



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON TREATIES

**Reference: Implications for Australia of the United Nations Convention to Combat
Desertification**

CANBERRA

Wednesday, 2 October 1996

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON TREATIES

Members:

Mr Taylor (Chairman)

Senator Abetz	Mr Adams
Senator Bourne	Mr Bartlett
Senator Cooney	Mr Laurie Ferguson
Senator Ellison	Mr Hardgrave
Senator Murphy	Mr McClelland
Senator Neal	Mr Tony Smith
Senator O'Chee	Mr Truss
	Mr Tuckey

For inquiry into and report on:

Implications for Australia of the United Nations Convention to Combat Desertification.

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PICKUP, Dr Geoff, Chief, Division of Water Resources, Commonwealth Scientific and Industrial Research Organisation, Clunies Ross Street, Canberra, Australian Capital Territory	32
SUMNER, Ms Catherine Sian, Executive Officer, Treaties Secretariat, Department of Foreign Affairs and Trade, Canberra, Australian Capital Territory 2600	58
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JOINT STANDING COMMITTEE ON TREATIES

Implications for Australia of the United Nations Convention to Combat Desertification

CANBERRA

Wednesday, 2 October 1996

Present

Mr Taylor (Chair)

Mr Bartlett Mr Tony Smith

Mr Hardgrave Mr Tuckey

Mr McClelland

The committee met at 10.10 a.m.

Mr Taylor took the chair

CHAIR—I formally open this hearing into the implications for Australia of the UN Convention to Combat Desertification. Can I just say at the outset that this is a very complex and large issue, and that today's hearing is only a preliminary hearing just to air some of the issues. We will undoubtedly have to revisit them in due course. Bearing in mind that the convention was signed in December 1994, it has not yet been ratified. Under this committee's terms of reference, of course, we are entitled to look at this in advance of the production of the national interest analysis, which has not yet been forthcoming. In correspondence that I have had with the Minister for Foreign Affairs, Defence and Trade, that is in hand. Nevertheless, rather than wait for the NIA to be formally produced, this committee, under its terms of reference, felt that it should go ahead.

Today we are going to be taking evidence from a number of government agencies and NGOs. What we have included in the program is the possibility of recalling representatives of the government agencies at about 3.15 p.m. So, for the purposes of the department of the environment, depending on how it goes, we may have to get you back at about 3.15 p.m. As I said before, it is only a preliminary hearing. We are certainly going to have further hearings on this very complex issue, and it may take many months—perhaps into 1997—for us to really come to grips with the convention and all that it brings. So, with that said, can I call representatives of the Department of the Environment, Sport and Territories to be sworn or affirmed.

[10.10 a.m.]

CAMPBELL, Mr Andrew, Assistant Secretary, Sustainable Land and Water Use Branch, Department of the Environment, Sport and Territories, Tobruk House, 15 Moore Street, Civic, Australian Capital Territory 2601

TRIMMER, Mr Michael, Director, Land Policy Unit, Sustainable Land and Water Use Branch, Department of the Environment, Sport and Territories, Tobruk House, 15 Moore Street, Civic, Australian Capital Territory 2601

CHAIR—Welcome. Thank you very much, gentlemen. Can I point out that your departmental submission No. 19 has been received into the evidence and will be published. Just before I invite you to make a short opening statement, are there any amendments to the submission?

Mr Campbell—No. There are none.

CHAIR—Would you like to make a short opening statement?

Mr Campbell—Thank you. You will be aware from the material that you have to date and the reading that you have done that land degradation is a significant problem worldwide, and that land degradation of dry lands, which we call desertification, is extremely important. Estimates of direct costs are as high as \$US42 billion per annum and, worldwide, more than 250 million people are affected. These problems will get worse unless action is taken now, and the cost of remedial action will increase dramatically if we delay.

Australia has played a significant role, generally, in developing better techniques of managing dry lands, in extending those techniques in dry lands throughout the world, and in the development of this convention. We believe that we have had a significant influence in the development of this convention to the extent that it does meet Australia's needs. This convention is entirely consistent with our support for the Rio declaration and Agenda 21.

We believe that Australia has already met its commitments under the convention through several national strategies: notably, the national strategy for rangeland management, the overarching strategy for ecologically sustainable development, the decade of landcare plan, the biodiversity strategy and other related strategies which are more specific, such as the national feral animal control strategy and the national weeds strategy. We believe that, in many areas, Australia is leading the way in the management of dry land resources and that we have already met our commitments under the convention. We believe there are significant advantages and no disadvantages for Australia to be associated with this convention.

CHAIR—In the policies—and any other policies—that are attached to the submission, what is the balance between awareness and actual environmental repair? What sorts of costs are involved in coming to grips with both of those?

Mr Campbell—Within Australia?

CHAIR—Within Australia, yes.

Mr Campbell—Firstly, you would be well aware, Mr Chair, that land management is a responsibility of the states. State and territory legislation is primarily concerned with the management of natural resources, including the dry lands. There has been a long history of land conservation programs at a state level.

Commonwealth investment in this area has accelerated since the early 1980s, most notably through the national landcare program. Bearing in mind that the constitutional responsibility for land management rests primarily with the states, the Commonwealth's efforts have been largely of a catalytic, awareness raising, information gathering nature.

However, at present, the emphasis is changing and there is a recognition that we have probably raised awareness to the extent that it is necessary and that it is now time to be significantly implementing programs to directly tackle problems. Over the next five years, the Natural Heritage Trust of Australia will—subject to the passage of the Telstra sale legislation—involve a significantly increased emphasis in direct action on the ground to tackle these problems.

CHAIR—Bearing in mind the states' responsibilities, you must have, as a Commonwealth department, some sort of feel for the balance within the states. Would you like to give a general comment about a couple of states—perhaps Queensland and Western Australia might be the two to take—in relation to the remedial and awareness balance?

Mr Campbell—Those are both vast states with sparsely scattered populations in which the major resource management industries are suffering an economic crisis. So the amount of spare cash at the property level to tackle some of the problems is very limited. There have been average net farm business losses for most of the last five or six years across the board in those states.

Tackling these problems is a complex mix of economic constraints and opportunities, social awareness, knowledge and capacity, and the state of the resource degradation itself. I would say that in each of those states, and for the country as a whole, there is a significant awareness of the problems but there are profound constraints to tackling those. Generally, the fact is there is not enough spare cash in those industries to make the necessary investments and, furthermore, in some cases, there is still a lack of practical and profitable solutions which can be applied. In many cases, the lack of investment in works on the ground has been as much due to the fact that we have not

been able to say, 'This is the answer to this problem,' as it has been to lack of any emphasis on awareness raising. So there is a significant research task still for many of the pest and weed problems.

Biological control, for example, of vertebrate pests is far more cost-effective in the long run than other more direct control measures, similarly for woody weeds or other pervasive issues in the dry land context. So I would not like to put figures on it for those particular states. However, there is a very large task to do. CSIRO has estimated the cost of weeds alone to this country as \$3 billion a year.

CHAIR—Are they moving more and more away from the awareness phase—if that is the right description—into the remedial phase?

Mr Campbell—That is certainly the intention of this government's policies. But it is very important, if you are spending taxpayers' dollars, to make sure that you are tackling causes, not symptoms, and spending that money in a catalytic way. It has been very important over the last 10 years, from a Commonwealth perspective, not to drift into a cargo cult mentality, whereby land users feel that you only fill in a gully or plant a tree if you can get a grant from the government to do so. So the Commonwealth has been extremely careful to ensure that its investment is more than matched by state and local governments and land users and that that investment is of a catalytic nature—it is giving us long-term solutions and it is being directed at causes, not bandaids.

Mr TUCKEY—Your first statement to us is that state governments are responsible for land administration and, in particular, land management, presumably, as it affects potential desertification. Is it not a fact that, if we ratify this treaty, and based on historical decisions of the High Court, that control will pass to the Commonwealth government?

Mr Campbell—I think, Mr Tuckey, that that would be conjecture, and there is nothing in the convention as it stands that would be binding. Certainly, that would always be a matter of—

Mr TUCKEY—I will put it to you in another way: is there anything in the convention that prevents that happening as it has done so with so many other areas, such as heritage, racial discrimination and rights of the child, et cetera? The High Court has ruled constantly, and, in fact, to a point where they have preceded the law, that, once the Commonwealth makes a commitment to the rest of the world, it then has the responsibility to administer that commitment irrespective of other aspects of the constitution.

Mr Trimmer—It is hard for us to speculate on that because, firstly, we are not lawyers. Neither of us are lawyers.

Mr TUCKEY—I will be asking each person who makes that submission. You have raised the point that the states currently have control of this matter. I will leave it at

that, simply because you do not want to answer that particular point from where you come from. But it appears to me that that would be the case, without a federal clause.

Mr Campbell—We could clarify the situation that, as a result of Australia's inputs to the convention to date, and those of other countries, there is no binding commitment to the development of an action plan under the convention. Australia, we believe, already has met all the requirements of the convention, so any issue regarding Commonwealth-state relations under this convention would be a matter for the government of the day, as it is already. We do not see how this convention would alter that situation.

Mr TUCKEY—Unfortunately, it becomes a matter for the High Court because we have abdicated our responsibilities in that. My second question, which is consequent to that, is this: if, as we have been told in nearly every submission, Australia makes no promises of significance under this convention, why should we bother to sign it? If that is not the case, why should we take the risk?

Mr Campbell—It is the department's view that signing this convention would be entirely consistent with our inputs in international fora before, during and since the Rio de Janeiro conference.

CHAIR—Sorry to interrupt. Let us get it clear. We have already signed.

Mr Campbell—Sorry, ratified.

CHAIR—We are dealing with ratification, so can we just get that clear.

Mr Campbell—Point taken, Mr Chair. We believe that the advantages of ratifying the convention are that it puts this government among that community of nations which has expressed significant concern about, and commitment to, tackling problems of desertification which affect a very large number of people worldwide. Furthermore, it enhances the credibility which we have already gained through this process as a leading nation in dry land management worldwide.

There would also be substantial commercial opportunities flowing from our interaction with other both affected countries under the convention and other countries within an aid context. We believe that some of the partnerships and exchanges that are likely to result from this can benefit Australian firms and certainly Australia's international standing as a leader in environmental management, particularly in arid lands. Furthermore, as the most notably affected OECD country, Australia's non-ratification would certainly be of international significance.

CHAIR—I want to go on a little bit further from what Mr Tuckey said in his first question. Is your department aware of any objections at the premier level to the possible ratification of this treaty in terms of Western Australia?

Mr Trimmer—From memory, last year Mr Court did write to Mr Keating expressing concerns that, if Australia were to ratify in the context of, and prepare, a national action program, he would have concerns about that because of the possible implications about the Commonwealth obtaining some kind of power, in line with Mr Tuckey's comments.

CHAIR—Was that an objection based on the external affairs powers?

Mr Trimmer—Yes, I presume so, but it was in the context of Australia preparing a national action program. I know the Premier of Tasmania also wrote to the Prime Minister at that time, or near that time, with a similar concern.

CHAIR—If these letters are available within the department, could they be provided to this committee? It is good background information, if it is permissible for us to have background information like this.

Mr Trimmer—If that is permissible, certainly.

CHAIR—Were either of those correspondences made to the then Prime Minister prior to the Teoh case or subsequent to Teoh?

Mr Trimmer—I cannot recall. But Prime Minister Keating wrote to all premiers in December 1995.

CHAIR—So that was possibly after Teoh?

Mr Trimmer—Yes, especially the Prime Minister's reply. He wrote to all premiers and chief ministers in December 1995 and indicated Australia's intention to ratify, subject to the views of the states and territories, but also indicated quite firmly that our ratification would also be done in the context of conveying to the convention that Australia would not be preparing a national action program. As you are probably aware, the National Farmers Federation had a similar concern in relation to the NAP and the implications of that.

CHAIR—Although we do not want to jump ahead too much, they now accept, if it is voluntary, that they are a little more relaxed and their basic objection was prior to the setting up of this parliamentary machinery. Could I ask you to take on notice the possibility of providing to the committee copies of any pertinent correspondence, if that is permissible, as background to the states' attitudes in particular. I am sure that is what you want, Wilson.

Mr TUCKEY—Not only attitudes; before the day is over with some of the other witnesses, we can probably better establish the reality there. It is a very significant matter that evolves from this particular treaty.

CHAIR—If for any reason you cannot provide this to the committee, would you let the secretariat know?

Mr Trimmer—Certainly.

Mr TUCKEY—There is no clause, frequently referred to as a federal clause, in this treaty that prevents the Commonwealth taking over these issues; in other words, that binds the Commonwealth government to our standard constitutional arrangements on land management. Are you aware of any clause that does that?

Mr Campbell—No, we are not.

