputation at risk. Accordingly, the Committee recommends that:

- the Commonwealth Government monitor and actively pursue the implementation of international treaties and agreements relating to environmental protection and conservation; and

- the Minister for Home Affairs and Environment ensure that the Council of Nature Conservation Ministers and the Australian Environment Council regularly examine the implementation of new and existing treaties and agreements relating to environmental protection and conservation.

132. The Committee made it clear in its first and second reports on environmental protection that while recognising the roles of the States in environmental protection and nature conservation, the Commonwealth must maintain its powers to act independently of the States if to do so is in the national interest. The Minister Assisting the Prime Minister in Federal Affairs, the Hon. Wal Fife, wrote to the Committee on 23 June 1982 in the following terms:

As has recently been confirmed by the High Court of Australia in the Koowarta Case, the Commonwealth has the power to legislate to carry into effect within Australia the provisions of an international agreement to which Australia is a party. The approach taken by the current Government, however, consistent with its philosophy of co-operative federalism, has been to involve the States as far as possible. The Government not only gives the States first option to implement treaties in areas traditionally their responsibility but also encourages participating in developing policy on which relevant treaties are negotiated.

133. The Western Australian Minister for Federal Affairs and Attorney-General in a letter dated 20 July 1982 advised that the Minister's comments were an overstatement insofar as they indicate that Section 51 (XXIX) of the Commonwealth Constitution enables the Commonwealth Parliament to legislatively implement any international agreement to which Australia is a party. The full text of the Attorney-General's letter is included as Appendix 9.

134. The Premier of Queensland wrote to the Committee on 13 August 1982 indicating that the Queensland Government was similarly of the opinion that the Commonwealth view of the Koowarta decision was incorrect. The Premier however did not provide his reasons for opposing the Commonwealth's view.

135. Notwithstanding the reservations of the Western Australian Attorney-General and the Premier of Queensland it is clear that there are circumstances when the Commonwealth has the power to legislate to implement international agreements in Australia irrespective of the views of the States.

136. The Committee is concerned that some States may have difficulty in fulfilling their obligations under international agreements because of lack of resources particularly when the acquisition of land is required. Attention is drawn to paragraph 58 of the Committee's second report on environmental protection which states:

the Commonwealth Government, at the request of State Governments and on the advice of the Australian National Parks and Wildlife Service, provide financial assistance to the States to purchase land to enable the implementation of programs required by international treaties and conventions relating to nature conservation.

137. The Committee was informed that to date no State has approached the Commonwealth for assistance along the lines of this recommendation. If the States are genuinely concerned over Commonwealth advances into what traditionally have been considered State areas of responsibility it is suggested that to adopt this recommendation may help to alleviate any perceived threats to State sovereignty in the conservation field.

138. The New South Wales National Parks and Wildlife Service, for example, indicated to the Committee that in the State of New South Wales there are numerous areas that would fall within the scope of this recommendation. As mentioned earlier in this report there has been no action on the part of the States to declare wetlands that fall within the ambit of the Wetlands Convention. If the States would make representations to the Commonwealth Government for the provision of direct financial

assistance to enable them to acquire these areas as recommended in the second environmental protection report, and if the Commonwealth responds positively, this would enable the States to implement the provisions of this Convention and others like it.

### **Federal Clauses**

139. A major issue in the negotiation and implementation of environmental treaties is the question of federal clauses. In their submissions the New South Wales, Queensland, Western Australian and Tasmanian Governments each referred to the necessity for Australia, when negotiating future environmental treaties, to press for the inclusion of a federal clause in each one.

140. The Committee sought clarification from several witnesses of what was meant by the term 'federal clause' and the impact that its insertion has on the application of an international treaty.

141. The Department of Foreign Affairs said that in its original concept the traditional federal clause was one whereby a federal state (in the international sense) was permitted to apply a treaty in respect of some of its constituent units, but consciously excluding others. Generally, other international unitary states were not very receptive to this interpretation as they saw it as being something which gave special advantages to a federally constituted state, by relieving the federal state from carrying out those obligations which were incumbent upon a unitary state.

142. In Australia today the general understanding of a federal clause has been altered somewhat. Rather than excluding a constituent unit of a federation from the provisions of a treaty, the view most commonly taken by the Australian State governments is that a federal clause acknowledges that the means of implementing the provisions of the treaty does not necessarily rest with the signing party (i.e. the Commonwealth Government) but may in fact fall within the legislative province of each of the constituent units, in this case each of the Australian State governments. By inserting a federal clause in a treaty therefore, the Australian States wish to ensure that the Commonwealth is placed in a position where it is prevented domestically from moving into (or at least finds it very difficult to move into), an area of treaty substance where the States have traditionally legislated.

143. The problem with this interpretation, the Department of Foreign Affairs claimed, was that the particular clause in the treaty then ceases to become an obligation to which all countries which are a party to the treaty are able to subscribe, so that, once included in the body of the treaty it means virtually nothing. And this does not only refer to other signatories to the treaty which have a unitary system of government. The Department of Foreign Affairs told the Committee that it is very difficult to find a situation where the legislative division in one federation coincides with that of another. For example, criminal law in Australia is administered by each of the States whereas in the Federal Republic of Germany it is administered by the central government.

144. For Australia to insist on the insertion of a federal clause is to say that it will become a party to the provisions of the treaty, but with certain exceptions. It has been suggested to the Committee that this is akin to a married couple signing mortgage documents with the proviso that they may not make each monthly repayment if either party decides it is not in their interest to do so. Obviously such a proposal is total nonsense and, for the same reasons, the whole notion of federal clauses in an international instrument is an anathema to other countries.

145. The Director of the New South Wales National Parks and Wildlife Service advised that the concept of the federal clause is not new. There is a federal clause in the Convention for the Protection of World Cultural and Natural Heritage which came into force on 17 December 1975. The clause is as follows:

'Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those State Parties which are not federal states.
- (b) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent states, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such states, countries, provinces or cantons of the said provisions with its recommendation for their adoption.'

146. The Committee was told that this clause was designed to make the treaty more acceptable to federations by making provision for contracting parties which do not have the legislative power to implement the treaty to *recommend* to its constituent units (i.e. States) that they adopt the provisions of the Convention. The weakness of this example lies in the use of the word 'recommend'. It is precisely this aspect of the clause to which other nations object. Whereas, in the example given, there is an obligation inherent in paragraph (a), in paragraph (b) this obligation has been watered down to a mere recommendation. The Committee was informed that no treaties negotiated since the signing of the World Heritage Treaty have included a federal clause. Given the nature of this federal clause, the Committee is not surprised that the addition of further federal clauses has not been successful.

147. The Committee is not convinced that the sound management and improvement of what is generally recognised as a declining global environment will in any way be assisted by the insistence on the insertion of federal clauses in these types of treaties. The Committee recognises that State environmental authorities, both government and non-government, are genuinely concerned and competent in managing their own environments and on the whole, seek to accommodate the wishes of the Commonwealth Government following international negotiations. The Committee believes that more can be achieved by regular and full Commonwealth/State consultation over these problems prior to ratification of environmental treaties, rather than by the insertion, in an international instrument, of a federal clause which is generally unacceptable in the international forum.

148. The matter of federal clauses has been raised at a number of CONCOM meetings, but for various reasons has not been resolved satisfactorily. The charge has been levelled that a lack of adequate cooperation and advice from the Commonwealth have contributed to the confusion over this issue, but the Committee suggests that a failure on behalf of the States to recognise that the concept of federal clauses is insupportable in the international forum may contribute equally. The real question seems not to be what type of federal clause will suit a given situation in regard to the administration of nature conservation in federally structured countries like Australia, but rather how might such countries cooperate with their constituent units to achieve the objective of a federal clause.

149. The New South Wales National Parks and Wildlife Service maintains that the main objective of actively seeking the development of federal clauses is to gain a further commitment from the Commonwealth Government that international treaties

associated with nature conservation will be negotiated and ratified in consultation with the States and subsequently be implemented under State legislation. The Committee believes that this is an improper method by which to seek a greater degree of Commonwealth/State consultation and that to insist that a national government make representations for the incorporation of federal clauses in internationally-negotiated treaties simply to achieve these ends is rather irresponsible and represents a misuse of the international treaty concept.

150. Despite having already been discussed at CONCOM meetings the Committee acknowledges that the question of the insertion of federal clauses in environmental treaties is far from resolved. This matter has also been discussed at Premiers' Conferences. As mentioned earlier in this report following a request by the 1980 Premiers' Conference, a review of the principles and procedures followed for Commonwealth/State negotiations on international treaty matters was carried out by Commonwealth and State officials during 1980 and 1981 resulting in the draft set of principles and procedures to be adopted for Commonwealth/State consultation on treaties.

151. In a letter to the Committee on this matter the Minister Assisting the Prime Minister in Federal Affairs, the Hon. Wal Fife, indicated that the Commonwealth Government is involved in a continuing discourse with the States on certain treaty aspects, particularly in relation to international acknowledgement of Australia's federal status.<sup>9</sup> The revised guidelines, though still in draft form and yet to be further considered by Premiers' Conference, indicate that the Commonwealth is willing to consider seeking federal clauses in appropriate treaties and that it has been actively pursuing with the States a form of statement that might be made, in the absence of a federal clause, which acknowledges Australia's federal structure and cooperative approach to the implementation of treaties. Mr Fife indicated that the Commonwealth is delaying joining several treaties pending settlement of the form of such a statement.

152. It is evident that despite the inherent problems of including a federal clause in internationally negotiated environmental treaties the Commonwealth Government is taking positive steps, on a case by case basis, to accommodate the desires of the States in this matter. From an environmental point of view the Committee is not convinced that anything can be gained from delaying the signing of a treaty of an environmental nature simply because it does not contain a federal clause. It believes that there are other more suitable forms by which States can lay their claims to the implementation procedures of such treaties.

