

"The International Agreements Enquiry."

An Enquiry into the Public Scrutiny & Democratic Foundations of Importing Laws via International Agreements

***drafted by Graham Williamson
and proposed by the Saltbush Club***

The Background

Christiana Figueres is a world authority on global climate change and was the Executive Secretary of the UNFCCC from 2010-2016. Ms. Figueres is currently Vice-Chair of the Global Covenant of Mayors for Climate and Energy.

As former UNFCCC chief Christiana Figueres pointed out in regard to the UN's global agenda, the aim of the UN is to bring about a "centralized transformation"....."one that is going to make the life of everyone on the planet very different."

Figueres continues: "global society, is moving to the point where we are going to need more and more global governance muscle.....Climate change..... is only the first of the major, major planetary challenges that we are being given, almost as a playground.....to go into that playground and exercise our global governance capacity"

AIMS of the Enquiry

1. To determine the need for, and impact of, international agreements upon the Australian Constitution, domestic laws, the Federal/State balance, national sovereignty, and democracy within Australia, and to ensure any foreign derived laws remain automatically subordinate to democratic Australian laws.
2. To take proactive action to ensure the protection and preservation of Australian interests and autonomy and the **Australian people's sovereign right to legislate and implement policies in their interest through democratic processes**, and to propose Constitutional and legislative changes to these ends.
3. To ensure the people are correctly informed about these matters and enabled to make an informed democratic choice.

TERMS OF REFERENCE

The inquiry will investigate the effects of international agreements with particular regard to:

- The effects of international agreements upon Australian laws and autonomy.
- Whether the provisions of international agreements are being used to expand Constitutional powers without the democratic approval of the people, as required under Section 128 of the Constitution.
- The effects of international agreements upon the Federal/State balance of power.
- Whether there has been sufficient public awareness and democratic scrutiny of the impact of imported laws and matters related thereto.
- The moral authority or 'need' for imported UN laws and whether they are in some way superior to, or more desirable than, democratic Australian laws.
- Addressing misinformation about the potential long-term binding nature of 'non-binding' agreements

Background Information

The process of globalisation and interdependence is now well advanced, [Australia having already entered into more than 2000 international agreements](#), and this trend is accelerating. Even in the case of so called 'non-binding' agreements, the provisions of these agreements are intended to be morally or legally binding. In fact, unlike treaties which are only binding upon signatory countries, the provisions of 'non-binding' agreements are expected to eventually morph into binding global law applying to ALL countries, though this fact frequently remains unexplained.

This raises serious questions about their effect upon Australian national sovereignty, democracy, and the Constitution, and further raises the question as to why laws imported from foreign agencies such as the UN are seen as superior to, or more desirable than, democratic Australian laws. Although Section 128 of the Constitution states that the Constitution can only be changed by the people of Australia in a Referendum, the Commonwealth currently uses international agreements to expand their constitutional powers while avoiding the democratic scrutiny of the people. [According to the Commonwealth government](#).

"A significant amount of the Department's work is in response to our obligations to the global community, including the 2030 Agenda for Sustainable Development. The 2030 Agenda includes goals that focus on health, food and agriculture, water and sanitation, human settlement, energy, climate change, sustainable consumption and production, oceans and terrestrial ecosystems. Many multilateral agreements provide

the constitutional basis for the Australian Government's environmental and energy legislation, policies and programs."

The Australian government also admits in their "[Road to Rio+20](#)" fact sheet:

"Australia has participated in sustainable development discussions for more than four decades. We have signed international treaties, supported regional initiatives and enacted international commitments through new laws and policies at home"

This process of using UN agreements to endlessly expand Australian laws and constitutional powers without consulting the people must receive close democratic scrutiny from all Australians. Is it democratic to prioritise 'obligations to the global community' ahead of domestic obligations?

Bipartisan Support

As former Prime Minister Malcolm Fraser summarises in "***UN Poses Biggest Threat to our Sovereignty***" (The Australian, 17/8/94):

"(Constitutional) changes are taking place without the knowledge, and certainly without the consent of, Australians.....are Australians to be masters of their own affairs or are Australians to give away their sovereignty to United Nations Committees?.....we give UN committees concerned with human rights the capacity to review and to take action that can lead to the overturning of Australian law. The Government is doing all this of course, without telling the Australian people, without asking their permission.....If our Constitution is to be altered, it must be by the decision of the Australian people, voting in a referendum, but that is not the way the Government sees it.....if it wants to override a state, it looks around for the appropriate UN convention.....such decisions do not have to be approved by Parliament. They do not have to be part of election policies, and they have not been."