Mr Trimmer—But if the Commonwealth was inclined to enter into any land management issue, either pre- or post-ratification, as you would be aware it would have to be done in the context of legislation through the federal parliament, not because of the treaty.

CHAIR—What you are saying, once again, is that Teoh clouds the issue, basically, is it not?

Mr Trimmer—I was not really referring to Teoh.

Mr TUCKEY—No. We are just making the point that that treaty process has gone past a long-held myth that nothing ever happened as far as treaties were concerned until the Commonwealth, in this case, legislated within its own parliament. Teoh has proved that that is not necessary and the legislation that the previous government produced to try to overcome that situation was generally considered, in legal circles, to be totally inadequate and would not stand the first challenge. The reality now is that, once we are involved in this thing, as we have seen in other areas such as the Franklin River dam, if community interests put enough pressure on the federal government, they can be obliged to assert the power of state governments, just simply because we now have clear evidence and precedent that the signing of these treaties empowers the Commonwealth in the area that it covers.

CHAIR—If it is not possible to provide the actual correspondence for any reason, we would appreciate some sort of summary of departmental views on the issues that are raised. Ideally, we would like to see the exchange of correspondence.

Mr McCLELLAND—I take on board Wilson's comments. The area is not without complexity, particularly in light of the recent High Court case regarding the industrial relations power. I think your suggestion, Mr Chairman, for the department to obtain views of advisers is probably wise. It is a very complex area. My question is: does desertification in other countries pose a threat to Australia's environment and, if so, to what extent is such a threat in existence? In other words: is there any utility in Australia

trying to combat desertification in other countries? Is there any benefit in it for Australia, rather than simply focusing inward on Australia?

Mr Trimmer—Do you mean environmentally or for all sorts of reasons?

Mr McCLELLAND—Yes, all sorts of reasons.

Mr TUCKEY—Climate?

Mr Campbell—Certainly climate change is one very large factor that should be taken into account in the long term. The other issue which bears considerable consideration is also the fact that the sheer pressure on dry land resources in sub-Saharan Africa and elsewhere and on freshwater resources in arid lands is such that we are likely to see, and are already seeing, international conflict based around access to scarce resources. The projections I have seen looking forward 20 to 25 years are extremely serious in terms of the level of international conflict and refugee problems associated with food and freshwater scarcities due to dry land degradation and population pressures. There is a vicious circle of rising populations and shortages of natural resources, particularly freshwater and arable lands, which inevitably leads to resource use conflict. That is a real sleeper on the international scene.

As to other direct threats on Australia's environment arising out of desertification elsewhere, I would like to take that on notice and I could provide Mr McClelland with further information, if he so desires.

Mr HARDGRAVE—Mr Chairman, I am particularly interested in which other countries have signed and ratified this particular convention.

Mr Trimmer—The Department of Foreign Affairs and Trade might be able to provide more up-to-date information, but the last information I had was that 47 countries had signed. They came from a range of regions: the European Union, the African countries, certain Latin American countries and there were a small number of Asian countries. That is about the spread of it at this stage.

Mr Campbell—And the OECD countries which include: Canada, Denmark, Finland, Germany, Israel, the Netherlands, Portugal, Spain, Sweden and Switzerland.

Mr HARDGRAVE—Not the United States?

Mr Trimmer—No. They were unlikely to sign prior to the presidential elections in November. That was always the case.

Mr HARDGRAVE—In the scheme of things, from your contacts in other countries, are they likely to sign after the presidential elections?

Mr Trimmer—My understanding from officials is, from their point of view, yes.

Mr HARDGRAVE—What rationale do you believe they may be using?

Mr Trimmer—Similar to our own because they are a similarly affected country. They are a developed country with a significant range of dry lands and they also see it in the context of an international effort to combat the problem, mainly in the countries which are developing and cannot help themselves as much as we and the Americans can.

Mr HARDGRAVE—Would you say countries which are developing and cannot help themselves have rushed to sign this particular convention, or have they not signed?

Mr Trimmer—A significant number have, or are in the process of signing.

Mr HARDGRAVE—The majority?

Mr Trimmer—I cannot answer that off the top of my head, sorry. I will find that out for you.

Mr Campbell—Given the sheer number of countries in Africa and the number of countries that have ratified to date, I think arithmetically you would have to say a minority have ratified at this stage.

Mr HARDGRAVE—So the countries that potentially have the most to gain out of it have not exactly embraced this.

Mr Campbell—Certainly many that have the most to gain have.

Mr HARDGRAVE—But not the majority.

Mr Campbell—By no means the majority of developing countries.

Mr Trimmer—Not all developing countries are affected. It depends on the ones that are affected, which relates to your question. We will find that out for you.

Mr HARDGRAVE—Mr Chairman, where I am heading is taking on board the comments that Wilson Tuckey made which are similar to the thoughts that I had. It seems to me that Australia is already complying with the essential sentiments of this particular convention through its own actions. One wonders what is the point in yet again signing our lives away to something that has the potential downside of the federal government overriding state responsibilities. We are already doing the job. What is the point of tying ourselves up with another string?

Mr Campbell—As we mentioned earlier, Mr Hardgrave, there are likely to be

significant commercial spin-offs for Australian firms in extending our world leading dry land technologies.

Mr HARDGRAVE—By implication, are you saying that there would be no commercial benefits; Australia would not be able to commercially provide assistance benefits or whatever to a country if it did not sign this treaty? Is there a provision within the treaty that suggests that?

Mr Campbell—No, I am not suggesting that.

Mr HARDGRAVE—So we could have a commercial arrangement with or without the convention?

Mr Campbell—I am suggesting that, as one of the countries taking an international lead, our international credibility and, by extension, that of our firms, would be enhanced through ratification and would be more so than were we not to ratify. Furthermore, as we are substantially or, we believe, entirely meeting our commitments under the convention, we do not believe that it imposes onerous burdens on this country.

Mr HARDGRAVE—Since the submission is coming from a Commonwealth department it would make sense, given that there is some potentially great centralist overtones in the application of this convention in Australia. So I can understand where you are coming from. But I still come back to the fact that if Australia is doing the job, if Australia has something to offer commercially, and if Australia is seen as very important to a number of other countries, whether or not we sign the convention has really got nothing to do with our contribution in the overall scheme of things as far as these international concerns are concerned, except for credibility. That is essentially what you are saying.

Mr Campbell—And the partnership with international countries in tackling a global problem and being a part of that contribution to tackling a global problem.

Mr HARDGRAVE—My last question: looking at it from a domestic point of view, does it not also tie the Commonwealth government into picking up the tab? Let us take it from another point of view: the state government says, 'We've got this major problem which is causing matters which are beyond our control. And now, Commonwealth, you are obliged under this treaty to pick up the tab for it.' So there is the other side of it, is there not?

Mr Campbell—No, we do not believe that that would be the case because we already have a substantial number of national strategies, not Commonwealth strategies, but national strategies, which have been developed in full partnership with the states and are the stakeholders right down to the community level. In fact, that was one of the reasons Australia was able to play such a leading role in the development of this convention,

because we had already gone through some of these processes in developing such strategies. We believe that there will not be any extra obligations on Commonwealth, states or communities arising from Australia's ratification of this convention.

Mr HARDGRAVE—Essentially, nothing will change except that our credibility will be enhanced and there will be the prospect for greater central control out of Canberra over the states on land management. They are the only two things that are going to come as a result?

Mr Campbell—We believe that the latter point is entirely an issue for Commonwealth and state governments that would be unaffected by this convention.

Mr BARTLETT—Following a couple of Mr Hardgrave's points a little bit further, the question of enhancing our position of morality authority on these issues and our world standing: in practical terms, how much influence would we have in some of the developing countries in causing them to alter their land management practices to better practice as a result of enhanced international standing? Is that likely to be a significant benefit or not?

Mr Campbell—We would be more likely to have an influence through practical contributions in extending appropriate technologies and developing and extending our own expertise in dry land management, in freshwater management and community participation in arid zone restoration techniques and more efficient irrigation systems in areas of high evaporation and fragile soils and so on.

Mr BARTLETT—I am amazed that we are not doing it now.

Mr Campbell—We believe that there is considerable potential for expansion of Australia's efforts in natural resource management; that as these problems become more and more serious global demand will increase and Australia can be very well placed to take a leading role in that.

Mr BARTLETT—Is it not likely—again, Mr Hardgrave referred to it—that if we are considered to be leaders in some of these areas we will already have the potential markets and reap the commercial benefits of that without ratifying this treaty?

Mr Campbell—We believe that it would be to a lesser extent.

Mr BARTLETT—Just on the issue of the aid aspect of this treaty: are you aware of how much of our foreign aid budget is allocated already to issues of desertification correction?

Mr Campbell—That is a question that would be more appropriately answered by the Department of Foreign Affairs and Trade.

Mr Trimmer—I have seen figures provided by AusAID in the past from time to time about their total budget to Africa and also contributions they have made to the Australian fund to combat desertification in Africa. I cannot recall them precisely off the top of my head, but I am sure AusAID can provide them to you.

Mr BARTLETT—Would you think that this \$250,000 that will be involved in this if we ratify this treaty would come out of spending that would otherwise have gone to similar projects out of the aid budget? Or would it be an addition to it?

Mr Trimmer—The \$250,000 was provided directly to the fund to combat desertification through the development of the national action programs and so forth. Whether it was better used elsewhere I cannot answer.

Mr TUCKEY—Mr Chairman, just trying to revisit a couple of Mr Hardgrave's comments for a minute, I have just made a note here and I think it is probably worth putting on the record. Firstly, the evidence consistently says that Australia has already met most of the criteria within Australia that are to be imposed on some nations, not Australia. The Australian government already has power to grant assistance to foreign nations by way of foreign aid. The Australian government can already provide financial assistance and incentives to state governments and individuals in terms of overcoming land care and no doubt there are other means that it can do things by. So my first question is: what extra steps are enabled by this treaty which Australia cannot do presently?

Secondly, I am interested in terms of another common theme about the commercial advantages. I have a little saying, when it comes to international trade, that there are only three questions: how good, how soon and how much? And those questions do not need a treaty to be answered. Surely, if we are at the standard of expertise at which I think we are, there would be demand for our product? I am also concerned as to the source of all the money. Clearly, the people who are most desperately in need of our help have not got any. So it would appear that whichever way we approach the problem, either through this treaty or as an independent nation, a lot of our services that we would provide to these people—and I am not necessarily objecting—we would have to pay for ourselves. In other words, it would be an AIDAB type program that went over there to put the water in or give the advice on farm management, et cetera. Would you like to respond to those comments?

Mr Campbell—I do not think it necessarily follows that all moneys that would be involved in an aid context would be coming from Australia. I think there would be substantial international contributions from many countries which do not have the same expertise in dry land resource management as Australia. So Australia might be putting in a disproportionately large amount of the expertise and commercial input—certainly, a much larger proportion than the proportion of funds it contributes to such endeavours. But also it would seem logical that as awareness of these problems arises we will naturally play a bigger role in the budgets of those affected countries, limited though they may be.

Mr TUCKEY—That is the last question. What about the other two: the question about whether, treaty or no treaty, that expertise would be sought anyway, if other countries were contributing the money; and the question of the extent to which the treaty expands Australia's opportunity to do the things that it is doing now?

Mr Campbell—Certainly, there is a level of demand for Australian dry land resource management technologies, irrespective of any international conventions on desertification. However, it is the department's view that Australia's standing as an international leader in a global attempt to tackle this problem would be enhanced by ratification, and that that would perhaps give Australia an entre into some projects and activities that it would otherwise not be able to access.

Mr HARDGRAVE—Mr Chairman, the question that is left hanging from of all of this is that we have heard a lot about Australia's standing and Australia's credibility, but who determines this? Are they your opposite numbers in other countries, or what? Who determines our credibility and our standing?

Mr Campbell—I am not sure that I am the appropriate person to be answering that, Mr Chairman. However, as with international perceptions on any issue, it is probably a combination of the international body politic, which comprises officials, elected representatives and international media. The scientific community is certainly a very significant group, as reflected in international referee journals. It is an amalgam of all those and of other, more subtle influences. But I do not claim any expertise in the formation of international consensus.

Mr HARDGRAVE—The other hanging question is whether, by inference, that particular international body politic, the scientific community and the opposite numbers in governments in other countries would have the power to determine that, despite Australia perhaps having the best, most commercially viable expertise and perhaps the most generosity to offer assistance, we should get a little slap over the wrists and miss out on providing all of that, if we do not ratify this convention. That is really what is coming through: that we have to have this convention in order to be able to fulfil the purpose that we already have the expertise in. Do they have that power to stop it?

Mr Campbell—I believe not. I do not think it is as black and white as that. However, in an era of globalisation, perceptions certainly become very important and, for affected countries, the issue of whether a potential donor country, whether in terms of moneys or technologies, was a country which had ratified the treaty would probably be significant.