153. The Committee believes that bodies like CONCOM, AEC and Premiers' Conferences, provide suitable forums to resolve any problems in implementing international treaties. It does not support the concept that the Commonwealth Government should be placed in the invidious position of having to negotiate in the international forum for the inclusion of a federal clause in treaties which it supports in principle. Given the inclination of other nations, even federations, not to accept the concept of federal clauses in international treaties, the Committee supports the concepts contained in the draft guidelines of May 1981 that federal clauses only be sought on a case by case basis in treaties involving matters governed by State law only and that the practice of appending a federal statement to such treaties rather than seeking to include a federal clause within the body of the treaty be actively sought as a viable alternative.

## 4 Role of voluntary conservation organisations

### Consultation

154. Voluntary conservation organisations have been formed in an attempt to achieve *better protection of the environment at the community or citizen group level*. They are self-funding although several of the major ones in each State and Territory receive financial assistance from the Commonwealth through the Grants-in-Aid Scheme. In May 1980 the Committee presented a report to the Parliament on the adequacy, scope and administration of this aid program.<sup>10</sup>

155. It has been estimated by the Australian Conservation Foundation (ACF) that there are over 1000 voluntary conservation groups in Australia with widely differing aims and objectives. Some operate only at the local level, in that their concern may be with a particular suburban area or parkland, while others operate at regional, State or national levels. Some concentrate on only one or a few issues which often may be short-lived, others cover a wide range of longer term, substantial national and international environmental concerns. It is this latter group which one normally associates with the term non-government organisation (NGO) and which, at times, can have notable impact on government environmental policy, both domestically and internationally.

156. With respect to NGO involvement internationally there appears to be two issues of complaint. The first concerns the lack of consultation on behalf of governments, both Commonwealth and State, with NGO's prior to Australia participating in international environmental conferences or prior to negotiating environmental treaties. The second is that NGO's may only attend conferences at their own expense, receiving no direct assistance from government sources for this specific purpose. If an NGO is able to finance its own attendance at an international meeting it generally only receives observer or adviser status to the official Australian delegation.

157. Under present arrangements most government consultation with non-government environmental organisations occurs only at the instigation of the respective NGO. The Fund for Animals Ltd told the Committee that the basis of all their consultation with government departments and agencies, both Commonwealth and State, was a matter of lobbying and trying to see influential persons when they could, rather than it being as a result of any set timetable of meetings of any kind. They suggested the establishment in Australia of a more formal working relationship with governments, where meetings would be set down at six-monthly intervals on specific topics.

158. The Australian Conservation Foundation said that at present no serious effort is being made to utilise the valuable expertise and knowledge within various NGO's. If pressed, the Government will provide some kind of arrangements for contact which appears not to be serious in intent and nothing more than a means of meeting the request in a minimal way. ACF believes that one of the main defects in Australia is that there is no adequate institutional arrangement for letting all concerned know that international conferences are approaching.

159. The lack of any formal mechanism for regular consultation with NGO's was openly acknowledged by the Government departments, but the suggestion that contact is not taken seriously was refuted. For its part, the Department of Home Affairs and Environment told the Committee that it places a great deal of value on comments and ideas from NGO's as representing the environmental conscience of the community. The Department's unwillingness to establish any formalised program of consultation

with NGO's prior to every international conference to which Australia sends an official delegation was more a factor of logistics rather than being a conscious ploy to exclude NGO's. It was stated that often notification of forthcoming conferences was extremely short and the dissemination of information, even to the responsible Department, was often so haphazard and time constraining that it left little scope for organising a program of formal consultations with NGO's. In those instances where the NGO's approach the Department themselves the Committee was assured that efforts are made to give them a fair hearing and to consider their views on their merits.

160. It was indicated on more than one occasion that it would be undesirable for the Government to be locked in to a formal mechanism of regular and consistent consultation with NGO's prior to attending major international conferences, because circumstances can and do vary enormously. Even State governments are not accorded this privilege on each and every occasion.

161. The Committee accepts that it would be impractical to commit the Commonwealth Government to a regular and consistent program of consultation with voluntary conservation organisations which are non-government based, have no direct involvement in the day-to-day management of the nation and are not responsible to the general population for their actions or decisions. At the same time however, the Committee draws to the attention of the Government that these organisations are genuinely concerned with the continuing welfare and maintenance of the domestic, and to a large extent global, environment. Being in a position free from ballot box results and other political considerations they at times have a different view of the problems confronting the environment to that of Government whose perception may be clouded by political concepts and considerations of limited resources. This source of environmental expertise must be tapped by the Government. The Government should not assume that all the experts are already employed in Government Departments.

162. The Committee believes that while it is undesirable to commit the Government to a formalised program of regular consultation with NGO's, there does exist scope for an improved system of consultation at all levels; Federal, State and non-government. The Committee feels that as a first step towards achieving greater consultation formal or official conferences should be organised on a regular basis at which the Commonwealth Government, State governments and the NGO's would be represented to exchange ideas and discuss Australia's approach to international and domestic environmental issues. It is appreciated that such a conference may need to run over several days. At this, all parties, Commonwealth, State and non-government, could put their respective views.

163. Accordingly, the Committee recommends that:

**the Department of Home Affairs and Environment conduct a seminar at regular intervals of Commonwealth Government, State government and non-government representatives to exchange ideas and discuss Australia's approach to international and domestic environmental issues.**

#### **Attendance at international conferences**

164. The attendance of representatives of non-government organisations at international conferences as part of the official Australian delegation became a major issue in this inquiry. Several non-government organisations felt that the Commonwealth should provide funds to enable at least one representative to attend each conference with equal status to the other members of the delegation.

165. The Commonwealth Government's attitude to NGO representation on Australian delegations is straightforward. The Department of Home Affairs and Environment said that if NGO's wish to attend overseas conferences they have to finance that attendance

themselves. As the Commonwealth already provides funds through its grants-in-aid scheme to those organisations most likely wishing to attend overseas conferences, it is incumbent upon the respective NGO's to set their own priorities in order to facilitate such travel. The Department told the Committee that funding for attendance of Government officials at overseas conferences was already at a premium and it was impossible to consider including a NGO representative as well. If this were to happen, it would necessarily preclude the attendance of a departmental official on the delegation.

166. The Department of Foreign Affairs indicated that it was undesirable to include a non-government representative on official Australian delegations for another reason. When delegations attend international conferences, be they environmental or otherwise, they are representing the views of the government of the day and must present a united approach based on known Government precepts. It was pointed out to the Committee that many conferences have a good deal of political content which by necessity means that the delegation has to have a very well-prepared brief and has to be aware of tactics. This would especially be so at a treaty negotiation conference. At such conferences it is not simply a matter of exchanging technical information so much as it is a matter of negotiation, knowing the history of negotiation and quite often knowing the history of political relations between the parties which are taking part. In such a situation there is no grounds for a non-government organisation being represented on the official Australian delegation.

167. The Committee concurs with the Government approach to the inclusion of NGO representatives on official delegations which are primarily concerned with Government-to-Government negotiations. However, the circumstances which were demonstrated to the Committee by the Department of Foreign Affairs cannot accurately be said to prevail at all conferences of recognised international environmental organisations. At these conferences a vast range of environmental issues can be canvassed, few of which involve political considerations. Nor do they result in decisions which will be binding on nations. Rather they are forums where issues and ideas are discussed and are aimed at increasing environmental awareness.

168. The Committee was concerned to hear evidence that when NGO's have made approaches to Government concerning forthcoming environmental conferences they have been told in a patronising manner that the issues to be canvassed are expected to be political and should not concern them, when subsequently, reports of the proceedings indicate that the issues actually discussed were very much of concern to the particular group. Such an attitude does not assist in creating a harmonious relationship between government and non-government bodies, nor does it contribute to the development of Australia's official environmental awareness.

169. Just as State governments are often represented on delegations to international conferences and treaty negotiations, not to necessarily represent Australia but to offer advice to government delegates and to ensure that State interests are being considered, so too should the government accept a representative of an appropriate NGO. Admittedly it is not always a simple task to determine which NGO would be able to provide an appropriate delegate, but proper consultation prior to any proposed conference would overcome this issue relatively simply. The inclusion of non-government representatives on official national delegations is a growing practice in the international environmental forum. The Committee is concerned that Australia's reluctance to seek avenues for including such representation on their own delegations may, over time, have a negative impact on Australia's credibility at these conferences.

170. The Government must recognise that there are many international forums of a non-government or decision-making type when voluntary conservation organisations would have much to contribute. Other nations have recognised this and the Committee

feels that the Government should encourage the participation of NGOs for the overall benefit of the advancement of environmental awareness and concern internationally and in Australia. As mentioned previously in this report however the Committee does not support a system of tied grants for overseas travel as part of the grants-in-aid scheme. It is not the role of Government to dictate priorities to groups by way of fixed grants. It is important nevertheless that grants are made at a level which will enable voluntary conservation organisations to make reasonable choices and attention is again drawn to the Committee's recommendation in paragraph 36 of its Report on Grants to Voluntary Conservation Organisations.<sup>11</sup>

171. Notwithstanding these comments, the Committee notes that there may be occasions when an important conference is to be held and where it is desirable for a particular organisation to be present. In those special instances, the Committee believes that it would be appropriate for the Government to formulate guidelines based on criteria to identify the special circumstances and the source of the funds by which direct aid would be given.

## 5 The World Conservation Strategy

### Introduction

172. The World Conservation Strategy was launched throughout the world in March 1980 and is a collaborative effort of three international organisations referred to earlier in this report; the International Union for the Conservation of Nature and Natural Resources (IUCN); the United Nations Environment Program (UNEP); and the World Wildlife Fund (WWF). The Strategy seeks to integrate conservation and development objectives by acknowledging that economic development and the use of living resources are essential human activities while at the same time noting that conservation is essential if sustainable development is to continue.

173. The Committee was told that some 700 scientists and other experts in the resources development and conservation fields from over 100 countries were involved in the preparation of the strategy.