The current Attorney General, Christian Porter, stated in his address "[Parliamentary Democracy, Criminal Law and Human Rights Bodies](#)":

"While non-binding, the very point of the process to which the Commonwealth Government has subjected itself and all State governments is one whereby pressure from a non-elected, quasi-judicial non-domestic body is applied to our own domestic governments Clearly, a properly functioning democracy must subject the outcomes produced by its parliaments and executives to close and ongoing scrutiny. if the primacy of democratic institutions in public policy determinations is accepted as proper, the point of this paper is to highlight a means by which there is presently occurring, and will continue to occur, a diminution of the sovereignty of Australia's domestic democratic institutions through the procedures enlivened by the continuing signature of international documents....."

Current policies from the [ALP National Platform 16-18 December 2018](#) also stress the importance of *"judicial independence and the Australian people's sovereign right to legislate and implement policies in their interest through democratic processes."* ALP policies describe a violation of *"Australian people's sovereign right to legislate and implement policies in their interest through democratic processes"* as being *"contrary to the national interest and basic principles of democratic sovereignty"*.

Support from the judiciary

According to the late Sir Harry Gibbs, [former Chief Justice of the High Court of Australia](#), in his address, "[The Erosion of National Sovereignty](#)", *"A nation is not sovereign unless it is independent from control from outside its own borders"*:

"It has been frankly said, by supporters of the system, that the promotion and protection of human rights is a modern tool of revolution. That revolution has already been successful in Australia. We already have laws that have created new rights at the expense of rights that we

took for granted. We should not allow a revolution that affects us to be under the control of others. There is no good reason to allow rules that govern the rights of individuals and shape the nature of society to be interpreted by foreign bodies which have plainly shown an intention to give effect to their own modish notions.....A nation is not sovereign unless it is independent from control from outside its own borders. In practice we have lost some of that independence. This erosion of our sovereignty was our own Doing.....Whether future Parliaments will prevent the further erosion of our national sovereignty must be regarded as doubtful, having regard to the difficulty which even the wisest of men and women find in trying to free themselves from the prejudices of the times."

Peter Faris QC, has summarised the problem from an Australian perspective, drawing attention to the fact that the whole process of surrendering sovereignty and exporting control to the UN is particularly attractive to those on the left of the political spectrum:

"We are preparing to abdicate our Australian sovereignty to "law" made by the United Nations.

The Left do not want to have Australian laws for Australia. They want UN laws. This, of course, removes Australian sovereignty. Instead of Australians making their own laws, the laws are imported (as some sort of universal truths) from the UN.

The ultimate aim, which will be achieved, is that every UN covenant is legislated into law in Australia.

The practical effect is that the UN becomes our supreme legislative body. And these laws will be supervised by the unelected judges who can effectively strike down any legislation of the duly elected Parliaments.....

From the point of view of sovereignty, the United Nations has no legitimacy---in fact, it is in direct contradiction to the concept of sovereignty. It is one thing for Australians to make their own laws, it is quite another for the UN---an unelected body, a collection of states including some of the worst in the world---to be deciding what laws are so universal that they should be imposed upon the Australian people. Yet such is the perceived moral authority of the United Nations; whatever they say is, quite literally, the law.

In summary, my complaint is this. We will have introduced into Australia, as legislated domestic law, various UN Covenants. These will replace parts of our own law as we know it. The introduction of these laws acknowledges their moral superiority---they are universal laws and must be obeyed.

Our sovereignty is diminished by the fact that these superior laws are the product of an unelected body outside of Australia. Australia and Australians have demonstrated that they are perfectly capable of creating a just legal system arising from our national sovereignty. This is now denied. The acceptance of UN Covenants is an acceptance of the correctness of that denial."

Further Reading:

Merkel: 'Nation-states must be prepared to give up their sovereignty':

https://www.americanthinker.com/blog/2018/12/merkel_nation_states_must_be_prepared_to_give_up_their_sovereignty.html