Mr TONY SMITH—With regard to the comment that has been made that Australia has met the requirements under the convention and so there does not need to be a national action plan, as it were, who has made that determination and, under the treaty, who would continue to make that determination?

Mr Campbell—The Australian government has made that determination.

Mr TONY SMITH—It is a subjective determination by the signatory country: is that right?

Mr Trimmer—Yes.

Mr TONY SMITH—The next point is that some of the notions that you have put, with respect, seem to me to be fairly vague, such as the idea of international credibility enhanced, influence through practice, our dry land expertise and the fact that we are going to have a lesser extent of involvement, perhaps, commercially if we don't ratify. What is the objective evidence for that, or is it merely a subjective opinion?

Mr Campbell—That is an informed opinion on the basis of discussions with colleagues in both the environment ministries and other related ministries, including people with considerable international experience within our Department of Foreign Affairs and Trade.

Mr TONY SMITH—So based just on what you feel, based on discussions about how other people feel and putting all of that together, it is a bit like saying 'Well, you feel this will be good and, since you feel it will be, I feel it will be good,' and you go round and round.

Mr Campbell—It is not as subjective as that, Mr Smith. I would suggest that it is certainly based on observation and experience over many years in international fora.

Mr TONY SMITH—But what is the objective evidence? Is there evidence that we can point to and say, 'Look, this is an advantage—this is a tangible advantage, as opposed to we believe it is a tangible advantage'?

Mr Campbell—I would be willing to taking that on notice and supply you with further argument should you wish.

CHAIR—Can I just come back to the National Heritage Trust. Could you outline on the record, roughly and very quickly, what that entails, and in particular whether there is any link with this convention and in what way those links relate?

Mr Campbell—The Natural Heritage Trust of Australia provides for a substantial investment in Australia's natural capital, primarily through five major programs: a national vegetation initiative of \$318 million over five years; a land and water resources audit to establish the first ever national benchmark of problems and priorities across Australia of \$32 million; the Murray-Darling Basin 2001 initiative to clean up the waterways of the Murray-Darling Basin which is \$150 million, and our coasts and clean seas initiative of \$100 million to address the problems of Australia's coastlines and estuaries and inshore

waters. Then there is a range of related programs which will also be funded from a combination of the interest on the capital received from the partial sale of Telstra topped up with consolidated revenue over that five-year period, such as the national landcare program, national feral animals and weeds programs, endangered species programs and the national reserve system which is also one of those five capital projects.

That \$1.149 billion package of initiatives has no direct linkages to ratification or otherwise of the desertification convention. However, some of those initiatives will make a significant contribution to the implementation of strategies and will compliment activities in Australia's dry lands, tackling some of those problems, notably the weeds and feral animals programs, and certainly the national land care program. The national vegetation initiative, which has an aim of reversing, for the first time since European settlement, the net loss of vegetation cover in this country, will impact in dry land areas.

Potentially the national river care initiative, which is for rivers outside the Murray-Darling Basin, many of which will be in what we call the rangelands, can also potentially have a very significant impact on the problems that are attempting to be tackled by the desertification convention. However, there are no direct linkages. These programs are programs that Australia would be doing anyway but which are consistent with the commitments that Australia would have should it ratify the convention.

CHAIR—So there is no chicken and no egg in relation to the link with the convention?

Mr BARTLETT—Just very briefly going back to our progress in Australia, you have said here that Australia is 'well down the path of meeting obligations'. In your assessment, in very general terms, have we reversed the trend of degradation? There are some alarming figures: 25 per cent destruction of soils; threat to biodiversity; weed and pest invasion and so on. Do you think we have reversed the trend of increasing destruction or are we still heading downhill there?

Mr Campbell—Frankly, no. In my opinion, Australia is still going downhill. However, I think that we have made enormous strides in the last decade and that, just as the problems we are tackling in Australia have taken several generations to emerge, they will not be turned around overnight and things will continue to get worse before they get better. I do not think that degradation is accelerating.

Mr BARTLETT—But obviously the sort of contribution of the Natural Heritage Trust, and that spending, would certainly be a big impetus in improving things?

Mr Campbell—It is a very significant start in the sort of investment that Australia needs to be making in its natural capital to compensate for the depreciation of that capital over the last 200 years. Our use of natural resources has generated enormous wealth for the country and we have learned some hard lessons along the way. Now it is time to make

some of the investments that arise out of the lessons we have learned, and this is a very significant start.

Mr McCLELLAND—Just briefly, you indicated to me earlier, and also to Mr Hardgrave, I think, that you would take on notice issues relating to the international effect of desertification. I note on page 4 of your submission you briefly mention some. You say, ‘Desertification has serious implications going beyond national borders.’ And later down the page you even go so far as talking about a potential global environmental catastrophe. So when you take these points on notice, can you have regard to the summary that you have on page 4 but expand upon that with some specific objective examples?

Mr Campbell—Certainly.

Mr HARDGRAVE—Mr Chairman, I would presume it would come to the secretariat and we would all get a copy?

CHAIR—Yes. Gentlemen, thank you very much for your input. As I said at the outset, this is only a preliminary hearing and I have no doubt that what you have said this morning and, undoubtedly, what we will hear later on today will simply whet the committee’s appetite for the subject. But, at this stage anyhow, we thank you for your evidence. We look forward, as Mr McClelland has said, to the responses to some of the questions on notice and to Mr Tuckey’s, et cetera, and we look forward to meeting with you yet again.

Mr Campbell—Thank you, Mr Chairman.

Mr Trimmer—Thank you, Mr Chairman.

[11.04 a.m.]

HOLLAND, Mr Christopher, Senior Officer, Department of Primary Industries and Energy, Edmund Barton Building, Kings Avenue, Barton, Australian Capital Territory 2600

MENERE, Mr David Leslie, Acting Manager, Strategic Planning Section, National Landcare Policy Branch, Land Resources Division, Department of Primary Industries and Energy, Edmund Barton Building, Kings Avenue, Barton, Australian Capital Territory 2600

WHITE, Dr David, Senior Principal Research Scientist, Bureau of Resource Sciences, Department of Primary Industries and Energy, 22 Brisbane Avenue, Barton, Australian Capital Territory 2600

WILLCOCKS, Mr Charles, Acting Assistant Secretary, National Landcare Policy Branch, Land Resources Division, Department of Primary Industries and Energy, Edmund Barton Building, Kings Avenue, Barton, Australian Capital Territory 2600

CHAIR—Welcome to the inquiry, gentlemen. I point out that the submission from the Department of Primary Industries and Energy has been received by the committee. It is now part of the evidence. Are there any amendments to that submission?

Mr Willcocks—No.

CHAIR—Perhaps you could just make a short opening statement and then we will go to questions.

Mr Willcocks—Mr Chairman, thanks very much for giving the department the opportunity to explain its views on the desertification convention. As part of the Australian delegation to several of the negotiating sessions, DPIE actively participated in the negotiation of the convention. This reflects our portfolio responsibilities for water, soils and other natural resources and our interest in natural resource management.

As our submission states, the thrust of the convention is clearly on developing countries. The convention focuses on addressing sustainable natural resource management and use in developing countries, including by the more effective use of international aid programs. The convention is consistent with policies of the Commonwealth government for addressing natural resource management. The principal strategy there is the national strategy for ecologically sustainable development. It is also consistent with the international processes and agreements that Australia is a party to—the UNCED outcomes, the United Nations Biodiversity Convention and our commitments to Agenda 21.

Australia's experience in the development of national strategies for sustainable

development and the landcare model are reflected in several aspects of the convention. Specifically, the desire to have a grassroots community based approach is very familiar in Australia as a central element of this convention. It is also in the regional planning and the desire to address causes rather than symptoms, and the causes are seen very much as being socioeconomic. The aim really is to address those management issues—if you could call them that—rather than trying to stop sand dunes moving. In that respect, some of the articles of the convention remain very much as they were originally drafted by Australia, and I draw your attention to Article 10 on national action programs. It could also be a national model.

In addition, the management of the Murray-Darling Basin provided the working model of a cross-border management of natural resources, addressing political as well as technical considerations. As part of the process, the Commonwealth undertook extensive negotiation with the states, NGOs, aid, pastoral and conservation interests. While Australia is an affected country under the terms of the convention, the convention does not oblige us to prepare or submit a national action program. In our view, programs and plans such as the decade of landcare and the draft rangeland strategy place us well ahead of most countries in managing our natural resources in our arid lands and we are more than able to fulfil any obligations arising from this convention.

Ratification of the convention, however, will not give rise to further obligations for Australia or the Commonwealth or the state or territory governments. The latter, of course, have prime responsibility for land management. Australia's expertise in the management of arid and semi-arid rangelands is internationally recognised and sought after, and Australia can benefit commercially from involvement in this convention.

In summary, we believe the Commonwealth achieved its objectives in the desertification negotiation process. We made a substantial contribution to an international process and should Australia choose to ratify the convention, we see little domestic impact on Australia and the prospect of some modest commercial benefits. Thank you, Mr Chairman.

CHAIR—Thank you. Just before we go to questioning, I do not think you were in the room when we had preliminary discussions with the Department of the Environment, Sport and Territories. We discussed, albeit briefly, the legal implications involved in this convention and question marks in that area, in particular, no further obligation—and you used that word 'obligation'—on the part of the states and the Commonwealth other than the Commonwealth's general responsibility.

Are you aware of any correspondence at ministerial level within DPIE with state and/or territory ministers in those appropriate portfolio areas with views on this particular subject? In particular, are there objections to the ratification of this convention, and on what grounds? What we did discuss before you came in were question marks about the Teoh case and the external affairs powers. They are the sorts of issues that this committee

would like to have further information on, further documentation, if that is appropriate. Can you make a comment?

Mr Willcocks—Most of the communications at ministerial level have been through the Department of Foreign Affairs and Trade and perhaps the Prime Minister's department. We have not become involved in that side of it. Our contacts with the states have been largely through the Standing Committee on Agriculture and Resource Management and the Agriculture and Resource Management Council of Australia, the ministerial council.

CHAIR—Perhaps Mr Tuckey will explore this in a little more detail in a moment but in relation to the two larger states of Queensland and Western Australia where desertification is perhaps an emotive subject, have some of the primary industry or resource ministers expressed some views with your department on this particular convention?

Mr Menere—I am not aware of any particular views that have been expressed in that area. If those views had been expressed they would have been some time ago during the final phase of negotiations. I have only been in the area for about 12 months so I would not have seen that final phase. I would like to reinforce Charles' view that the communications on this convention, the negotiations, have been carried out formally at chief minister level or at foreign minister level. I am not aware of the Minister for Primary Industries and Energy going directly by correspondence to his counterparts in the states.

CHAIR—What we would appreciate, and you would obviously take it on notice, is if you could have a look to see if there is anything. There may be reasons why, if there is, the committee cannot have it. But we would appreciate it, as I indicated to the Department of Environment, to give us a summary of views over and above perhaps what you have given in your opening statement. It is something that obviously entertains a lot of thinking as to the legal obligation and there are question marks, as we have indicated in our first report to the parliament, in terms of the Teoh case, and we await some further advice on that.

Mr McCLELLAND—On page 1 of your submissions, you refer to the fact of extensive discussions between the Commonwealth, the states and NGOs, non-government organisations. Would it be possible for you to take on notice preparing a chronology of those consultations which have taken place? On page 3 of your submissions, in your introduction, you refer to desertification as a major global environmental issue. I am wondering if you would mind providing, through the secretariat, a copy of the fact sheet referred to, the interim secretariat for the UN Convention to Combat Desertification fact sheet, and would you also please provide us with a copy of the June 1992 decision of the United Nations conference on the environment and development, to establish the inter-governmental negotiating committee. I think they would be two very useful documents.

Mr Willcocks—We will provide that, certainly. But what you need to understand is that we have not been the lead agency on the organisation of the negotiating process. It is the Department of Foreign Affairs and Trade.

Mr McCLELLAND—Yes, we will bear that in mind. You will find from the questioning—I will not pre-empt the questioning; that is not appropriate.

Mr TUCKEY—I could just make the point that DFAT have provided us on page 41 of our documents with a list of consultations which is fairly comprehensive.

I am interested in your submission in a number of areas, some of which may have seemed repetitive, but I think it is very fundamental to our inquiry, which is to do with the need for a particular treaty. On page 2 you say:

Land management is primarily a state responsibility and the states already have in place a range of legislation, policies, programs and plans that address the sustainable resource management issues, including desertification and drought.

That just adds to the evidence that we got throughout the submissions that the states, under our constitution, are primarily responsible for land management. Are you aware of anything within this treaty that guarantees that that situation will be maintained once the Commonwealth has entered into this agreement with the world? The reality of past agreements of this nature has resulted in a very substantial shift of powers, as a result of High Court decisions, to the Commonwealth, and the issue of land administration is becoming more and more topical, with native title issues, again primarily resulting from the Racial Discrimination Act and its reference to another convention. There is such a thing referred to as a federal clause where a government can sign an agreement in a fashion that ensures that the agreement does not override the fundamental rules of the country. That is the first question I have.