174. The aim of the Strategy is to achieve the three main objectives of living resource conservation:

- to maintain essential ecological processes and life-support systems (such as soil regeneration and protection, the recycling of nutrients, and the cleansing of waters), on which human survival and development depend;
- to preserve genetic diversity (the range of genetic material found in the world's organisms) on which depend the functioning of many of the above processes and life-support systems, the breeding programs necessary for the protection and improvement of cultivated plants, domesticated animals and micro-organisms, as well as much scientific and medical advances, technical innovation, and the security of the many industries that use living resources; and
- to ensure the sustainable utilisation of species and ecosystems (notably fish and other wildlife, forests and grazing lands), which support millions of rural communities as well as major industries.

### National Conservation Strategy for Australia

175. One of the principal recommendations of the World Conservation Strategy was that every country should prepare its own National Conservation Strategy. In September 1980, the Prime Minister announced that the States and the Northern Territory had agreed to collaborate with the Commonwealth towards developing a National Conservation Strategy for Australia (NCSA). It was agreed that the NCSA would be developed in consultation with industry, trade unions and conservationists.

176. The aim of the NCSA is to help Australia achieve a sustainable level of development through the conservation of its living resources. In essence, since the natural productivity of Australian ecosystems is generally low, some modifications of the World Strategy appear necessary, where appropriate, to give the higher levels of productivity which Australia's living standards demand.

177. As the first stage in the development of the NCSA, a group of experts prepared a series of draft papers on subjects covering agriculture, forestry, wildlife, planning procedures, legislative measures and so on. These papers were considered at a National Seminar held in Canberra in December 1981 to which a broad cross-section of the community was invited. From this Seminar a discussion paper was prepared and distributed throughout the country in an attempt to stimulate a more focussed approach to the content of a draft National Conservation Strategy.

178. This discussion paper, entitled 'Towards a National Conservation Strategy', was produced by a Task Force set up within the Commonwealth Department of Home Affairs and Environment. It is anticipated that the discussion paper will form the basis of a draft National Conservation Strategy for Australia to be finalised at the NCSA National Conference scheduled to be held in Canberra in February 1983. A summary of the NCSA and the discussion paper prepared by the Task Force is shown at Appendix 10.

179. The Committee was informed that the discussion paper, of which 13,000 copies have been produced, has been given as wide a distribution as possible to ensure positive feedback from all likely contributors to, and benefactors of, the Strategy. The Committee was pleased to learn that the paper is being made available free of charge. Copies of the discussion paper have been sent to:

- all participants of the NCSA Seminar held in December 1981;
- all Shire Clerks;
- local Government associations;
- Commonwealth/State Ministerial Councils;
- Federal Members of Parliament;
- Commonwealth and State (including the Northern Territory) Government departments and authorities;
- University and colleges of advanced education libraries and selected academics;
- national industry and development associations;
- non-government organisations and conservation groups;
- political parties;
- trade unions; and
- interested persons overseas.

180. As a follow up to the public release of the discussion paper Task Force staff are also undertaking a personal contact program, which usually takes the form of lectures to interested groups. The Task Force has asked that comments on, and contributions to, the discussion paper be submitted by 15 September 1982 to enable a draft Conservation Strategy to be finalised for the February 1983 National Seminar.

181. The Committee was concerned to hear some criticism of the manner in which the NCSA was formulated and subsequently promoted. The Australian Conservation Foundation told the Committee that in the early stages of preparation it was very much an in-government activity with the Steering Committee being comprised entirely of Government people. Following the December 1981 meeting however, at which these complaints were aired, a consultative committee was established consisting of four representatives of non-government conservation groups and four industry representatives nominated by the National Farmers Federation, the Australian Forest Development Institute, the Confederation of Australian Industry and the Australian Mining Industry Council. This committee regularly meets with the Steering Committee, consisting of representatives of the Commonwealth Government and each of the State and Northern Territory Governments. The Committee was told that these joint meetings have been very successful.

182. At the time that the Committee received complaints regarding the inadequate degree of publicity being given to the NCSA, the discussion paper 'Towards a National Conservation Strategy' had not been produced. The Committee is now satisfied that positive steps have been taken to present the concept of the NCSA to as wide a spectrum of Australian society as it possible. The Committee fully supports the action that has been taken by the NCSA Task Force in this respect.

183. The Committee would emphasise however that following the adoption of the Strategy, presumably after the National Conference in February 1983, a concerted

campaign to deliver the Strategy to the general public will be needed. The Committee suggests that a program similar to the 'Life—Be in It' and the 'Keep Australia Beautiful' campaigns should be considered as a suitable approach to foster public awareness of the need to integrate conservation and development within Australia, and that schools be encouraged to promote the concepts of the Strategy within their curriculums.

184. In contemplating the potential effectiveness of the NCSA, the Committee is concerned that enthusiasm for it should not be permitted to wane. This could quite easily occur if the Commonwealth Government takes it upon itself to be too domineering in stipulating the direction which the Strategy will take. The Committee was told that at present the States and the major non-government organisations are enthusiastic about the NCSA but that this enthusiasm may not extend beyond our shores to the same degree. The Committee believes that the Commonwealth Government must adopt the role of international negotiator with respect to the Conservation Strategy and present to the global forum support and enthusiasm for pursuing a total World Conservation Strategy. The NCSA must not be left to languish because of a general lack of support for the World Strategy. The Commonwealth Government therefore must do all within its power to support and promote the World Conservation Strategy on the international stage.

185. Domestically, the Committee believes that the States and local governments must be encouraged to develop their own regional conservation strategies within the overall framework of the NCSA. Only by involving people at the 'grass roots' level does the Committee see the NCSA being the success that is hoped for.

186. The Committee is also of the opinion that the draft National Conservation Strategy, as well as being considered at the National Conference in February 1983, should be presented to the Commonwealth Parliament where representatives of all Australians will have an opportunity to make a contribution to its development. It is a fundamental concept that a program with such far reaching ramifications as the NCSA should be adequately debated in the national forum. Accordingly, the Committee recommends that:

**the Draft National Conservation Strategy for Australia be tabled in Parliament early in 1983 and that it be given full consideration by the Parliament prior to being adopted by the Government.**

## 6 Antarctica

187. In assessing Australia's role in international environmental activities, Antarctica should receive special mention. Apart from being unique environmentally, the nature and application of the Antarctic Treaty is deserving of brief comment. The Committee has not attempted, in this Report, to become involved in an extensive analysis of the significance of Antarctica nor of its future, which would require a full inquiry. As a unique area of international involvement, the Committee merely acknowledges the prominent role which Australia plays.

188. In 1957, as part of the International Geophysical Year, 12 nations, including Australia, cooperated in research programs in Antarctica. This cooperation led to discussions on the formulation of a treaty to regulate international activity in the area with the purpose of promoting scientific study and cooperation. The resulting Antarctic Treaty was signed on 1 December 1959 and came into force with effect from 23 June 1961.

189. The Treaty applies to all that area south of latitude 60°S. Its main provisions are:

- the area must remain a de-militarised zone;
- there shall be freedom of access to all parts of the continent and inspection of a nation's stations and equipment by other nations;
- all territorial claims are to be put aside;
- all nuclear explosions and the storage of radioactive waste are to be banned;
- the exchange of personnel and scientific data between nation's expeditions is to be encouraged; and
- a structure is to be set up by which nations can consult each other on problems facing the region.

190. The original 12 signatories were Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America. In addition, Poland, Czechoslovakia, Denmark, the Netherlands, Rumania, the German Democratic Republic, the Federal Republic of Germany, Brazil, Uruguay, Peru, Italy and Papua New Guinea have acceded to the Treaty.

191. A system of biannual Antarctic Treaty Consultative Meetings at which the original Treaty signatories (designated as Consultative Parties) and other nations which have been accepted as having Consultative Party status (so far only Poland and the Federal Republic of Germany) deal with issues of common interest and make recommendations to their respective Governments. During the 20 years that the Treaty has been in force 81 recommendations have been adopted.

192. The Department of Science and Technology, which has responsibility for all operational aspects of Australia's Antarctic program, told the Committee that the Treaty satisfies most of Australia's interest in the Antarctic and has in fact become the cornerstone of Australia's Antarctic policy. It ensures that Australia is informed and consulted with regard to developments in a region geographically proximate, but more importantly, it has maintained the Antarctic as an area free of strategic or political confrontation. Moreover the Treaty has proved effective in protecting the Antarctic environment which the Department noted was an important aspect to Australia because of the possible effects on Australia's own region of any uncontrolled activities.

193. Australia's position within the Treaty forum is well regarded and Australia is often accepted as a leading moderating influence in balancing the concerns of the major powers. The Committee was told also that nations which have recently embarked on

scientific programs in Antarctica but which are not a signatory to the Treaty or a Consultative Party, have approached Australia for assistance. The People's Republic of China and India have been recent notable examples.

194. Australia lays claim to three-sevenths of the total Antarctic Territory, an area of 6 million square miles. This was the area claimed by Australia when the Treaty was signed in 1959. Although the claim is not recognised by other nations and the Treaty stipulates that all areas of Antarctica shall be open to observers of other Contracting Parties, Australia tends to work through the Treaty to enhance the claim and to participate in the management of the claimed area. This approach, together with the overall size of the claimed area, has given Australia a valued and respected position among the Contracting Parties to the Treaty.

195. The Antarctic Treaty may be subjected to review in 1991 if any of the Contracting Parties so request. This will be 30 years after the Treaty entered into force and in accordance with Article XII, a Conference may then be held to review the operation of the Treaty. If such a Conference should occur, Australia will be expected to play a major role. In 1982 it is impossible to forecast what will be the outcome of any such review. It was suggested to the Committee, for example, that the whole area south of latitude 60°S should be placed within the control of the United Nations, as a special project, pledged to maintain the continent as part of the environmental common heritage of mankind. While recognising this as being an admirable concept the Committee believes it to be presumptuous in 1982 to be making recommendations concerning the future of Antarctica post-1991.

