

Having your say about Australia's international treaties

Australians have a unique opportunity to have their say about the scope and impact of the international treaties Australia enters into, says the Hon Andrew Thomson MP, Chairman of the Joint Committee on Treaties.

"In Australia, the Federal Parliament must review and report on all treaties the Government proposes to enter into, before action is taken to bind Australia to the terms of the treaty. This allows a degree of openness and transparency in the treaty making process that is unsurpassed anywhere in the world.

'a unique opportunity'

"All of our reviews are conducted in public and we are keen to invite anyone in the community with an interest in the subject matter of a particular treaty, or with a general interest in international law, to comment on the purpose and potential impact of the treaties we review," said Mr Thomson.

Australia is a party to hundreds of international treaties, covering a wide range of subjects: defence and security, nuclear disarmament, human rights, environmental protection, trade and investment, science and technology and social security.

Treaties can help establish fair and agreed rules to guide relationships between nations. Treaties can, for example, help communities around the world tackle environmental problems which require coordinated international action to resolve. Treaties can also define and protect human rights, outlaw the use of inhumane weapons and help to combat drug trafficking.

'treaties set international rules'

Mr Thomson acknowledged that some in the community are concerned about the impact of international law on domestic law and believe that agreeing to comply with treaty obligations represents a loss of sovereignty.

"To me," responded Mr Thomson, "the main issue is not about sovereignty but about whether treaties serve the interests of our local communities.

"It is crucially important that the Government exercises careful and independent judgement about whether particular treaty proposals accurately reflect and advance our interests.

"The Australian community, through the work of the Treaties Committee, has a vital role to play in this process by checking and balancing the Government's treaty proposals. If, in the end,



Foreign Minister Alexander Downer addressing a recent seminar in Adelaide on treaty making. The seminar was organised by the Treaties Committee.

the community is convinced that a treaty proposal reflects or advances the national interest, the question of losing sovereignty just doesn't arise," Mr Thomson said. "In these circumstances, we enter into a treaty because it is in our interest to do so."

In the three years since the Treaties Committee was first established, it has reviewed and reported on more than 150 proposed treaty actions. It is currently reviewing the following proposed treaty actions:

- the United Nations Convention to Combat Desertification – which provides a framework for helping developing countries deal responsibly with land degradation and desertification;
- an Agreement with the Republic of Korea on Scientific and Technical Cooperation – which is intended to facilitate science and technology cooperation between the two countries by establishing administrative and planning frameworks and describing arrangements for intellectual property rights protection;
- Denunciation of the Rome Convention on Damage Caused by Foreign Aircraft to Third Parties on the Ground – which is part of a package of measures to impose more comprehensive and consistent compensation arrangements for persons who suffer damage caused on the ground by aircraft; and
- an Agreement for the Establishment of the International Development Law Institute – which would allow Australian membership of the Institute, a body which encourages the use of legal resources in economic development; adherence to the rule of law in international transactions; and improvements in the negotiating capability of developing countries.

"Anyone interested in the subjects of these proposed treaties, or in the treaty making process generally, should contact the committee secretariat for more information," said Mr Thomson. "Public involvement in our review process is the best way of ensuring that these proposed treaties promote Australia's interests."

'public involvement is the key'

The committee secretariat can be contacted on email jsct@aph.gov.au or at the following address:

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Check the Committee's web site:
www.aph.gov.au/house/committee/jsct for up-to-date information about the treaties currently being reviewed and for links to other sites.