Secondly, you say:

Australia has made it clear in the negotiations for the Convention that although it is a global convention and Australia is an affected country under its terms, Australia's circumstances are such that the implementation provisions provided in the Convention are not appropriate for the Australian region . . .

Having asked you whether this agreement would substantially shift the power within Australia, my second question, taking that quote is, what in the hell are we doing, if in fact, it has no effect on Australia? Why are we being involved?

Mr Willcocks—As to the legal requirements, as far as we are aware—and we are probably not the best people to address that question to—the convention does not place any obligations on Australia that would go beyond arrangements that already exist. It could not override anything that Australia might decide to do. The key article in this

respect is the article relating to the submission of national action programs. Australia was very active in developing the formulation that is in that article, which is that it would not be obligatory or mandatory for countries such as Australia, affected developed countries, to submit national action programs. That is a decision that could be made, but it is not obligatory.

Mr TUCKEY—Yes, you have told us that, but my question is, in the light of your statement which I read to you, what is the purpose of Australia signing it? The thing that flows through in nearly every submission is that Australia is promising the world nothing, and yet we should sign. My earlier question was that if we are promising nothing, why should we sign, and if we are promising plenty, why should we sign?

We keep being told that it achieves nothing, although I note later that you tell us that we do commit ourselves to paying money. I just wonder what Australia achieves by ratifying this particular convention when we seem to have excluded ourselves from its major provisions?

Mr Willcocks—There are a couple of reasons for Australia taking part in this. One is that we are committed to the UNCED outcomes, as I said in my opening statement. One of the UNCED outcomes is to take part in the negotiation at this convention. That was a decision made by a previous government, so we took part. There are broader questions about Australia's role and contribution to the international community. We have been able to make, in this instance, a fairly major contribution to an international convention which will help other countries.

Thirdly, Australia does have a solid reputation as a manager of arid lands, underpinned by a very substantial R&D base and, as we said in our opening statement, there are some modest commercial benefits that may come out of this. The Department of Primary Industries and Energy maintains an interest in this, in particular because of the science and technology contacts and networks that can be developed here. That is not going to create a science-led recovery for Australia. I do not think we are fooling ourselves about that, but it is another mechanism by which Australia can establish its credentials and establish some interest.

I can ask David White, who has been involved in some of those processes, to make some comments but I see that Geoff Pickup, from the CSIRO, is here. Geoff was involved in some of the negotiations and he certainly had some follow-up work as a result of the convention and our activity there. We are not overplaying the benefits on the commercial side. What we are trying to do is to say, 'Here is another way that we can make a contribution.' We are not very active in Latin America. We are not very active in Africa. Earlier on, I heard the comments being made about the money: who will pay for this? We do not think for one minute that this will all happen; that the French or the Germans or the Scandinavians will come to Australia and say, 'We want some of your technology.' But there is a very good chance of that. So we are in it.

Mr TUCKEY—But where does the ratification of this treaty specifically contribute to that process, which is ongoing anyway? I read in today's press that currently Australia is hosting a major scientific convention and one speaker made some very significant contributions to that, suggesting, amongst other things, that unless Australia does more its population will all collapse. These things are happening. What we really want to know is: by ratifying this treaty, how do we progress Australia's position, considering that—certainly I hold a view—there are some significant downsides, as demonstrated in previous treaties of this nature, where we alter the balance of our constitutional arrangements. You have not yet responded to my question and I just cannot believe that a department such as yours has not considered the potential, based on the history of your position having an influence over Australian land resource management, were this treaty to be ratified.

Mr Willcocks—I am not sure that I can add anything to what I have already said.

Mr TUCKEY—Can I ask you a direct question. Have you, within your department, considered the ramifications for the growth of your department as a result of the additional powers you could claim were this treaty to be ratified?

Mr Willcocks—I contend that we do not get additional powers from this convention. There are reasons, which I will explain, for taking part in these processes. We are a part of the international community and it is important that we take part. This particular convention places no further obligations on Australia or mandates nothing that Australia is not doing already. From that point of view, I would say that we are way ahead of most countries that are affected by desertification, in terms of our management.

Mr TUCKEY—But that is not the point, is it? The real point of this issue is that once this treaty is signed—if you thought, for instance, that the state of Queensland started dragging the chain on all of these things we do so well at the moment—it would give your department the power to suggest to your minister that certain legislation should be implemented that would force Queensland to lift its game. Do you deny that possibility—on the history of heritage legislation, the rights of the child conventions?

Mr Willcocks—There is nothing in this convention that can allow the Commonwealth to override the state on—

Mr TUCKEY—Of course there is.

Mr Willcocks—In which areas?

Mr TUCKEY—For the simple fact of a High Court precedent. I can still hear the previous Attorney-General telling us all these things in terms of the rights of the child; that, in fact, prior to ratification, they went to every state and came back and took some steps to ensure that our laws met our international commitment. And then, out of the blue,

we find a drug dealer overriding his deportation order in two courts, the Federal Court and the High Court, on the grounds of promises made by the Commonwealth. He won a case against the Commonwealth.

Mr Willcocks—None of us are legal experts here on conventions. I have explained what DPIE's role has been in this convention.

Mr TUCKEY—Okay, I will come back to the question. If DPIE notices that a state is falling dramatically behind in this matter—for reasons of its own—once this convention is ratified, would you or would you not go to your minister and say, 'Minister, we have a responsibility to the world to make the state of X lift its game. We have here some legislation that we think you should introduce in the Commonwealth parliament for this purpose'? Would you or would you not do that?

Mr Willcocks—We would not do that without consulting the state.

Mr TUCKEY—It took me some time to read the yes case.

Mr Willcocks—The states have prime responsibility for land management. This convention, as I understand it, does not allow us to override that.

Mr TUCKEY—That was the question I asked you earlier. Does this convention say that? If it does, it will be the first one that does. Is there a clause in it that says that this does not allow the Commonwealth government to exceed its current constitutional powers?

Mr Willcocks—No, not as I read it, but I think you are better off addressing that question to someone else.

CHAIR—We will address that to the A-G's department in due course.

Mr BARTLETT—Mr Willcocks, you said in your opening remarks that Australia's expertise is internationally recognised and sought after. Given that it is already sought after, what do you realistically see then as a potential for increased exports of technology or expertise in this area?

Mr Willcocks—Perhaps—with your indulgence, Mr Chairman—I could ask Dr White to make some comments on some of the activities he has been involved with.

CHAIR—Certainly, yes.

Dr White—The prime reason for me being here, as I said, is as national coordinator of our desertification working group. I do point to the strong linkages between drought and desertification, because most desertification occurs with the mismanagement

of drought.

Could I perhaps first answer a question there, which is basically that, if we do not contribute to the addressing of global food security, this one will come back to haunt us in all kinds of ways in the future. You could look at it in terms of the maintenance of natural resources at the global and national levels, but it could even flow through, with population explosion, right to the security of our country, and I mean in every sense of the word.

In terms of commercial benefits, our expertise is certainly a marketable commodity. Also, we do have firms that produce equipment. Some of the, say, dry land farming equipment is being developed here. Also, there are seeds and other things that could be very marketable. I think the real benefit—and I have found this through the Valdivia network, which I am involved with, and the collaboration with the South Africans, in particular—has only just opened up. I was there in October last year and found enormous expertise over there. They do not have a national drought policy, but they have drought and desertification schemes. They have been addressing this problem since the 1970s, and they have made advancements that we can take on board.

Only yesterday we had a representative from Pretoria's Institute of Soil, Climate and Water at a national workshop we were holding on indicators of drought exceptional circumstances. We have found in this collaboration established over one year ago—a year ago I did not even know where the expertise was in South Africa but, given the problems we were having here, we were desperate for assistance—that, if we can improve the management of our land here, there is tremendous commercial benefit here.

I spent the weekend grounded in the worst dust storm since the 1960s just north-west of Alice Springs, so I can see the effects of climate and what I suspect. Maybe my colleague, Dr Pickup, who is more authoritative in that area than I am, can elaborate on that. I suspect there is a fair bit of bad management going on out there, too, in terms of overstocking.

Just to explain a little on the Valdivia working group, there are problems of drought and desertification in Chile, Argentina and Uruguay. I am also very familiar with the arid areas of New Zealand: central Otago—I grew up in Otago, actually—and the McKenzie country. Given the southern hemisphere expertise there, I think we can benefit from this greatly through collaboration. You only have a few scientists in each country with the expertise. With both global and national problems, we need as many smart heads coming together as possible—I am not saying mine is smart—to address these problems. We do not actually even know who the experts are—I certainly do not know, although we are starting to find out—in South America, but I think we can capitalise greatly on a change of ideas there and possibly even find markets for our expertise, technology and equipment.

CHAIR—So although we have national plans in place, we still have a little way to

go anyhow, and we can benefit as a direct result of this convention. Is that what you are saying?

Dr White—That is definitely what I am saying. I have a paper here—I am quite happy to submit it—by Ludwig and Tongway of the CSIRO Division of Wildlife and Ecology. They say:

Basically Australia lacks a strong national approach to controlling desertification.

I personally feel that we still have a pioneer mentality in this country. The South Africans take a very hard line. They say, ‘We don’t give government support unless you register as a conservation farmer. If you register as a conservation farmer you must not exceed the allotted carrying capacity determined by experts for your land. If there is a drought, you must reduce your stocking rate by 70 per cent.’ If people register as conservation farmers—50 per cent of them have, the other 50 per cent being ineligible for government support—inspection teams will fly in at random by helicopter. Basically, you will go up against the courts if you are found to be overgrazing. In America, the land of the free, stewardship of the land and how you manage public lands is taken much more seriously than across this country.

CHAIR—Is that a copy we can have?

Dr White—Yes.

Resolved:

That the committee receives as evidence and authorises for publication a paper presented by Dr White to the Joint Standing Committee on Treaties.

Mr TUCKEY—I am still trying to get the linkage between ratifying this treaty and all the very positive things that were just said.

Dr White—I wish to make a comment. I am not a policy person, as you would be well aware. In coordinating this national network of desertification scientists and trying to get collaboration overseas, we cannot move further to make a list of names because we do not have any money. As you know, scientists cannot do anything without funding. If the international desertification convention can help set up national and international programs, something can happen. I will hand over to my policy colleagues.

CHAIR—That complements the commercial and other implications you gave earlier.

Mr Willcocks—Yes.

CHAIR—It is a consideration. We have put this paper into the evidence and we

will circulate it. We thank you for that. We will have a look at it in due course.

Mr TONY SMITH—I presume work has been done in the past in relation to this worldwide problem. I presume there have been conferences and discussions and so forth.

Mr Willcocks—Yes. The history—I cannot relate it all—of addressing desertification through UN agencies goes back many years. Perhaps our scientific colleagues might be able to give us some more information on that. This current process was developed because of a perceived failure of the UN desertification arrangements that were put in place in the 1970s. The problem with the previous attempts has been that they have tried to address symptoms—tried to have just simply technical fixes—without going to the management decision making process. The socioeconomic effects, such as why people degrade land, simply have not worked. This new approach is to try to get the focus on causes rather than symptoms.

Mr TONY SMITH—It would seem to me that in poorer countries people degrade land out of sheer necessity. If there is no firewood, they will strip the nearest tree in sight or do any number of other things if they are in a desperate situation. Is that not really the core of the problem? It gets back to sheer poverty and the disparity between rich and poor.

Mr Willcocks—Yes. But there are things that can be done about that. There are technological solutions. We are very good at alternative energy, small scale energy, things like solar pumps and so on—even solar telephones. The solution to the problem may be improving communications. It may be getting better access to market information and better access to technical advice for farmers who are isolated. We have some of these problems in Australia. We are lucky enough to be able to find some solutions. But you are perfectly right.

As I understand it, if you take Africa, you have areas of high population density but you also have desertified areas or desert areas that have low population densities. It is not just land degradation we are concerned about; it is water, salinity and degradation of aquifers. There is a whole combination of things that simply compounds the problems of poverty and overpopulation.

Mr TONY SMITH—It seems to me that, going to the actual signing and ratifying side of things, Australia needs to sign and ratify it a lot less than some of the other countries that have that problem totally out of control. Is that not the case?

Mr Willcocks—It depends on what you see as the advantages to Australia and, conversely, what Australia can offer the rest of the global community in this area. Not signing the convention does not mean to say that people will not have access to our technology or our assistance; but it does. I think we have made this point several times. It does provide another window. It does confirm us as having a commitment in this area.

Mr TONY SMITH—Do you think it will make better citizens of our population, who will be far more concerned about conditions in Third World countries?