196. Australia currently features prominently in Antarctica. This influence must not be permitted to wane. The Committee is anxious to see that a realistic scientific program in Antarctica is maintained and for this reason fully supports the substantial increase in funds being provided to the Antarctic Division of the Department of Science and Technology in the 1982-83 Budget. By achieving further positive results in scientific research, Australia's position and value to other nations with an interest in the area will be enhanced. The Committee was told that it is the value of the scientific work being done by Australia which is important more so than the fact that we have a claim to three-sevenths of the continent.

197. Australia's prominence in the Antarctic has been amply demonstrated in the role it has taken in relation to the Convention on the Conservation of Antarctic Marine Living Resources. With a growing recognition of the economic potential of the marine resources of the Southern Ocean, and the possible ecological damage that could result from uncontrolled exploitation of the area, the Antarctic Treaty nations developed the Convention to apply to the total ecosystem of the Southern Ocean. The Convention was finalised at a Diplomatic Conference held in Canberra in May 1980 and came into force on 7 April 1982. Australia's key role in the negotiations was recognised at the conference when it was chosen as the Depository of the Convention. The headquarters of the international commission responsible for administering the Convention have been established at Hobart. This action has greatly enhanced Australia's standing within the Antarctic Treaty forum and is the first occasion that the headquarters of an international environmental organisation have been located in Australia.

198. Australia is also participating in an international co-operative program called the Biological Investigation of Marine Antarctic Systems and Stocks (BIOMASS) to be conducted over a 10-year period. The objective of the program is to gain an understanding of the structure and functioning of the Antarctic marine ecosystem for the future conservation and management of living resources and it is expected that it will form a data base for the Convention for the Conservation of Antarctic Marine Living Resources.

199. The First International BIOMASS Experiment (FIBEX) took place in February-March 1981. It focussed on determining the distribution and abundance of krill which holds a central role in the Antarctic marine ecosystem and is currently being harvested experimentally with a view to commercial exploitation. Australia benefits from its involvement with BIOMASS by having access to the data and analysis carried out by a large number of researchers and oceanographic vessels. The Committee was told that the BIOMASS program is far beyond the capability of any one nation. In 1980-81 \$1.2 million was earmarked for Australia's involvement in FIBEX.

200. This type of involvement represents a new direction of scientific research by Australia in Antarctica which has become evident over recent years. The past emphasis has been on pure science. For example, earlier research concentrated on upper atmosphere physical phenomena, cosmic rays and the convergence of the earth's magnetic field at the Poles. Recently, over the last 5 years, there has been a redirection of effort into biological sciences with an environment protection element to them which has included the marine living resources of the Southern Ocean with the objective being to look at both environmental conservation and resource exploitation potential. The Committee notes that this approach is in accord with the objectives of the World Conservation Strategy.

201. The Committee recognises the prominent role which Australia is playing in Antarctic research and management. With the establishment in Hobart of the Commission to administer the Antarctic Marine Living Resources Convention, this role has been further strengthened. The Committee supports Australia's continued involvement in Antarctica, and, accordingly, recommends that:

**the Commonwealth Government continue to actively support Australia's involvement in Antarctica and provide sufficient resources to enable Australia's high standing within the Antarctic Treaty to be maintained up until 1991.**

M. J. R. MacKELLAR  
Chairman

October 1982

# Endnotes

## CHAPTER 1

1. Transcript, page 19.
2. Transcript, page 113.

## CHAPTER 2

3. Transcript, page 31.
4. *The Fund for Animals Ltd., Supplementary Submission*, page 2.
5. Transcript, page 348.
6. *OECD and the Environment*, OECD, Paris, 1979, page 8.
7. Transcript, page 511.
8. Transcript, pages 296-7.

## CHAPTER 3

9. Letter, dated 23 June 1982, from the Hon. Wal Fife, M.P., Minister Assisting the Prime Minister in Federal Affairs to Dr H. A. Jenkins, M.P., Acting Chairman, House of Representatives Standing Committee on Environment and Conservation.

## CHAPTER 4

10. *Grants to Voluntary Conservation Organisations*, Report by the House of Representatives Standing Committee on Environment and Conservation, May 1980, Parliamentary Paper No. 83/1980.
11. *Ibid.*, page 10.

## APPENDIX I

### LIST OF WITNESSES AND EXHIBITS

#### *Witnesses*

Bell, Miss K.	Research Officer, The Fund for Animals Ltd (Australia)
Bray, Mr W. H.	Assistant Secretary, General Legal and Treaties Branch, Department of Foreign Affairs
Creech, Mr K. E.	Director, Department of Science and Technology
England, Dr B. T.	Officer-in-Charge, Government and International Relations Group, Office of the Executive, Commonwealth Scientific and Industrial Research Organization
Harrap, Dr B. S.	Acting Officer-in-Charge, Centre for International Research Cooperation, Commonwealth Scientific and Industrial Research Organization
Johnstone, Mr D. A.	Director, National Parks and Wildlife Service of New South Wales
Kennedy, Mr M.	Campaign Director, The Fund for Animals Ltd (Australia)
McMichael, Dr D. F.	Secretary, Department of Home Affairs and Environment
Mosely, Dr. J. G.	Director, Australian Conservation Foundation Inc.
Penhallurick, Ms E.	Clerk, Department of Home Affairs and Environment
Powell, Dr D. L.	Assistant Secretary, Policy Division, Department of Science and Technology
Richmond, Mr T. J. P.	Assistant Director, Australian National Parks and Wildlife Service
Scrivens, Mr D. H.	Senior Research Officer, United Nations Social and Technical Section, Department of Foreign Affairs
Thompson, Mr K. E.	First Assistant Secretary, Environment Division, Department of Home Affairs and Environment
Vidler, Mr A. W.	Executive Officer, Department of Science and Technology

#### *Exhibits*

1. Commonwealth Scientific and Industrial Research Organization—  
'CIRC '80'—Annual Report of the Centre for International Research Cooperation (CIRC), for 1980, CSIRO, Australia.
2. National Parks and Wildlife Service of New South Wales—
  - (a) Australia's 100 years of National Parks.
  - (b) Annual Report, 1981.
  - (c) Australian Committee for I.U.C.N.—Membership list as at 1 January 1982.

## APPENDIX 2

### LIST OF SUBMISSIONS

The following individuals and organisations assisted the Committee by providing written submissions but were not required to appear at public hearings:

- Australian National Parks Council
- Conservation Council of South Australia Inc.
- Conservation Council of Western Australia
- Fitzgerald River National Park Association
- McCammon, Ms M., Mosman NSW
- Minister Assisting the Prime Minister in Federal Affairs
- Nature Conservation Council of New South Wales
- Premier of Queensland
- Premier of South Australia
- Premier of Tasmania
- Premier of Western Australia
- Western Australian Attorney-General and Minister for Federal Affairs

## UNITED NATIONS ENVIRONMENT PROGRAMME

### Rules of Procedure of the Governing Council

#### ANNEX

Resolution adopted by the General Assembly at its 2112th plenary meeting, on 15 December 1972

#### 2997 (XXVII). INSTITUTIONAL AND FINANCIAL ARRANGEMENTS FOR INTERNATIONAL ENVIRONMENTAL CO-OPERATION

The General Assembly,

*Convinced* of the need for prompt and effective implementation by Governments and the international community of measures designed to safeguard and enhance the environment for the benefit of present and future generations of man,

*Recognizing* that responsibility for action to protect and enhance the environment rests primarily with Governments and, in the first instance, can be exercised more effectively at the national and regional levels,

*Recognizing further* that environmental problems of broad international significance fall within the competence of the United Nations system,

*Bearing in mind* the international co-operative programmes in the field of the environment must be undertaken with due respect for the sovereign rights of States and in conformity with the Charter of the United Nations and principles of international law,

*Mindful* of the sectoral responsibilities of the organizations in the United Nations system,

*Conscious* of the significance of regional and sub-regional co-operation in the field of the environment and of the important role of the regional economic commissions and other regional intergovernmental organizations,

*Emphasizing* that problems of the environment constitute a new and important area for international co-operation and that the complexity and interdependence of such problems require new approaches,

*Recognizing* that the relevant international scientific and other professional communities can make an important contribution to international co-operation in the field of the environment,

*Conscious* of the need for processes within the United Nations system which would effectively assist developing countries to implement environmental policies and programmes that are compatible with their development plans and to participate meaningfully in international environmental programmes,

*Convinced that*, in order to be effective, international co-operation in the field of the environment requires additional financial and technical resources,

*Aware* of the urgent need for a permanent institutional arrangement within the United Nations system for the protection and improvement of the environment,

*Taking note* of the report of the Secretary-General on the United Nations Conference on the Human Environment.

#### I

#### GOVERNING COUNCIL OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

1. *Decides* to establish a Governing Council of the United Nations Environment Programme, composed of fifty-eight members elected by the General Assembly for three-year terms on the following basis:

- (a) Sixteen seats for African States;

- (b) Thirteen seats for Asian States;
  - (c) Six seats for Eastern European States;
  - (d) Ten seats for Latin American States;
  - (e) Thirteen seats for Western European and other States.
2. *Decides* that the Governing Council shall have the following main functions and responsibilities:
- (a) To promote international co-operation in the field of the environment and to recommend, as appropriate, policies to this end;
  - (b) To provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system;
  - (c) To receive and review the periodic reports of the Executive Director of the United Nations Environment Programme, referred to in section II, paragraph 2, below, on the implementation of environmental programmes within the United Nations system;
  - (d) To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments;
  - (e) To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;
  - (f) To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that may be incurred by developing countries in the implementation of environmental programmes and projects, and to ensure that such programmes and projects shall be compatible with the development plans and priorities of those countries;
  - (g) To review and approve annually the programme of utilization of resources of the Environment Fund referred to in section III below.
3. *Decides* that the Governing Council shall report annually to the General Assembly through the Economic and Social Council, which will transmit to the Assembly such comments on the reports as it may deem necessary, particularly with regard to questions of co-ordination and to the relationship of environmental policies and programmes within the United Nations system to overall economic and social policies and priorities.