Mr Willcocks—I am not sure I can really answer that.

Mr HARDGRAVE—It seems to me in a lot of ways that the convention, if ratified, will give so much power to the central agencies in Canberra to push the states around. In evidence this morning I have heard, essentially, some of the key arguments for central control. There is an underlying analogy that is coming through that you cannot trust farmers to do the right thing so we need to have this convention so that Canberra can determine whether or not they are good users of the land. Is that a fair comment?

Mr Willcocks—No, I do not think it is a fair comment at all.

Mr HARDGRAVE—But there seems to be that kind of sentiment coming through.

Mr Willcocks—At the end of the day these are decisions for governments to make. We as departmental officials can provide advice. The question of whether the Commonwealth overrides the state on a particular matter is one for a government to make. As I said before, I do not see that this convention provides any greater ability for the Commonwealth to do that. In any event, the current approach would certainly be that the states would need to be a party to any decisions made.

Mr HARDGRAVE—The big problem is that within our constitution—a separate document to this—is that this document threads straight into that, and the potential for the Commonwealth to take over the area of land management is there as a result of those two documents working in tandem. I accept you are not a legal person—neither am I, and that is why I have bright eyes—but I just do not see that anybody can convince me that it is not possible for that to occur.

When you start to see that as a potentially big downfall, a major problem on either a governmental or Commonwealth-state relations basis; when you start to see that Australia is essentially complying with all the sentiments contained within the convention; when you start to see—as you said just moments ago—that essentially not ratifying this convention would not prevent us from contributing to the international scene; when you start to add it all up you start to wonder why. Why are we signing, other than just to be part of the gang?

Mr Willcocks—As I say, I am not sure I can add anything to what I have already said in this area. It is really a matter for decision by governments at the time on how these issues are handled.

Mr HARDGRAVE—But is there anything that is proposed within this convention

that will advance or enhance what Australia is currently doing?

Mr Willcocks—I think so and I think we have described some of those things.

Mr TUCKEY—Like what?

Mr Willcocks—The commercial advantages—

Mr TUCKEY—The commercial advantage is a myth, isn't it? You have already said it is modest. It flows through every submission we have. But on a cost-benefit basis, by the time we make our financial contributions that would probably balance out any money we get and if we are that good, they will come to us and pay us anyway.

Mr HARDGRAVE—The old saying was build a better mouse trap and the world will beat a path to your door, but I do not remember any convention being involved in the saying.

Mr Willcocks—That is exactly the point. You can build a better mouse trap but the world will not beat a path to your door unless they know about it. The activities that David White is engaged in are the sorts of ways that we can promote our interest. We went to a lot of trouble during the desertification convention hearings to have presentations from people who are involved in a whole range of activities in arid land management in Australia and those were well attended, there was a lot of interest. Not all the people who go to international convention negotiations are technical people, but they were there and they took a close interest. I suggest you ask Dr Pickup when you get an opportunity about the activities he has been engaged in.

Mr HARDGRAVE—Do we need central control of Australia's land management?

Mr Willcocks—No, the control is in the states.

Mr HARDGRAVE—But do we need a more centralised control?

Mr Willcocks—That is a matter for governments.

Mr HARDGRAVE—The information in the draft national strategy for rangeland management shows that 17 per cent of Queensland is degraded and economically unrecoverable land. This is above the national average of 12 per cent. So obviously Queensland has a few problems there.

Mr Willcocks—Queensland is doing something about it in conjunction with the Commonwealth. The national landcare program, for one, is aimed at improved management of natural resources.

Mr HARDGRAVE—So we do not need central control?

Mr Willcocks—As I said, that is a matter for governments. That is one model; we do not actually use that model. We use a model that is more about partnership; government, Commonwealth and state working together in those areas of common interest.

Mr TUCKEY—Constitutionally, that is the only model you have available at the moment, isn't it?

Mr Willcocks—It is the only model available to the Commonwealth.

Mr TUCKEY—Yes, presently.

Mr HARDGRAVE—Dr White might be the best person to answer this one last question, Mr Chairman. Would we not still collaborate with international colleagues without this treaty?

Dr White—In a very ad hoc sort of way; that would be true. But if you have no leverage, no clear national commitment, very little really happens. The other thing that I am concerned about as a taxpayer is supporting poor managers. I see a lot of poor managers, and I see a lot of good managers. In fact, the good managers are very resentful of the support given to the poor managers. If I read through the rural adjustment scheme, or other schemes, I see, through lack of national coordination, support for poor management.

Mr HARDGRAVE—But we are talking international.

Dr White—I understand that. I have seen the other working groups in Valdivia make vast strides in relation to climate change and ozone. Why? Because there has been international recognition of the problem. I think it was Dr Pickup who told me that desertification was a cinderella problem—nobody wants to own it; nobody wants to know it. Basically, nothing happens. The desertification working group forms a network. We might build a world wide web page, but we will not progress further until somebody signs something.

CHAIR—We have run out of time. As I indicated before you came into the room—it has been reaffirmed by the evidence so far—this is a very complicated, very technical issue. The basic questions are whether, in fact, in ratifying we enhance our situation as part of the international community. That is complicated, of course, by our federalist approach, as Mr Tuckey has reinforced on a number of occasions.

Of course, we do have some High Court judgments which are further complicating the legal situation. So you have whet our appetite. It is only a preliminary hearing today, as I indicated before you came in. We thank you for your evidence this morning. We look

forward to further evidence in due course.

Mr Willcocks—Thank you, Mr Chairman.

Mr TUCKEY—I am sorry, I know that you are just about to go, but page 5 of the submission points out that there is no obligation on Australia to create a NAP but it has the option to do so. It says:

. . . under the National Action Programs—

which we have the option under this convention to implement—

national governments commit themselves to establishing an institutional environment that encourages sustainable natural resource management practices; for example by establishing effective systems of land tenure and for resolving conflicts over access to land and water resources . . .

That is certainly not a power available to the Commonwealth at this time in relation to land tenure, is it?

Mr Willcocks—The way that reads is that that is not mandatory.

Mr TUCKEY—We understand that it is not mandatory, but it is a power that, under this convention, the Commonwealth of Australia can take to itself because it has an option. It then becomes mandatory on whoever we take the land off.

Mr Willcocks—As I say, you will have to address those questions to a constitutional lawyer.

Mr TUCKEY—This is your submission.

Mr Willcocks—I am saying what our view of the world is. Certainly, we are not in a position to make judgments at the level of the High Court on constitutional issues.

Mr TUCKEY—I just wanted to point that out to you.

CHAIR—Thank you, gentlemen. We look forward to you coming back.

[11.54 a.m.]

PICKUP, Dr Geoff, Chief, Division of Water Resources, Commonwealth Scientific and Industrial Research Organisation, Clunies Ross Street, Canberra, Australian Capital Territory

CHAIR—Welcome, Dr Pickup. Do you have any comments to make on the capacity in which you appear?

Dr Pickup—I was formerly head of the Centre for Arid Zone Research of the Division of Wildlife and Ecology in Alice Springs.

CHAIR—Thank you very much. I should point out that your submission has been received by the committee and is in evidence. Do you have any amendments at all, before I invite you to make a short opening address?

Dr Pickup—No.

CHAIR—Would you like to make a short statement?

Dr Pickup—Yes.

CHAIR—Go ahead, please.

Dr Pickup—Thank you for the opportunity to address the committee on the impact on Australia of the desertification convention. The CSIRO has made a written submission already which I do not intend to repeat. But I would like to offer the following points in summary: firstly, the CSIRO had substantial involvement in developing Australia's approach to the convention. One of the CSIRO officers, namely, myself, was a member of three negotiating delegations to the UN. I also participated in the OECD group on science and technology issues during those negotiations. The CSIRO also participates in the Department of Foreign Affairs and Trade interdepartmental committee on the convention, and we assisted the Asian group of countries through the UN Economic and Social Commission for Asia and the Pacific in drafting the Asian annex to the convention. The CSIRO also assisted DFAT with its review of implications of the convention for Australia.

Secondly, CSIRO undertook about \$120 million of environmental and natural resource based research work in 1995-96, of which 34 per cent was externally funded. While much of that work goes beyond the scope of the convention, we are, in fact, a major research provider in the area of desertification.

Thirdly, the CSIRO does not have a view on whether Australia should have a formal national action program under the terms of the convention. We would note, however, that Australia has many initiatives in this area which, taken together, would

represent one of the most effective national action programs internationally.

Finally, Australia has world recognition in science, technology and social approaches to dealing with desertification, both nationally and internationally. In the future, some of that reputation may well rest on an active approach to the obligations associated with ratifying the convention and putting it into practice. Thank you.

CHAIR—Thank you very much. Can I just ask you a very specific and direct question? If Australia were not to ratify this convention, what would be the impact in the scientific community on Australia's credibility?

Dr Pickup—It would be limited because we do have quite a number of international figures in the field. What I think it would do is restrict our involvement in some of the scientific activities which would flow from the convention. So, in fact, you really have to be in it to have full involvement.

CHAIR—So, it would have an adverse impact?

Dr Pickup—It would have a limited adverse impact.

Mr HARDGRAVE—I was very interested in the credibility question, because it has come up a few times, and I appreciate your comments on the limited impact. I guess the thing I am trying to work out is what does this convention propose Australia do that it is not already doing? What is the key thing?

Dr Pickup—Let me answer that in a slightly indirect way. In my opinion, this treaty is about international participation and aid, and the key thrusts for Australia are in those areas. Domestically, I think it has very limited impact. In terms of what it would allow us to do internationally, it would allow us to participate in a number of international activities associated with the convention, for example, the committee on science and technology, roster of experts, ad hoc panels, et cetera. If we were not involved in those—if we did not ratify—we would not be involved in those formal activities.

In terms of the less formal things that go on in science, each of the international conventions has spawned a level of scientific activity, international collaboration, international cooperation, et cetera. We would still be involved in that but perhaps not formally.

Mr HARDGRAVE—Be coopted, perhaps, do you think?

Dr Pickup—We would tend to have direct invitations rather than the UN government links or the government-to-government links.

Mr HARDGRAVE—Would that be a bad thing given our apparent expertise and

experience in the whole matter?

Dr Pickup—It would limit us.

Mr HARDGRAVE—But if in Australia we were performing in such a way that we drew attention to ourselves on the basis that nationally we have 12 per cent of land that is economically unrecoverable, that has been very badly damaged and that makes up 17 per cent of a state like Queensland, and if we started to turn some of those things around, obviously the international community would be beating a path to our door wanting our direct involvement in a lot of different projects and, within existing mechanisms, we would be able to contribute. Even without ratifying this treaty we would be able to contribute to the debate and the outcomes, surely.

Dr Pickup—We would to an extent, but one thing worth bearing in mind is that much of the international activity associated with this convention would be foreign aid funded and most of that aid tends to be tied. That is, Germany funds Germans to work in Namibia, Australia funds Australians to work in Kenya, et cetera.

Mr HARDGRAVE—So if we were offering aid to specific projects they would not take it up if we had not ratified this treaty?

Dr Pickup—I doubt that very much indeed.

Mr McCLELLAND—One of the previous witnesses indicated that you might be able to assist us by indicating some follow-up work the CSIRO has had as a result of Australia's involvement in the treaty negotiation process. Is that right and can you help us with what that follow-up has been?

Dr Pickup—Certainly. Obviously, I cannot give you the full picture but I have had a certain amount of involvement personally. Most of the work I have been involved in was during the course of the development of the treaty or work arising after the treaty was adopted. With regard to the kinds of things that I have had some involvement in personally, I assisted the Namibian government in developing their national action program where I was asked to provide an international perspective. I have had a continuing involvement with the UN Economic and Social Commission for Asia and the Pacific, which is the Asian regional grouping of the UN. That has been work on a full commercial basis in that they had me up to help them begin the draft of the Asian annex to the convention. They had me up to coordinate a meeting to try to develop an Asian regional response to it, plus a couple of other invitations more recently which I have been unable to take up as I have recently changed jobs.

Other things happening are that requests to do consultancies have come in from the UNSO. It was formerly the UN Sahelian Organisation although I think it has changed name now. It is the body which has been given the job of handling the UN programs. I

have also done a certain amount of consulting for the UN environment program on international approaches to actually define the extent of desertification.

Mr TUCKEY—You have just mentioned your involvement with Namibia in a pre-ratification situation. Presuming that Australia was able to demonstrate that internally we were following world best practice—if we can use that term—and if through our foreign aid programs we, for instance, gave CSIRO a project in one of these particular countries, none of that particularly requires us to do anything that we cannot do now. To the extent that the Commonwealth chooses to provide funding to the states or tax deductions to individual farmers, which we do now, where do we improve our situation by ratifying this particular treaty? Is it that we, for instance, could request observer status in terms of the sorts of conferences you believe you would be advantaged by attending? I mean, you would still have a cup of tea with these blokes, wouldn't you?

Dr Pickup—Yes, actually the European Community want me to go to Crete next month to have a cup of tea with them on a desertification conference.

Mr TUCKEY—I have got to say there are a lot of things decided over a cup of tea, I find.

Dr Pickup—There are indeed. That is a complex question. Let me try and respond in a simple way. Sure, we will continue to participate; I do not think there is any doubt about that. Our reputation is such that we would continue to be invited. There will, however, be a set of activities under the auspices of foreign governments and the international agencies which may well be, I guess, a sort of club. As a country that has signed but not ratified the treaty, to some extent we are excluded.

The other issue, I think, is one of credibility. Again, under the previous government Australia was a very active participant in developing this convention. Many of the themes throughout the convention are based on Australian domestic approaches to dealing with land degradation problems: landcare specifically, community action programs, this sort of thing. My experience in going to those three lots of negotiations was that we had tremendous international credibility. We were regarded as perhaps less ideologically committed to international blocs in the UN, we were regarded as pragmatists in our aid programs, people who could actually get on the ground, roll their sleeves up and do something. That over the years has engendered tremendous respect for Australians. If you travel through Africa you find Australians dotted on development projects all over the place.

We are in a position now where we have signed the treaty but not ratified it. To be frank, if we did not now, I think we would look pretty foolish in international forums. That to me is one of the key issues on the international side on this question of whether we ratify or not.

Mr HARDGRAVE—What would be the problem if we adopted a wait and see approach to this particular convention? In other words, given that there is a chance for it to operate and given that we are going to be perhaps associate members of the club because of our expertise and then revisit this whole matter in a few years time, if we are satisfied that it is working and the down side, which we have developed through a number of questions here in Australia, is there value to a wait and see approach on this?

Dr Pickup—I think it depends how long we wait and see.

Mr HARDGRAVE—A few years.

Dr Pickup—I think it should be a relatively short period. I cannot see any particular disadvantage in not being first cab off the rank—

CHAIR—We have already had nearly two years since we signed. How much longer, do you think?

Dr Pickup—That is a question for the diplomats. I really could not answer that question. I can give you a personal view from on the scientific issues.

CHAIR—You talked about international credibility. Surely you can relate that to the length of time it takes before we ratify? If we were to leave it for another five years, are you saying that we would look absolutely stupid? If we did it in a year's time, would it be reasonable?

Dr Pickup—I can give you a personal view which is only a gut feeling.

CHAIR—Sure, that is all we want.

Dr Pickup—I would not wait beyond a couple of years.

CHAIR—Another couple of years?

Dr Pickup—I would not wait beyond that.

Mr HARDGRAVE—Are your colleagues saying to you over the phone, 'When are you guys going to fix this up; we are waiting on you? X, Y and Z country aren't going to jump on this particular convention's bandwagon unless Australia is part of it'?

Dr Pickup—No, I am not hearing that. But you have to look at where the ratification process is in global terms. I do not know how many countries have ratified yet, but I know quite a lot of have signed.

Mr TUCKEY—Forty-seven have ratified.

Dr Pickup—That process is obviously a slow one and I guess those 47 are the first cabs off the rank.

Mr HARDGRAVE—Is there much expertise in the United States on this whole area of desertification?

Dr Pickup—With respect to what area?

Mr HARDGRAVE—With respect to the general area of land management, rejuvenating damaged land—is there much expertise?

Dr Pickup—Yes. I sense that you are asking me to compare with Australia, are you?

Mr HARDGRAVE—No, just from your perspective.

Dr Pickup—The Americans do have a lot of expertise, as do a lot of other countries. Australia has a lot of expertise too, basically on the social side. The Americans have been good at technical solutions and they have also been good at selling them throughout the less developed world. Of course, like much aid, it is done with mixed motives.

Our niche seems to be some areas of technology but, particularly, the social organisation—the landcare movement et cetera. That sort of experience is very highly regarded internationally. When I go to meetings, the kinds of things I get asked to talk about are Australian approaches to dealing with land degradation or desertification. That may be from a technical approach or it may be the whole policy and social approach.

Mr HARDGRAVE—So we are good at the implementation side. What about the Israelis? I suspect that the Israeli reputation for turning the deserts into blooms is a very strong one. Is it still a relevant reputation?

Dr Pickup—The Israeli approaches are very highly technical. They are very much about how you grow plants with salty water in poor soils et cetera. They come at a cost. If you actually look at the costs of that kind of technology, you will frequently find that it is excessive for many of the countries who are most severely affected by desertification, particularly the poor African and poor Asian nations. Again, the Israelis have a niche.

Mr BARTLETT—I am wondering about the response of the developing countries to the exclusion of the obligation of developed countries to develop a national action plan. Does that in any way reduce our moral authority or powers of persuasion?

Dr Pickup—Can you give me that question again?

Mr BARTLETT—The developed countries do not have an obligation, under the convention, to develop the national action program; the developing countries do. What is their response to the fact that we are not obliged to develop that program?

Dr Pickup—Again, I can really only give you the kinds of feelings that I get in the corridors of the negotiations—there was a certain amount of disbelief. But in each case, in my experience, when it was pointed out to individual delegates the reasons behind this—the issue you were addressing with the previous group about the state-Commonwealth issue and the foreign affairs power, et cetera—there was a lot of understanding.

Mr BARTLETT—Say we did ratify the convention, can you see a situation arising in the future where the problems of desertification accelerate worldwide and there is increasing pressure on all members—including developed countries—to come up with a fairly rigorous national action program which is unforeseen now, but which might require greater obligations on the part of Australia, for instance?

Dr Pickup—Again, an indirect answer: the problem is accelerating worldwide, so it is not a hypothetical case. This convention is an attempt to address that. In terms of draconian powers of land use control on a global basis, I just cannot see that happening. Much of the theme of this treaty is about the less developed countries actually starting to organise themselves and deal with the problem on a systematic basis.

If you start to look at the causes of land degradation in countries like Africa you find all kinds of things. In some parts of Africa the process involved is actually a long-term reduction in rainfall. That has been particularly true in the Sahelian countries, which have experienced a very long drought—certainly far worse than anything in European experience in Australia. Whether that is linked with climate change or not is another matter yet to be demonstrated. You go to other parts of Africa and you find favoured entry to developed country markets. Hidden indirect agricultural subsidies are moving societies from traditional land use practices to commercial, particularly commercial grazing. That is having a substantial impact. You go to other parts of Africa and you find that some of the problems are actually market failure. In some parts of Africa you can say that, if you get an early rainfall failure, you are going to get a crop failure and you are going to get a famine. Some of the commercial interests are actually buying up the food stocks and inflating the price. This sort of thing happens. This is commercial and political reality there.

This treaty is about going beyond addressing the symptoms which the past activities have concentrated on, like rushing out and revegetating bare areas. It is about going to the guts of the problem and trying to address the organisational issues and the political issues. It is a much more holistic approach which is trying to do it on a grassroots basis rather than with sorts of edicts from government and programs that are inadequately funded and do a bit here and a bit there. It is really about trying to get to the

guts of the problem and getting those countries to take the initiative and organise themselves, because they are the only ones who can fix it. I am sorry, that was a very long answer.

Mr BARTLETT—It could presumably be extended to more draconian measures for countries such as Australia if they were members?

Dr Pickup—Again, a personal opinion: given our political system, I do not think Australians would stand for it.

Mr TUCKEY—I want to come back to the circumstances confronting us. Firstly, we have really got two groups within the signatories. I wrote down a couple of names of what I might term the donor countries—Australia and such other countries that have some financial resources—and the complying countries—those which have a serious desertification problem, which are going to be called upon and have agreed to an NAP which makes them a form of complying country. Accepting that and accepting that Australia has gone to great lengths to put itself in the category of a donor country, not a complying country, what if we were to come back to my proposition that we say to the world, ‘Look, we have looked at all this. We are very supportive and we have taken a lead role in getting it to this point in time, particularly for complying countries, but we now find that we have an internal problem that has developed’? We use this word Teoh, because it has shown that by committing ourselves to these things the courts now believe that they have an immediate involvement. We are going to be a fellow traveller. We are going to make some contributions by way of aid. We are going to be squeaky clean within our own country. What is the difference to actually ratifying that treaty, with the complications it will cause us internally?

Dr Pickup—I am not sure it is going to cause us significant complications internally.

Mr TUCKEY—I think you have told us that you are not a lawyer.

Dr Pickup—No, exactly. As I say, that is my personal opinion.

Mr TUCKEY—Let me just take you back through that. For your edification, the reason, right or wrong, that the Commonwealth government legislated to stop the Franklin River Dam was because minority or majority interest groups in the community demanded that for the first ever time they would take this giant leap into the external affairs power and use, I think, heritage conventions, to override. And, of course, that became the subject of a High Court case and the High Court said, yes, that was quite proper.

At what time, for instance, could you perceive some extreme conservation groups demanding of the Commonwealth that it close down half the pastoral land of Australia—and they have advocated that—because by the ratifying of this convention their argument

was, and I think the High Court would uphold it, that that was their job? What is more, our previous witness, in a written submission, draws our attention to the fact that if we went down the NAP road land tenure is one of the issues that we might be obliged to address.

Dr Pickup—Let me give you a couple of responses to that. The kinds of environmental pressures you are talking about are here and now, irrespective of the convention. I think the impact of the convention on those pressures will be minimal. They are already there.

I heard some of those views, again, during negotiations. The Arid Lands Coalition accompanied Australian delegations. We actually had an NFF representative, an Arid Lands Coalition representative and Peter Davey, who was the Western Lands Commissioner of New South Wales. Peter gave a state flavour there. Talking to the Arid Lands Coalition people and to some of the NGOs at the convention, there was an atmosphere of great disappointment that the treaty did not contain the potential for the sort of draconian measures that you are talking about.

Mr TUCKEY—Not on the evidence I have received to date. I do not know how they wanted it presented.

Dr Pickup—In terms of the land tenure issue, certainly in the rangelands a number of states have recently revised their pastoral land tenure to take on much more of a land care ethos. So it has happened.

Mr TUCKEY—That is fine, because that is their jurisdiction. I am well aware of the procedures that have applied as it used to be, under the pastoral board or something, in Western Australia where, funnily enough, often the reason that people were pressured was that they were not stocking the land heavily enough.

Dr Pickup—That is going back a long, long way.

Mr TUCKEY—Yes, but that was a fact, wasn't it?

Dr Pickup—A very long way.

Mr TUCKEY—You had not chopped down enough trees to get your CP lease up. Putting that aside, the issue is that we have a structure that presently says that the government of Queensland or the government of Western Australia has the responsibility to do that. The question is: if, as a result of this treaty, that pressure could be applied to the federal government by a large number of people living in Sydney for the purpose of changing the rules in Western Australia where Western Australians were fairly comfortable with what was going on, is that a risk we need to take in the light of doing something that we cannot do now? That is really the point I am putting to you.

Dr Pickup—My response to that is that those pressures already exist and have been growing right from the early 1970s.

Mr TUCKEY—But the mechanism is not available to the Commonwealth, presently, to react to those pressures.

Dr Pickup—No; but the states have responded to those pressures by a whole series of different measures. David White, who has dobbed me in for a number of things in his testimony previously, has heard me describe the desertification convention as the Cinderella of the three environment conventions. I described it as a Cinderella for a couple of reasons. One reason is the very limited funding that appears to be going into it internationally, and the other is the fact that it contains a very large number of ‘as appropriate’ words, that in fact give individual countries the freedom to adopt as much or as little of it as they like, in practical terms.

Mr TUCKEY—Yes, but let me come back to the fundamental question. What are we unable to do now, in terms of our national and international contribution, in this area? What are we prevented from doing now, as a nation, that we would be able to do after we ratified the convention?

Dr Pickup—Very little.

Mr HARDGRAVE—I know that, as a country, as technologies have changed, we have made a lot of mistakes in agricultural land, where we have essentially pulled all the trees out and where salinity is a problem, and where fertiliser was going to make marginal land into usable land but that yielded a short-term gain and a long-term loss. These are a lot of the problems we have got these days, and one would hope we could do something about them. To follow on very quickly from what Mr Tuckey has said, if the pressures exist there now for those sorts of rangelands to essentially be locked away, isn't there a great danger that this convention will become the mechanism that can galvanise all those various pressures, focus them and bring about some results—perhaps through the High Court or whatever—to have a detrimental effect on Australia's rural production?

Dr Pickup—No, I do not believe that it will. Again, I am no lawyer, but my reading would be that that is not the case. Looking at what is happening around Australia, the pressures for change are there already and they are being responded to, and they are being responded to institutionally now, by the Commonwealth and by states; so, in some ways, the convention lags behind that political process and those pressures, rather than being in front and actually generating those pressures.