## II

### ENVIRONMENT SECRETARIAT

1. *Decides* that a small secretariat shall be established in the United Nations to serve as a focal point for environmental action and co-ordination within the United Nations system in such a way as to ensure a high degree of effective management;
2. *Decides* that the environment secretariat shall be headed by the Executive Director of the United Nations Environment Programme, who shall be elected by the General Assembly on the nomination of the Secretary-General for a term of four years and who shall be entrusted, *inter alia*, with the following responsibilities:
- (a) To provide substantive support to the Governing Council of the United Nations Environment Programme;
  - (b) To co-ordinate, under the guidance of the Governing Council, environmental programmes within the United Nations system, to keep their implementation under review and to assess their effectiveness;
  - (c) To advise, as appropriate and under the guidance of the Governing Council, inter-governmental bodies of the United Nations system on the formulation and implementation of environmental programmes;
  - (d) To secure the effective co-operation of, and contribution from, the relevant scientific and other professional communities in all parts of the world;

- (e) To provide, at the request of all parties concerned, advisory services for the promotion of international co-operation in the field of the environment;
  - (f) To submit to the Governing Council, on his own initiative or upon request, proposals embodying medium-range and long-range planning for United Nations programmes in the field of the environment;
  - (g) To bring to the attention of the Governing Council any matter which he deems to require consideration by it;
  - (h) To administer, under the authority and policy guidance of the Governing Council, the Environment Fund referred to in section III below;
  - (i) To report on environmental matters to the Governing Council;
  - (j) To perform such other functions as may be entrusted to him by the Governing Council;
3. *Decides* that the costs of servicing the Governing Council and providing the small secretariat referred to in paragraph 1 above shall be borne by the regular budget of the United Nations and that operational programme costs, programme support and administrative costs of the Environment Fund established under section III shall be borne by the Fund.

### III

#### ENVIRONMENT FUND

1. *Decides* that, in order to provide for additional financing for environmental programmes, a voluntary fund shall be established, with effect from 1 January 1973, in accordance with existing United Nations financial procedures;
2. *Decides* that, in order to enable the Governing Council of the United Nations Environment Programme to fulfil its policy-guidance role for the direction and co-ordination of environmental activities, the Environment Fund shall finance wholly or partly the costs of the new environmental initiatives undertaken within the United Nations system —which will include the initiatives envisaged in the Action Plan for the Human Environment adopted by the United Nations Conference on the Human Environment, with particular attention to integrated projects, and such other environmental activities as may be decided upon by the Governing Council —and that the Governing Council shall review these initiatives with a view to taking appropriate decisions as to their continued financing;
3. *Decides* that the Environment Fund shall be used for financing such programmes of general interest as regional and global monitoring, assessment and data-collecting systems, including, as appropriate, costs for national counterparts; the improvement of environmental quality management; environmental research; information exchange and dissemination; public education and training; assistance for national, regional and global environmental institutions; the promotion of environmental research and studies for the development of industrial and other technologies best suited to a policy of economic growth compatible with adequate environmental safeguards; and such other programmes as the Governing Council may decide upon, and that in the implementation of such programmes due account should be taken of the special needs of the developing countries;
4. *Decides* that, in order to ensure that the development priorities of developing countries shall not be adversely affected, adequate measures shall be taken to provide additional financial resources on terms compatible with the economic situation of the recipient developing country, and that, to this end, the Executive Director, in co-operation with competent organizations, shall keep this problem under continuing review;
5. *Decides* that the Environment Fund, in pursuance of the objectives stated in paragraphs 2 and 3 above, shall be directed to the need for effective co-ordination in the implementation of international environmental programmes of the organizations in the United Nations system and other international organizations;
6. *Decides* that, in the implementation of programmes to be financed by the Environment Fund, organizations outside the United Nations system, particularly those in the countries and regions concerned, shall also be utilized as appropriate, in accordance with the procedures established by the Governing Council, and that such organizations are invited to support the United Nations environmental programmes by complementary initiatives and contributions;

7. *Decides* that the Governing Council shall formulate such general procedures as are necessary to govern the operations of the Environment Fund.

#### IV

#### ENVIRONMENT CO-ORDINATION BOARD

1. *Decides* that, in order to provide for the most efficient co-ordination of United Nations environmental programmes, an Environment Co-ordination Board, under the chairmanship of the Executive Director of the United Nations Environment Programme, shall be established under the auspices and within the framework of the Administrative Committee on Co-ordination;
2. *Further decides* that the Environment Co-ordination Board shall meet periodically for the purpose of ensuring co-operation and co-ordination among all bodies concerned in the implementation of environmental programmes and that it shall report annually to the Governing Council of the United Nations Environment Programme;
3. *Invites* the organizations of the United Nations system to adopt the measures that may be required to undertake concerted and co-ordinated programmes with regard to international environmental problems, taking into account existing procedures for prior consultation, particularly on programme and budgetary matters;
4. *Invites* the regional economic commissions and the United Nations Economic and Social Office at Beirut, in co-operation where necessary with other appropriate regional bodies, to intensify further their efforts directed towards contributing to the implementation of environmental programmes in view of the particular need for the rapid development of regional co-operation in this field;
5. *Also invites* other intergovernmental and those non-governmental organizations that have an interest in the field of the environment to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of co-operation and co-ordination;
6. *Calls upon* Governments to ensure that appropriate national institutions shall be entrusted with the task of the co-ordination of environmental action, both national and international;
7. *Decides* to review as appropriate, at its thirty-first session, the above institutional arrangements, bearing in mind, *inter alia*, the responsibilities of the Economic and Social Council under the Charter of the United Nations.

## APPENDIX 4

### ENVIRONMENT COMMITTEE OF THE OECD DECLARATION OF ANTICIPATORY ENVIRONMENTAL POLICIES

The Governments of OECD Member countries and of Yugoslavia:

- (a) Recalling their Declaration on Environmental Policy adopted in 1974;
- (b) Noting the significant achievements over the past decade in reducing pollution, conserving natural resources and providing a better human environment;
- (c) Recognising the need to integrate environmental, economic and social policies;
- (d) Convinced that improving the human environment involves sustained long-term effort requiring policies that take into account at an early stage the environmental consequences of major decisions;
- (e) Mindful of the hazards to health and the environment arising from certain socio-economic activities;
- (f) Aware that market mechanisms by themselves often do not induce decisions that reflect their environmental consequences and costs;
- (g) Determined to pursue vigorous environmental policies in a manner consistent with their constitutional, legal and market economy systems.

#### DECLARE THAT:

1. They will strive to ensure that environmental considerations are incorporated at an early stage of any decisions in all economic and social sectors likely to have significant environmental consequences.
2. They will seek more effective institutional, economic and other means to integrate environmental policy with policies in other sectors and in so doing, will attach priority to land-use planning and to the chemicals, energy and other sectors having a major impact on the environment.
3. They will, where appropriate and possible, employ economic and fiscal instruments, in combinations as need be with regulatory instruments, to induce public and private enterprises and individuals to anticipate the environmental consequences of their actions and take them into account in their decisions.
4. They will encourage the design, development and use of processes, products and urban form that conserve resources and energy, and that protect and enhance the environment.
5. They will, in proposing laws and making regulations, seek to avoid unduly complex or conflicting requirements and unnecessary delays in decisions affecting the environment.
6. They will endeavour, to the extent practicable, to develop systems to account for changes in environmental quality and related resource stocks.
7. They will encourage public participation, where possible, in the preparation of decisions with significant environmental consequences, inter alia, by providing as appropriate information on the risks, costs and benefits associated with the decisions.
8. They will support the promotion of environmental objectives and awareness in the field of education.
9. They will strengthen their co-operation in the OECD in order to encourage arrangements between interested parties on international environmental problems, and to seek harmonization of national environmental policies.
10. They will continue to co-operate to the greatest extent possible, both bilaterally and through appropriate international organisations, with all countries, in particular developing countries in order to assist in preventing environmental deterioration.

## APPENDIX 5

### MEMBERS OF I.U.C.N. IN AUSTRALIA AS AT 1 JANUARY 1982

#### State (Commonwealth) Member

Australian National Parks and Wildlife Service (Administered by Minister for Home Affairs and Environment)

#### Government Agencies

Australian Heritage Commission  
Conservation and Agriculture Board  
Conservation Commission of the Northern Territory  
Department for the Environment, S.A.  
Department of Fisheries and Wildlife, W.A.  
Forestry Commission of New South Wales  
Great Barrier Reef Marine Park Authority  
Ministry for Conservation, Vic.  
National Parks and Wildlife Service, N.S.W.  
National Parks and Wildlife Service, Qld.  
National Parks and Wildlife Service, Tas.  
Woods and Forests Department, S.A.

#### Non-Government Organisations

Association of Zoo Directors (of Australia and New Zealand)  
Australian Conservation Foundation Inc.  
Australian Council of National Trusts  
Cape York Conservation Council Inc.  
Conservation Council of South Australia Inc.  
Fraser Island Defencers Organisation Ltd.  
Friends of the Earth (Australia)  
Fund for Animals Ltd (Australia)  
National Parks Association of New South Wales  
National Trust of Australia (N.S.W.)  
Nature Conservation Council of New South Wales  
Project Jonah (Australia)  
Queensland Conservation Council Inc.  
Tasmanian Wilderness Society  
Wildlife Preservation Society of Australia  
World Wildlife Fund (Australia)

## APPENDIX 6

TREATIES RELATING TO THE ENVIRONMENT AND CONSERVATION  
AS AT DECEMBER 1981

## Multilateral Treaties

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
25 January 1924, Paris	International Agreement for the Creation at Paris of an International Office for dealing with Contagious Diseases of Animals		Acceded to by Australia 9 February 1925, under Article 6. U.K.T.S. No. 11 of 1926 (Cmnd 2663); S.P. 121 p. 884; L.N.T.S. 57 p. 135.
16 October 1945, Quebec	Constitution of the Food and Agriculture Organization of the United Nations	16 October 1945	Instrument of ratification deposited by Australia 16 October 1945. U.K.T.S. No. 47 of 1946 (Cmnd 6955); S.P. 145 p. 910; Commonwealth Act No. 42 of 1944.  The Constitution was extensively amended by the 1950 Special Session of the Conference of the Organization (Washington—3 November 1950); and by previous and subsequent sessions of the Conference.  The text of the Constitution as amended up to and including the Tenth Session of the Conference is printed in U.K.T.S. No. 11 of 1961 (Cmnd 1299).  Amendments adopted by the 11th and 12th Session are printed in U.K.T.S. No. 10 of 1965 (Cmnd 2556).
2 December 1946, Washington	International Whaling Convention	10 November 1948	Signed for Australia 2 December 1946. Instrument of ratification deposited by Australia 1 December 1947.  The Convention as originally adopted is printed in Aust. T.S. 1948 No. 18; U.K.T.S. No. 5 of 1949 (Cmnd 7604); S.P. 146 p. 521; U.N.T.S. 161 p. 72.  See also the Protocol of 19 November 1956 (below). The Schedule as amended to 1961 is printed in U.K.T.S. No. 113 of 1961 (Cmnd 1560).

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
11 October 1947, Washington	Convention of the World Meteorological Organisation	23 March 1950	Signed for Australia 11 October 1947. Instrument of ratification deposited by Australia 14 March 1949. The Convention was extended to the Territories of Papua and Norfolk Island and the Trust Territory of New Guinea from 26 October 1950. It was extended to the Australian Antarctic Territory from 16 June 1955. Aust. T.S. 1950 No. 5; U.K. T.S. No. 36 of 1950 (Cmnd. 7989); S.P. 148 p. 741; U.N.T.S. 77 p. 143. Article 13 of the Constitution was amended by the 3rd Congress of the Organisation on 15 April 1959. U.N.T.S. 394 p. 260; U.K. T.S. No. 15 of 1961 (Cmnd 1317).
26 February 1948, Baguio	Agreement for the establishment of the Indo-Pacific Fisheries Council	9 November 1948	Instrument of acceptance deposited by Australia. Entered into force for Australia 10 March 1949. Aust. T.S. 1949 No. 4; U.K. T.S. No. 73 of 1949 (Cmnd. 7845); S.P. 151 p. 230; U.N.T.S. 120 p. 59. Part 2 of Article VI was amended at the Fourth Meeting of the Indo-Pacific Fisheries Council held at Quezon City from 23 October to 7 November 1952. The amendment entered into force 9 December 1952. See U.N.T.S. 190 p. 383. Article II was amended at the Sixth Session of the Council held in Tokyo from 30 September to 14 October 1955 U.N.T.S. 227 p. 322, and Article II, III and VI at the 8th Session of the Council held in Colombo from 6-22 December 1958 (See U.N.T.S. 343 p. 343). Further amendments were made at the 9th Session of the Council (see U.N.T.S. 418 p. 348).
6 March 1948, Geneva	Convention on the Inter-governmental Maritime Consultative Organisation	17 March 1958	Signed for Australia subject to acceptance 6 March 1948. Instrument of acceptance deposited by Australia 13 February 1952. Aust. T.S. 1958 No. 5; U.K. T.S. No. 54 of 1958 (Cmnd 589); U.N.T.S. 289 p. 48.

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
			Amendments to Articles 17 and 18 of this Convention were adopted by the Assembly of I.M.C.O. on 15 September 1964 (see below).
19 September 1949, Geneva	Convention on Road Traffic		Instrument of accession deposited by Australia 7 December 1954. Entered into force for Australia 6 January 1955. At the time of accession the Australian Government by declaration under Article 2 (1) excluded Annexes 1 and 2 from its application of the Convention.  Aust. T.S. 1955 No. 2; (Cmnd 7997); U.N.T.S. 125 p. 3.  Extended from 2 June 1961, to the Territory of Papua and the Trust Territory of New Guinea, by an Instrument deposited with the Secretary-General of the United Nations 3 May 1961.  U.K. T.S. No. 49 of 1958 (Cmnd 578); S.P. 157 p. 447.
6 December 1951, Rome	International Plant Protection Convention		Instrument of ratification deposited by Australia, entered into force 27 August 1952. By Declaration deposited 9 August 1954, applicable 8 September 1954, the Convention extended to the Territories of Papua and Norfolk Island and the Trust Territory of New Guinea.  Aust. T.S. 1952 No. 5; U.K. T.S. No. 16 of 1954 (Cmnd 9077); U.N.T.S. 150 p. 67.  Modifications to the authentic Spanish text of this Convention entered into force 11 July 1954.  U.N.T.S. 196 p. 354.  Australia signed the instrument recording these modifications 14 December 1953.
12 May 1954, London	International Convention for the Prevention of the Pollution of the Sea by Oil	26 July 1958	Instrument of acceptance deposited by Australia 29 August 1962. Entered into force for Australia 29 November 1962. Aust. T.S. 1962 No. 7; Commonwealth Act No. 11 of 1960; U.K. T.S. No. 56 of 1958 (Cmnd. 595); U.N.T.S. 327 p. 3.

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
27 February 1956, Rome	Plant Protection Agreement for the South-East Asia and Pacific Region	2 July 1956	Signed for Australia 27 February 1956. Applies to the Territory of Papua and Trust Territory of New Guinea. Aust. T.S. 1956 No. 11; U.K. T.S. No. 40 of 1957 (Cmnd 170); U.N.T.S. 247 p. 400. See Amendment below 30 October-3 November 1967.
19 November 1956, Washington	Protocol to the International Whaling Convention of 2 December 1946	4 May 1959	Instrument of ratification deposited by Australia 8 April 1957. Aust. T.S. 1959 No. 20; U.K. T.S. No. 68 of 1959 (Cmnd 849); U.N.T.S. 338 p. 366.
29 April 1958, Geneva	Convention on the Territorial Sea and the Contiguous Zone	10 September 1964	Signed for Australia 30 October 1958. Instrument of ratification deposited by Australia 14 May 1963. Aust. T.S. 1963 No. 12; U.K. T.S. No. 3 of 1965 (Cmnd 2511); U.N.T.S. 516 p. 205.
29 April 1958, Geneva	Convention on the High Seas	30 September 1962	Signed for Australia 30 October 1958. Instrument of ratification deposited by Australia 14 May 1963. Entered into force for Australia 13 June 1963. Aust. T.S. 1963 No. 12 (Cmnd 584); U.K. T.S. No. 5 of 1963 (Cmnd 1929); U.N.T.S. 450 p. 82.
29 April 1958, Geneva	Convention on Fishing and Conservation of the Living Resources of the High Seas	20 March 1966	Signed for Australia 30 October 1958. Instrument of ratification deposited by Australia 14 May 1963. Aust. T.S. 1963 No. 12; U.K. T.S. No. 39 of 1966 (Cmnd 3848).
29 April 1958, Geneva	Convention on the Continental Shelf	10 June 1964	Signed for Australia 30 October 1958. Instrument of ratification deposited by Australia 14 May 1963. Aust. T.S. 1963 No. 12 (Cmnd 584); U.K. T.S. No. 39 of 1964 (Cmnd 2422); U.N.T.S. 499 p. 311.
1 December 1959, Washington	Antarctic Treaty	23 June 1961	Instrument of ratification deposited by Australia, entered into force 23 June 1961. Aust. T.S. 1961 No. 12; Commonwealth Act No. 48 of 1960; (Cmnd 913); U.K. T.S. No. 97 of 196 (Cmnd 1535); U.N.T.S. 402 p. 71.

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
11 April 1962, London	Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil 1954	18 May 1967	The Amendments entered into force generally on 18 May 1967 with the exception of Article XIV which entered into force on 25 June 1967. Contracting Governments which made a declaration that they did not accept the Amendments before their entry into force were not bound by the Amendments. Aust. T.S. 1967 No. 16; Commonwealth Act No. 4 of 1965; Commonwealth Statutory Rule No. 82 of 1967.
5 August 1963, London, Moscow, Washington	Treaty banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water	1 January 1964	Signed for Australia 8 August 1963. Instrument of ratification deposited by Australia 12 November 1963. Aust. T.S. 1963 No. 26; U.K. T.S. No. 3 of 1964 (Cmnd 2245); U.N.T.S. 480 p. 43.
6 October 1964, London	Agreement amending the Agreement establishing the South Pacific Commission	15 July 1965	Aust. T.S. 1965 No. 11 (Cmnd 2560); U.N.T.S. 524 p. 350; U.K. T.S. No. 87 of 1965 (Cmnd 2814)
27 January 1967, New York	Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies	10 October 1967	Instrument of ratification deposited by Australia, entered into force 10 October 1967. Aust. T.S. 1967 No. 24; U.K. T.S. No. 10 of 1968 (Cmnd 3519).
30 October-3 November 1967, Rome	Amendment to the Plant Protection Agreement for the South-East Asia and Pacific Region of 1956	16 August 1969	Instrument of acceptance deposited by Australia 17 July 1969. U.K. T.S. No. 120 of 1969 (Cmnd 4).
29 November 1969, London	International Convention on Civil Liability for Oil Pollution Damage	19 June 1975	Signed for Australia 17 December 1970, subject to ratification. U.K. T.S. No. 106 of 1975; (Cmnd. 6183).
29 November 1969, London	International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution casualties	6 May 1975	Signed for Australia 17 December 1970, subject to ratification. U.K. T.S. No. 77 of 1975; (Cmnd. 6056).
21 October 1969, London	Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and the Annexes	20 January 1978	Instrument of acceptance deposited by Australia 7 November 1973. Aust. T.S. 1978 No. 7; U.K. T.S. No. 21 of 1978; (Cmnd. 7094).
2 February 1971, Ramsar	Convention on Wetlands of International importance especially as Waterfowl Habitat	21 December 1975	The Convention was signed for Australia 8 May 1974 without reservation as to ratification. Aust. T.S. 1975 No. 48; U.K. T.S. No. 34 of 1976; (Cmnd. 6465).