Mr HARDGRAVE—We would hope that everyone has as good and wholesome a view on this convention as you do!

Mr McCLELLAND—Is Australia supremely knowledgeable in this area? Or do

we have something to be gained by the exchange of knowledge with other countries?

Dr Pickup—We are reasonably good at what we do. We can always learn. The whole process of science and technology is very much based on the exchange of information, particularly the international exchange of information. Going to the terms of the treaty, one interesting element is better use of indigenous and traditional knowledge. When I say ‘traditional knowledge’, that does not mean just in the Australian context; it is not just Aboriginal knowledge. It is also the knowledge of the pastoral communities and families who have been on the land for three, four or five generations. In fact, in my previous job, we had quite a significant research program actually trying to collect that information, generalise it and make it more widely available.

Mr McCLELLAND—Does the treaty enhance that exchange of information?

Dr Pickup—Yes, to a point.

Mr TONY SMITH—You said you assisted the Namibia government. Who paid for that?

Dr Pickup—It was paid for by the desert ecological research unit directly, but indirectly by German foreign aid.

Mr TONY SMITH—You made some comments about less developed countries organising themselves, ‘They are the only ones who can fix it.’ Obviously, that takes money and they are the ones who are least able to provide the money to fix the problem, aren’t they? Does it really mean that, by us becoming a party to the treaty, we make ourselves more responsible for helping them to fix it?

Dr Pickup—No, I am not sure that that would be a valid point.

Mr TONY SMITH—To put it another way: would we become more involved in a global sense in ameliorating the problem?

Dr Pickup—Yes, we would. One of the mistakes that was made in desertification programs in the past was really a narrow set of technical fixes. What this is about is educating communities.

Mr TONY SMITH—Including our own community in having a more global view that this is a problem that is a world-wide problem. Would you agree?

Dr Pickup—Yes.

Mr TONY SMITH—I am sorry, I cut you off.

Dr Pickup—It is not just a matter of money; it is also a matter of organisation, knowledge or awareness and the actual will to do something. That is very much the flavour of this convention. Certainly, talking to some of the people who were involved in trying to design the programs associated with this is very much the spirit of what is being attempted. Another strong element in this convention which has been lacking in some of the past efforts in this area is much more involved with the social processes—involvement of women, youth, et cetera. If you look at the division of labour in many African societies, it is women who do the work on the land and they are the ones most immediately affected.

Mr TONY SMITH—You spoke about Australians being dotted all round the place in Africa. Is that because we have established a great credibility with our existing aid program and our non-government agency involvement in those areas?

Dr Pickup—It is that, but it is also the way that Australians approach the problems and the people they deal with.

Mr TONY SMITH—Getting to them on the ground, the grassroots thing.

Dr Pickup—Yes. There is a no nonsense air about Australians. They are seen as people who can deliver the goods rather than provide technology which, when they leave, no-one can operate. That is not to say that we have not been guilty of that mistake.

CHAIR—As I said this morning, it is complex and very technical. You have whet our appetite for further inquiry in due course. Thank you for coming today. I particularly thank you for your frankness. Also, I understand you had a very important alternative engagement which you have forgone. The committee has benefited as a result of that and we are very grateful. We look forward to some further evidence from you.

Dr Pickup—Thank you.

Luncheon adjournment

[1.11 p.m.]

HUNT, Ms Janet, Executive Director, Australian Council for Overseas Aid, 14 Napier Close, Deakin, Australian Capital Territory 2600

TURBAYNE, Mr David, Environment and Development Adviser, Australian Council for Overseas Aid, 14 Napier Close, Deakin, Australian Capital Territory 2600

CHAIR—Welcome. Your submission has been accepted by the committee and entered into evidence. Do you have any amendments to the submission?

Ms Hunt—No, we do not have any amendments. But we would like to table, just for your information, some reports from a number of Australian Lutheran World Service projects in Africa, which may be of interest of you. They obviously were written for the Lutheran World Service newsletter.

Resolved (on motion by Mr Hardgrave):

That the committee receives as evidence and authorises for publication reports presented to the Joint Standing Committee on Treaties.

CHAIR—Thank you for appearing. Just before I ask you to make a short opening statement, I will just say what I indicated this morning when you were not here. Clearly, this is a very complicated and very technical convention. You may not agree with that and we would be interested to hear your views, but it appears to be complicated. It is complicated because not only does it deal with international relationships, but it deals with the legal standing in terms of states' powers in the area of land management, et cetera. That came up quite a lot this morning. We would be particularly interested if you have a view in that area as well. Of course, it is a question of balancing that international 'responsibility', if that is the right word, together with the legal responsibility in domestic terms. The evidence this morning whet our appetite for further inquiries.

We have indicated this morning that this is only a preliminary hearing. As a result of what we hear today, undoubtedly we will look more carefully at it in the coming months, bearing in mind that the national interest analysis has not yet been prepared by the Department of Foreign Affairs and Trade. Janet, would you like to make a short statement?

Ms Hunt—As you see from our short submission to you, we certainly do support Australia's ratification of this treaty. Obviously to us it is an extremely important treaty because it is a treaty intended to deal with a major global problem—the problem of desertification. We believe that that will require international cooperation to resolve the problem. Our concern, of course, is particularly with the impacts of the problem on Africa. The 90 non-government organisations that we represent spend about 40 per cent of their

aid raised from the public in Africa. Many of them are engaged with programs that relate to this problem. The examples that we have given you from the Lutheran World Federation are such and there is also one or two examples, one in particular, in the submission from World Vision, which I believe you have, which is also one of our members.

We would just like to reiterate the dimension of the problem that about one-third of the world's land area is affected by desertification. The implications for people of that are that some 850 million people are affected, 250 million very seriously. The impact on countries' GDP can be up to 20 per cent loss of production due to desertification.

We are facing a situation of doubling of population over the next 40 years. Food production will have to triple to keep pace with that in the next 50 years. So there is a major global concern about the capacity of land to provide sufficient food for the world's population as it is growing and the need to restore land that has been either put out of production or is producing less than it could be because this problem of desertification is an urgent one.

We believe that Australia, as probably one of the few affected developed countries, really has something to offer to the global community, particularly the landcare model which has been developed here involving farmers, local rural communities, schools, non-government organisations and so on. We believe it has been a very successful model overall. We believe the principles underlying it have application in many other affected countries, be they developed or, as most are, developing countries.

We think that the problem is a solvable problem but it does require international cooperation. That is what this convention basically is about from our point of view. I think it is a very good convention in that it does emphasise very much the participation of affected communities, which is the model we have used here, as I said. It makes it very clear that the problem is a socioeconomic one, not simply an environmental, climatological one. It really does emphasise an integrated approach, looking at issues of food security, water management, poverty alleviation and participation of locally affected people. We think that in that sense it is in many ways probably one of the best conventions coming out of the United Nations processes because it really is a convention which would support a real bottom-up approach to addressing this. It is not a top-down approach.

NGOs have been using this approach already, and it is one that is working. We would like to just say that we think the approach embodied in the convention is a solid and workable one, and we would hope that we might ratify and proceed to work as a developed country, not only tackling our own desertification problems but working with other countries, really providing a sort of leadership in a way that we have with HIV-AIDS. I think the sort of partnership approach between governments and NGOs that has been developed in Australia to tackle the problem of HIV-AIDS has some parallels in what is happening here with land care which would be applicable in many parts of Africa.

We think this is something that this country has to offer and also to gain from being part of that.

CHAIR—As I said in my opening remarks, part of the parliamentary process is the production of the NIA. In your submission you have indicated that you feel that the national interest analysis is superfluous or unnecessary. Why is that?

Ms Hunt—The discussion about this convention has been going on for some years now. I understand that the department of foreign affairs and the department of the environment have already done a great deal of work which would basically be what is now being called a national interest analysis. I also understand that in the process of those discussions the major players like the National Farmers' Federation and the Mining Council had already agreed to ratification.

I know there was some earlier discussion with the states and I understand that largely hinged around whether it was necessary for Australia to develop a national action plan. Our understanding is that a national action plan for Australia is not actually required as a developed country. It is developing countries that are required to provide a national action plan.

So our understanding is—you may correct us—that a great deal of the background work has been done because the discussion about this convention was underway long before this treaties committee was established, so you have come in halfway through the discussion.

CHAIR—I think it is important to point out the difference between the national action plan and the national interest analysis, which is part and parcel of the government's approach to the treaty making. It is part of the system and will remain part of the system that that NIA is going to be required, irrespective of what programs we have in place. We heard this morning a lot about programs that are in place in terms of the NAP and the optional basis of the NAP, if that is the right phrase.

Mr HARDGRAVE—What do you think would prevent Australia from contributing to the obvious problem of desertification, particularly in Africa, given that this is your particular area of interest? What currently prevents us from contributing at the sorts of levels that you would envisage under this convention?

Ms Hunt—Nothing prevents us from contributing. Obviously we can contribute through the aid program. But the advantage of contributing within a convention agreement is precisely that—we are doing it within a framework which is agreed upon internationally. That brings somewhat more weight to the contribution that we offer, and it also sets the framework between us, other developed countries and developing countries. So there is a sort of an agreed framework within which we are all working. That has value and it has weight.

Even the process of developing this convention has raised the issue on the agenda, particularly of African countries, in a way that would not have happened if there had just been bilateral discussions. That is one of the values of these multi-lateral arrangements—they provide a forum which, in a sense, is a bit of peer pressure to take the issue on board very seriously, to develop national policy in line with this document and then to develop programs that would address the problems directly. So that is the value of working within that framework.

Mr HARDGRAVE—It is really a two-way street, as you say. To develop national policies in line with this framework is one aspect. Putting that aside, there is still no reason why, unratified, Australia could not be a good international citizen contributing its expertise, experience and capital to this worthwhile project, is there?

Ms Hunt—It is already doing that in a small way. Internationally, other countries are actually looking to Australia to ratify, to really say, ‘Yes, this is the approach to go on desertification.’

Mr HARDGRAVE—What other countries?

Ms Hunt—Many of the other countries, particularly African countries, which have seen Australia as a country to whom they look to give some leadership in the area, and other developed countries.

Mr HARDGRAVE—Are they ratified, or are they waiting?

Ms Hunt—About 40-odd countries have now ratified.

Mr Turbayne—There are about 45.

Mr TUCKEY—Substantially from Africa?

Ms Hunt—Yes. I am not sure how many European countries have ratified or how many out of the OECD—a number have.

Mr HARDGRAVE—Are you suggesting that there are countries now waiting for Australia to ratify before they do or that they have ratified and they are expecting Australia to do the same?

Ms Hunt—I think that they are expecting Australia to do the same. I do not think that there are countries that would be waiting specifically for Africa and Australia.

Mr HARDGRAVE—Can you give me any specific examples of countries that are waiting for Australia to do the same?

Ms Hunt—I know that in the discussions on the convention, many of the African countries in the Sahel region as a group—I would not like to name individual ones, because I do not know what their motives, intentions or expectations of Australia are one by one—have seen Australia give some leadership in the development of the convention, and they have expected, therefore, that Australia would ratify.

Mr HARDGRAVE—The dollar value of Australia's contribution to this problem is fairly light-on, is that what you are saying?

Ms Hunt—At the moment it is about \$250,000.

Mr Turbayne—It is \$370,000 over three years.

Mr HARDGRAVE—That is a pretty modest contribution.

Ms Hunt—It is a very modest contribution.

Mr HARDGRAVE—So what sort of level would you expect, or perhaps anticipate, under ratification?

Ms Hunt—We are arguing in our submission to the review of aid that is currently taking place that 10 per cent of Australian bilateral aid should be going to Africa. Within that, this would obviously be one area, HIV/AIDS would be another, and food security generally would be a key priority. So we have not set a fixed amount that would be addressing this. But, certainly, we would see this in the context of food security. Many of the projects are integrated.

Mr HARDGRAVE—What you have said essentially, though, is that there are already mechanisms in place to gather up Australian aid and to target it at projects such as this without us going down the path of ratifying yet another convention.

Ms Hunt—Yes, I am saying that we are already starting to assist. I agree with you—there is nothing that would stop us. But it would be very valuable if we did it in the context of having ratified this convention because that would say to the international community, particularly to the countries that we are working with, that we believe this approach is a good approach. It would also give us a forum in which we could discuss at the policy level with affected countries some of the issues that emerge from our work. I think that is important. So what we would say is that there is the value of those international forums for advancing thinking and for advancing policy. We would miss out on that if we are not ratified. I do not know whether Mr Turbayne wants to add anything.

Mr HARDGRAVE—I have one final question to perhaps develop that to its conclusion. Surely Australia's actions, both within our country in dealing with our domestic desertification problems and internationally in assisting countries with their

particular problems, would speak volumes more to the international community than a bit of blue ink on a piece of paper?