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
11 February 1971, London, Moscow, Washington	Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof	18 May 1972	Signed for Australia on 11 February 1971. Instrument of ratification deposited by Australia 23 January 1973. Entered into force for Australia 23 January 1973. Aust. T.S. 1973 No. 4; U.K.T.S. No. 13 of 1973; (Cmnd. 5266).
12 October 1971, London	Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 concerning the Protection of the Great Barrier Reef (Great Barrier Reef Amendments)		Instrument of acceptance deposited by Australia 13 November 1981. The Amendment was not in force on 30 November 1981.
15 October 1971, London	Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 concerning Tank arrangements and limitation of Tank size (Tank Amendments)		Instrument of acceptance deposited by Australia 13 November 1981. The Amendment was not in force on 30 November 1981.
10 April 1972, London, Moscow, Washington	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	26 March 1975	Signed for Australia 10 April 1972. Instrument of ratification deposited by Australia 5 October 1977. Entered into force for Australia 5 October 1977. Aust. T.S. 1977 No. 23; U.K.T.S. No. 11 of 1976; (Cmnd. 6397).
29 March 1972, London, Moscow, Washington	Convention on International Liability for Damage Caused by Space Objects	1 September 1972	Instrument of accession deposited by Australia 20 January 1975. Entered into force for Australia 20 January 1975. Aust. T.S. 1975 No. 5; U.K.T.S. No. 16 of 1974; (Cmnd. 5551).
1 June 1972, London	Convention for the Conservation of Antarctic Seals	11 March 1978	Signed for Australia 5 October 1972; The Convention is subject to ratification. (Cmnd. 7209).
23 November 1972, Paris	Convention for the Protection of the World Cultural and Natural Heritage	17 December 1975	Instrument of ratification deposited by Australia 22 August 1974. Aust. T.S. 1975 No. 47.
29 December 1972, London, Mexico City, Moscow, Washington	International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	30 August 1973	Signed for Australia at London, Mexico City, Moscow and Washington 10 October 1973. The Convention is subject to ratification. U.K.T.S. No. 43 of 1976; (Cmnd. 6486).
3 March 1973, Washington	Convention on International Trade in Endangered Species of Wild Fauna and Flora	1 July 1976	Instrument of ratification deposited by Australia 29 July 1976. Entered into force for Australia 27 October 1976. Aust. T.S. 1976 No. 29; U.K.T.S. No. 101 of 1976; (Cmnd. 6647).
2 November 1973, London	International Convention for the Prevention of Pollution from Ships 1973		Signed for Australia subject for ratification 24 December 1974 with declaration. See Protocol of 17 February 1978.

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
18 November 1974, Paris	Agreement on an International Energy Program as amended	19 January 1976	Instrument of accession deposited by Australia 17 May 1979. Entered into force for Australia 27 May 1979. Aust. T.S. 1979 No. 7; U.K. T.S. No. 111 of 1976; (Cmnd. 6697).
18 May 1977, Geneva	Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques		Signed for Australia 31 May 1978. The Convention was not in force on 31 December 1980.
17 February 1978, London	Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973		Signed for Australia subject to ratification on 30 May 1979. The Protocol was not in force on 31 December 1980. S.D. 1978 p. 29
7-13 October 1978, Noumea	Agreement amending the Agreement Establishing the South Pacific Commission	4 June 1980	Instrument of acceptance deposited by Australia 5 October 1979. Aust. T.S. 1980 No. 10; U.K. T.S. No. 90 of 1980; (Cmnd. 8077).
June 1979	Amendments to the Plant Protection Agreement for the South East Asia and Pacific Region		Instrument of acceptance deposited by Australia 17 June 1981. The amendments were not in force on 31 August 1981.
10 July 1979, Honiara	South Pacific Forum Fisheries Agency Convention	10 July 1979	Signed for Australia 13 September 1979. Entered into force for Australia 12 October 1979. Aust. T.S. 1979 No. 16.
28 November 1979, Rome	Revised text of the International Plant Protection Convention		Instrument of acceptance deposited by Australia 22 May 1981. The revised text was not in force on 31 August 1981.
20 May 1980, Canberra	Convention on the Conservation of Antarctic Marine Living Resources		Signed for Australia 11 September 1980. Subject to ratification. The Convention was not in force on 31 August 1981.

#### Bilateral Treaties

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
<b>Japan</b>			
27 November 1968, Canberra	Agreement on Fisheries	24 August 1969	Instruments of ratification exchanged 25 July, 1969. Aust. T.S. 1969, No. 22
4-6 February 1974, Tokyo	Agreement for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment	30 April 1981	The Agreement entered into force when instruments of ratification were exchanged pursuant to Article IX on 30 April 1981. Aust. T.S. 1981 No. 6.
17 October 1979, Canberra	Agreement on Fisheries	1 November 1979	The Agreement entered into force on 1 November 1979 pursuant to Article XII. Aust. T.S. 1979 No. 12.

<i>Date and place of instrument</i>	<i>Description</i>	<i>Entry into force</i>	<i>Notes and references to printed text</i>
17 October 1979, Canberra	Subsidiary agreement concerning Japanese Tuna Long-line Fishing	1 November 1979	The Subsidiary Agreement entered into force on 1 November 1979 pursuant to Article IX. Aust. T.S. 1979 No. 12.
30 October 1980, Canberra	Subsidiary Agreement concerning Japanese Tuna Long-line Fishing	30 October 1980	Aust. T.S. 1980 No. 21.
29 October 1981, Canberra	Subsidiary Agreement concerning Japanese Tuna Long-line Fishing	1 November 1981	Aust. T.S. 1981 No. 22.
<b>Papua New Guinea</b>			
18 December 1978, Sydney	Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two countries, including the area known as the Torres Strait, and Related Matters		The treaty is subject to ratification.

Source: Department of Foreign Affairs

## APPENDIX 7

### DRAFT PRINCIPLES AND PROCEDURES FOR COMMONWEALTH-STATE CONSULTATION ON TREATIES—MAY 1981

#### A Consultation

- (i) The States are informed in all cases and at an early stage of any treaty discussions in which Australia is considering participation. Where available, information on the long term treaty work programs of international bodies is to be provided to the States.
- (ii) Information about treaty discussions is forwarded to Premiers' Departments on a regular basis through the Department of the Prime Minister and Cabinet.
- (iii) As a general practice, consultation is conducted by the functional Commonwealth/State Ministers or Departments concerned.
- (iv) Existing Commonwealth/State Ministers' consultative bodies (such as the Standing Committee of Attorneys-General, the Australian Fisheries Council, etc.) may be used as the forums in which detailed discussions of particular treaties take place.
- (v) Functional Departments keep Premiers' Departments, State Crown Law Offices, the Commonwealth Attorney-General's Department and the Departments of Foreign Affairs, and Prime Minister and Cabinet informed of the treaty matters under consideration.
- (vi) When issues are to be discussed that are of particular significance to either State or Commonwealth authorities other than those directly represented on the Commonwealth/State consultative bodies, representatives of such authorities might be invited to attend the meetings in an observer role.
- (vii) The procedures outlined would not preclude direct communications between Premiers (and Premiers' Departments) and the Prime Minister (and the Department of the Prime Minister and Cabinet) on particular treaties. These channels may need to be invoked in cases where *inter alia* there is no established ministerial channel of communication, where ministerial councils are unable to reach final agreement or where significant changes in general policy are involved.
- (viii) Ministers and Departments, in considering treaty matters, may draw on legal advice and through their Law Ministers, could refer any matter to the Standing Committee of Attorneys-General for advice. It is expected that, where a major legal issue arises, in a consultative body, that body will avail itself of the legal expertise of the Standing Committee.
- (ix) The consultative process needs to be continued through to the stage of implementation where treaties bear on State interests. Where the preparation of reports to international bodies on implementation action takes place, States should be consulted and their views taken into account in the preparation of those reports.

#### B Treaty Negotiation Process

- (i) Where State interest is apparent, the Commonwealth should, wherever practicable, seek and take into account the views of the States in formulating Australian policy and keep the States informed of the determined policy.
- (ii) In appropriate cases, a representative or representatives of the States are included in delegations to international conferences which deal with State subject matters; subject to any special arrangements, the purpose is not to share in the making of policy decisions or to speak for Australia, but to ensure that the States know what is going on and are always in a position to put a point of view to the Commonwealth. However, State representatives are involved as far as possible in the work of the delegation.
- (iii) It is normally for the States to initiate moves for inclusion in a delegation, but the Commonwealth should endeavour to keep State interests in mind.
- (iv) Unless otherwise agreed, the costs of the State representatives are a matter for State Governments.

### C Federal State Aspects

- (i) The Commonwealth agrees to consider seeking federal clauses on a case by case basis in treaties involving matters governed by State law, but not in matters traditionally governed by Commonwealth laws.
- (ii) In considering whether to press for a federal clause, or a particular form of federal clause, account needs to be taken of experience in negotiating such clauses and consideration needs to be given to the risks of reopening forms that have previously been secured.
- (iii) Where federal clauses have not been included in treaties, the Commonwealth considers, on a case by case basis, State requests for the making of a unilateral federal statement upon joining the treaty. Such a statement draws attention to the division of powers and/or functions within Australia's federal system and indicates the manner in which the treaty will be implemented by the Commonwealth and the States.
- (iv) The normal practice is that Australia does not become a party to a treaty containing a federal clause until the laws of all States are brought into line with mandatory provisions of the treaty. However, where a suitable 'territorial units' federal clause is included in a treaty, the possibility of Australia acceding only in respect of those States which wish to adopt the treaty might be considered on a case by case basis where appropriate, perhaps in some private law treaties.
- (v) Where a treaty is to be implemented by the enactment of legislation, the Commonwealth consults the States before deciding to legislate to adopt or to implement a treaty that affects a legislative area traditionally regarded as being within the responsibility of the States. In such areas the States have the first opportunity of implementing the treaty provisions by their own legislation; implementation by complementary Commonwealth and State legislation would be facilitated by the adoption of a procedure for consultation in the development of Commonwealth legislation and model State legislation.

*Source:* Department of the Prime Minister and Cabinet

## AUSTRALIAN ENVIRONMENT COUNCIL AND THE COUNCIL OF NATURE CONSERVATION MINISTERS

### Joint Declaration on Environment and Nature Conservation

The Ministers of the Australian Environment Council and the Council of Nature Conservation Ministers, meeting in Hobart, Tasmania:

- (a) Recognising that World Environment Day, 5th of June 1982, marks the 10th anniversary of the historic United Nations Conference on the Human Environment held in Stockholm;
- (b) Agreeing that the occasion is most timely for the Commonwealth, State and Territory Ministers responsible for environment and nature conservation to make a joint declaration on environment and conservation;
- (c) Recalling that governments in Australia, in response to widespread community concern about environment protection and nature conservation have enacted legislation, and established organisations and programs to protect and manage the environment for the benefit of present and future generations;
- (d) Acknowledging the important progress which has been achieved in the reduction of pollution, in nature conservation and in reversing long term degradation of the Australian environment;
- (e) Recognising that efforts must be sustained and in some areas strengthened;
- (f) Appreciating the important contribution that the National Conservation Strategy for Australia can make in identifying priority areas for action; and
- (g) Confirming that progress in environment protection and nature conservation will be enhanced through active collaboration between all levels of government and the active support of the Australian community.

### DECLARE THAT:

1. In recognition of their responsibilities to present and future generations and while giving due consideration to the relevant costs and benefits, a major objective of the Commonwealth, State and Territory Governments will continue to be the protection and progressive improvement of the quality of the environment and the conservation of nature.

2. Continuing efforts will be made:

- to control all forms of pollution of the environment in order to avoid adverse effects on human health and to enhance the beneficial use of the environment;
- to prevent the extinction of Australian species of flora and fauna and to protect their habitats;
- to incorporate, at an early stage, environment and nature conservation considerations in government decision making;
- to encourage and provide opportunities for constructive public participation in decisions with potentially significant environmental consequences;
- to ensure that the costs of preventing and controlling pollution are borne by the polluter;
- to support environmental education and to promote community awareness of environment and nature conservation issues;
- to contribute to international activities directed towards safeguarding and improving the global environment;
- to improve arrangements for monitoring and reporting on the major indicators of the State of the Australian environment.

3. The Australian Environment Council and the Council of Nature Conservation Ministers will continue to provide the main focus for co-operation and consultation between the States, the Territories and the Commonwealth on environment protection and nature conservation in Australia.

July 20, 1982

Dr H. A. Jenkins  
 Acting Chairman  
 House of Representatives  
 Standing Committee on Environment  
 and Conservation  
 Parliament House  
 CANBERRA, ACT 2600

Dear Dr Jenkins,

I have received a copy of a letter dated June 23rd, 1982 addressed to you by the Hon. Wal Fife, Minister Assisting the Prime Minister in Federal Affairs.

That letter was written following an approach by the Secretary of your committee to the Secretary of the Department of the Prime Minister and Cabinet requesting access to the findings of a Commonwealth/State Officials' Committee review of consultation procedures on international treaties.

I am most concerned regarding paragraph 2 of that letter which states:

'As has recently been confirmed by the High Court of Australia in the Koowarta Case the Commonwealth has the power to legislate to carry into effect within Australia the provisions of any international agreement to which Australia is a party'.

That statement is an overstatement in so far as it indicates that Section 51(29) of the Commonwealth Constitution enables the Commonwealth Parliament to legislatively implement any international agreement to which Australia is a party.

This is so for the following reasons:

- (1) Only three Justices in Koowarta (Mason, Murphy and Brennan, J.J.) held that Commonwealth legislation implementing any international treaty to which Australia is a party is a valid law with respect to external affairs.

However, Mason, J., can be clearly read as confining this point to *multilateral* treaties negotiated under the auspices of the United Nations (as was the Racial Discrimination Convention).

Indeed, Koowarta was concerned only with such a multilateral treaty.

Thus, only three (possibly only two) of the seven Justices took as wide a view of S.51(29) as that taken by the Commonwealth Minister.

- (2) The other four Justices held that to fall within Section 51(29), the treaty the subject of the Commonwealth legislation must deal with a matter of international character. Stephen, J., (but not Gibbs, C.J., Wilson and Aickin, J.J.,) held that the Racial Discrimination Convention possessed the necessary international character.
- (3) It should also be noted that Koowarta dealt with an international agreement having the status of a treaty or convention and not with agreements of a lesser status. The Commonwealth's letter would encompass such lesser agreements.
- (4) The Justices in Koowarta also indicated that S.51(29) and Commonwealth legislation purporting to be enacted pursuant thereto are subject to both express *and* implied prohibitions.
  - (i) Express—Sections 92, 99, 114, 116, 117 of the Constitution.
  - (ii) Implied—Commonwealth laws pursuant to S.51(29) implementing treaties cannot destroy or inhibit the continued existence of States or their capacity to function.
  - (iii) Bona fides —Commonwealth laws cannot implement a treaty which has been entered into purely as a 'device' for expanding Commonwealth power (Stephen, Mason, Brennan, Wilson, Aickin, J.J., and Gibbs, C.J.)

That is, there are some international agreements which the Commonwealth *cannot* constitutionally implement.

- (5) There is also the question of whether the Commonwealth legislation adheres or conforms to the terms of the treaty. If it does not, it will not be constitutional.

I would appreciate your committee taking into consideration the explanation outlined above when examining the matter of consultation procedures on international treaties in relation to international environmental organisations.

Yours sincerely,  
(Hon. Ian Medcalf, QC, MLC)  
ATTORNEY GENERAL  
AND MINISTER FOR FEDERAL AFFAIRS,  
STATE OF WESTERN AUSTRALIA

**DISCUSSION PAPER—'TOWARDS A NATIONAL CONSERVATION STRATEGY FOR AUSTRALIA'**

**Summary**

'Towards a National Conservation Strategy for Australia' is a discussion paper circulated for wide public comment until 15 September 1982.

A draft strategy will then be prepared for discussion at a National Conference in February 1983. The document to emerge from the Conference will contain recommendations to government for a National Conservation Strategy for Australia. It will be considered by the Commonwealth, State and Northern Territory Governments for approval and acceptance.

The National Conservation Strategy for Australia will focus attention on the management of Australia's living resources and provide a guide for three main groups:

- (a) government policy makers and their advisers;
- (b) all those directly concerned with living resources and their use; and
- (c) those (for example from industry, commerce and trade unions) whose activities affect living resources.

The impetus behind this approach to living resource conservation in Australia is the World Conservation Strategy released in many countries throughout the world in 1980.

The World Conservation Strategy stresses three main objectives for living resource conservation. These are to:

- (a) maintain essential ecological processes and life support systems (such as soil regeneration and protection, the recycling of nutrients, and the cleansing of waters), on which human survival and development depend;
- (b) preserve genetic diversity (the range of genetic material found in the world's organisms), on which depend the functioning of many of the above processes and life-support systems, the breeding programs necessary for the protection and improvement of cultivated plants, domesticated animals and micro-organisms, as well as much scientific and medical advance, technical innovation, and the security of the many industries that use living resources;
- (c) ensure the substantial utilisation of species and ecosystems (notably fish and other wildlife, forests and grazing lands), which support millions of rural communities as well as major industries.

The achievement of these objectives in Australia is a matter of urgency because:

- (a) the quality of our soils is low compared with that of many other countries and good agricultural land is a scarce resource. Soil degradation, including erosion, is so serious a problem that it poses a major threat to this essential life-support system;
- (b) Australia is the driest continent and the quantity, quality and location of our water limits the potential for development and dictates how and where development should occur;
- (c) Australia has lost two thirds of its forests. Those which remain must be carefully managed and certain types such as rainforests require further protection;
- (d) Australians have a legacy of extinct and endangered wildlife after only two hundred years of white settlement;
- (e) Australia is one of the most highly urbanised countries in the world with a high standard of living that places great demands on resources. It is essential that the resources which support all Australians, and those overseas who import our products, are carefully maintained in perpetuity.

Although Australia has a significant record of achievement in conservation, the main obstacles to further improvements are:

- (a) the belief that because Australia is so vast it has an unlimited capacity to supply resources and its life support systems have an unlimited capacity to withstand any and all human impacts;

- (b) various unco-ordinated development projects have few guidelines on how detrimental effects can be prevented or minimised;
- (c) a failure to recognise that the nature of the Australian environment strongly suggests the need to integrate conservation and development to sustain society in the long term;
- (d) the prevailing view that conservation only applies to individual land uses such as forestry and national parks rather than across all land uses and developments. It needs to be recognised that conservation is not confined to any one sector of our activities but crosses all sectors.

In an attempt to address these deficiencies the discussion paper:

- (a) defines living resource conservation and explains its objectives and its relevance to Australian society;
- (b) discusses the relationship between conservation and development and argues that both must be integrated because they share much more common ground than is commonly appreciated;
- (c) examines land uses and developments under the three main objectives of living resource conservation;
- (d) provides various options for consideration by governments, developers and conservationists to guide and improve living resource conservation in Australia;
- (e) synthesises major options for consideration and presents them in Section VI.

The paper also recognises that Australians are part of the world community with reciprocal rights and responsibilities. If we wish to promote living resource conservation in other countries then we must take an international perspective. This involves giving appropriate aid to developing countries, signing conservation treaties and assisting in the preparation of regional and international conservation strategies.