Ms Hunt—But I think they would turn around and say, ‘You are doing all that. Why on earth aren’t you ratifying? What’s the problem? Why are you not ratifying a treaty if you are already doing all of these things? If you are in fact a world leader in the field, what’s the problem with ratifying?’

Mr HARDGRAVE—There might be a domestic problem, which there is potentially with our constitution.

Mr TUCKEY—There is a domestic problem as established by the High Court, most particularly in the Teoh case which says that once we have signed one of these treaties the community can have an expectation that we will deliver on all of the promises. That could mean, for instance, the federal government intervening over a state government in terms of land management. Would you find that to be a reason for rejecting it or not?

Ms Hunt—Obviously those matters have to be discussed with the states, and I know that was the dialogue that was taking place before this committee was established.

Mr TUCKEY—Can I tell you that they do not have to be discussed with the states. That is the great problem. The High Court has ruled that once the Commonwealth has made a commitment to the world that overrides the states.

Ms Hunt—But I understood that normally, and particularly now that you have this process in place, the Commonwealth would not accede to anything that the states were not in agreement with in any case.

Mr TUCKEY—No, that is not so. We are sitting here as the temporary occupants of these seats. Once that particular treaty is ratified it will be administered by perhaps 100 future ministers for foreign affairs.

Ms Hunt—For sure.

Mr TUCKEY—And the circumstances of the power it gives to the Commonwealth will be drawn to the attention of numerous other ministers from time to time. I think what Mr Hardgrave is asking you is whether the gains we make by ratifying are worth those sorts of complications, or should we just go down the road of doing all the good things we are doing, and maybe more, without ratifying the treaty?

Ms Hunt—Obviously that is a judgment that you are going to make.

Mr TUCKEY—We are seeking your advice here.

Ms Hunt—We have said fairly clearly why we think it is important that we ratify, that there is an added value in ratification in terms of tackling a very serious global problem. And if we do not get serious global commitment to tackling that problem, what are we going to face? We are going to face more famines, more demands for further assistance, more emergencies, more breakdowns of states. That is what we are going to face if we do not get a real global effort to do it. We are part of that and we are looked upon as one of the leading countries in the area. If we do not sign, people are going to say, ‘Well, they’re not taking it seriously, why should we?’

CHAIR—This is an important issue. But, while Mr Tuckey is asking a view of you, it is something that is more appropriately addressed to DFAT, and more so to AGs, and we will be doing that. The Teoh case is creating uncertainty, and we have indicated that in our first report to the parliament. We do not know what the solution to it is just yet. This whole situation here, as we indicated this morning, is one where you have an international arrangement. Australia is part of the international community, one must make a judgment on it being an appropriate player or a responsible player in that international community. Over the top of that, of course, we have a domestic implication under a federalist approach. That is the point that Mr Tuckey is making. You obviously would have a personal view. The specific and legal view would have to come from A-G’s, but obviously we will be asking the same sort of thing of DFAT when they come before us in a moment.

Mr Turbayne—I think in practice the states have had a very important role in terms of implementation of activities such as landcare. Apart from the treaties council and COAG, I think, in terms of what happens on the ground and management of the drylands, the states and territories are very much involved.

CHAIR—The difficulty with this one is specifically, as you know, that land management is a state responsibility. That is the big difference from some other woolly areas that are not addressed by desertification.

Mr McCLELLAND—Yes, I must say I agree, Mr Chairman, that I think it is perhaps unfair to ask lay witnesses to provide legal opinions. It cannot be done of a minister, for instance, in question time and I agree with you that those questions are best answered by experts from the A-G’s Department and the Department of Foreign Affairs and Trade. Ms Hunt, to what extent, in your experience, is famine the result of desertification? What are the consequences of famine and to what extent do you have the expertise to comment on those consequences?

Ms Hunt—Famines are usually fairly complex in their causes, as you would be aware and land degradation would be often one component of that. I think there is evidence that it can be significant. I am thinking about a World Vision project in Ethiopia about which there was a television program made a couple of years ago where they showed an area of Ethiopia, which of course is a country extremely prone to famine,

where in one particular valley area they had done a great deal of work on revegetation and community development. In fact, that community was far more able to withstand the droughts. Drought occurs without necessarily causing famine. Work can be done to mitigate drought and to avoid famine. To that degree desertification left like that can be one cause of famine, but usually there are other factors—political and sociopolitical—involved.

You cannot say famine is caused only by lack of rains. It is caused by lack of access to income and by a whole range of factors. But there is no doubt that in the mid-1980s when there were those major famines in Ethiopia and around the Sahel region the land degradation was a factor. Since then, where efforts have been made to address that, communities are less vulnerable to famine in the event of drought. That would be my answer on that one.

In terms of the consequences of famine, again they are enormous. Obviously, post-famine there are major difficulties of restoring the livelihoods of people. Unless appropriate measures are put in place after a famine, people never regain those lost assets. They never regain their livestock and they remain destitute. A lot of work has to be done after a famine to restore communities to some sort of ongoing ability to sustain themselves.

Mr McCLELLAND—Are famines implicated in any civil wars or international wars that you are aware of?

Ms Hunt—They are a component. They cause some of those stresses. Where people are deeply impoverished and having difficulty getting access to the wherewithal to live, yes, that can exacerbate tensions. Those tensions are usually there in the first place but they are exacerbated by the strains and stresses on people caused by immense poverty and by lack of access to food or water.

Mr TONY SMITH—In relation to your report, I probably have a problem with terminology at the moment. In your oral presentation you said, ‘one-third of the world’s land area,’ but in your report it says, ‘25 per cent’.

Ms Hunt—I am sorry, the figures do vary from different places. I was just reading another report last night that said one-third. You will also see very different figures for the number of people affected, anything from 250 million directly affected to one billion directly and indirectly affected. It is fairly hard to know where statisticians draw the margin on what land is seriously or moderately affected.

Mr TONY SMITH—This gets to the question of what desertification means. In your report, what do you mean by ‘desertification’?

Ms Hunt—I do not know whether we put a definition in. I guess it would be land

which is degraded through a number of causes. It may be over-cultivation, it may be deforestation, it may be salination, it may be over-grazing, but land which is not as productive as it could be due to loss of topsoil, salinised—

Mr TONY SMITH—But, arguably, the deserts you always have with you. You are not talking about the static deserts?

Mr Turbayne—It is a slightly misleading term. The definition that the convention documents use is the one that we accept. It says that it is land degradation in arid, semi-arid and some humid areas resulting from various factors including climate variations and human activities.

Mr TONY SMITH—So you accept that definition—I was just looking at that at the same time—for the purposes of your report?

Ms Turbayne—Yes.

Mr TONY SMITH—It says, ‘including climatic variations.’ What you are saying is that those figures of 25 per cent or 30 per cent are not talking about the deserts that have been there and have always been there. Is it talking about a process that has occurred rather than what is already extant?

Mr Turbayne—Yes, it is talking about a process that has occurred and is occurring. It is not so much the spread of deserts but it is more likened to a skin disease where you have patches of land degradation occurring in different areas.

Mr TONY SMITH—Just so there is no mistake about that, the figure of 25 per cent or 30 per cent does equate to the process itself. Is that correct?

Ms Hunt—Of arid land degradation.

CHAIR—I suspect the origin of the difficulty is that a lot of these things come from the French, and ‘desertification’ may very well mean a slightly different thing in terms of the French language.

Ms Hunt—Yes, possibly.

CHAIR—I am guessing but that has happened in a lot of convention areas.

Mr Turbayne—Certainly, within Australia the term ‘land degradation’ is preferred in a lot of instances.

Mr TONY SMITH—Just turning to the significance of the treaty as far as the developing countries are concerned, from your experience are you able to say whether

those countries are in a position to do very much about desertification or is it really the developed countries that need to do something about it for their sakes, that is, for the underdeveloped countries' sakes?

Ms Hunt—I think the developing countries themselves are tackling the problem. In 1985 I visited Kenya and there is no doubt that the Greenbelt movement in Kenya, which is a Kenyan movement—largely a women's movement—supported by the Kenyan government, was itself doing an enormous amount of work back then to try to redress the environmental degradation that was going on in Kenya. They were doing it by collecting indigenous seeds, growing seedlings, getting them out to schools and to various community organisations and planting them in areas in their thousands and thousands. It was a huge movement right across Kenya. It has actually been seen as a model for other African countries. It is quite a stunning movement.

Mr BARTLETT—So that was happening without the impetus of an international convention?

Ms Hunt—It certainly was. What is important is that of those countries that are trying to do that, many of them are very debt distressed. They have very few resources. They have almost nothing to just basically provide basic health and education services to people. It is quite appropriate that we should provide them with some cooperation and assistance to strengthen their own efforts. But it would be wrong to think that they are not making an effort themselves. That is the point I am making.

Mr BARTLETT—The greater assistance would be through financial aid rather than ratifying the convention necessarily, wouldn't it?

Ms Hunt—Financial assistance, technical assistance, and I would have thought setting a policy framework, which this does. Having an international forum, which is exactly what this would provide at the meetings of the parties to the convention, to have a forum where countries can come together and discuss progress and problems that are still emerging and see what can be done. It is a global problem. It requires some forum internationally where countries can come together and assess progress, particularly in terms of food security. There is a major World Food Summit happening in November and that is going to bring to global attention the problems we are likely to face down the track if we do not bring more of this degraded land back into cultivation and into use for food production.

What I am saying is that it is a global problem and we need to have a global forum, which is precisely what this convention provides, in order to actually be serious about tackling it, looking at how we are going and having a regular audit of how we are going as a global community in addressing the needs of people. This is central to that.

Mr TONY SMITH—Your organisation is about addressing the causative factors.

What this treaty does is to try to stop it going any further and try to redress the degradation that has occurred. But the causative factors are far more deep and far more underlying, and you said something about social factors before. Do you see the treaty as having an impact in relation to those causative factors?

Ms Hunt—One of the things that we like about the treaty is that it actually does bring those sociological elements into the way it suggests that the problem should be tackled. It talks about the need for communities at the local level to understand the causes at that local level and to come up with their own solutions in that context. That is really what I was meaning, but I think there are some deeper things which this does not particularly tackle, such as debt, which is being tackled in other fora in international financial institutions. The World Bank and the International Monetary Fund are currently debating how they are going to tackle debt reduction.

Mr TONY SMITH—In desperate circumstances, though, where famine is just gripping a particular country, no discussions at a forum are going to help people who are desperately seeking a solution. They are not worried about desertification in that short term, are they? They will chop down anything or get it anyway.

Ms Hunt—Sure. But what you are talking about is dealing with a crisis. This is trying to prevent future crises and I think it has to be seen in that light. Really this is about planning now to prevent that happening. Just like the example I used of Ethiopia, with proper preventive activities, sure there will continue to be droughts, but the effect of droughts will not be massive famines and deaths. That is the difference. When we have droughts in Australia, they do not lead to famine and death.

Mr TUCKEY—Thank you. Coming to the credibility of your particular submission, you tell us on page 25:

ACFOA is particularly concerned that Aboriginal communities be much more represented and involved in Landcare groups, especially in the rangeland areas of Australia.

Would you like to tell us exactly what you mean by that and what expertise they might bring, considering their traditional method of land care was to set fire to it?

Ms Hunt—Our view is: to the extent Aboriginal communities are quite involved in the pastoral industry and in the rangeland areas of Australia as we have said here, it would be extremely valuable, since they are major users of the land, to involve them in Landcare groups. That is really all we are saying. In line with the point that community participation is absolutely critical to successful tackling of the problem—you cannot do it without—

Mr TUCKEY—You are aware of how Landcare groups work, aren't you? They are totally voluntary. Anybody can put their hand up for it.

Ms Hunt—Yes, I know they are voluntary, but they can be encouraged.

Mr TUCKEY—Are you suggesting that Landcare groups should have two places reserved for local Aborigines?

Ms Hunt—No, I am saying that they should be encouraged to participate. Perhaps Landcare—

Mr TUCKEY—I just find it somewhat incongruous with your submission on an international treaty. I wondered what it was there for. Now I would like to get down to the other issues. There are two things that I wanted to ask you.

I did not ask you for a legal opinion previously—I asked you for your opinion so I repeat the question. If it is the opinion of the members of this committee that the domestic problems that are now quite clearly evidenced as developing from our commitment on these treaties—and the High Court has said they have a momentum of their own and that has been tested both at the Federal and High Court level—and we, therefore, believe that Australia should continue with its activities both domestically and internationally in contributing through aid, through expertise and through making sure that we were doing everything at home to maintain our own principles and our own requirements for protecting our land, is it your personal view that, irrespective of that balance and those concerns we could have domestically, we should ratify this treaty?

Ms Hunt—I am not here to give a personal view; I am here to give the policy position of the ACFOA.

Mr TUCKEY—What is your policy?

Ms Hunt—Our policy is very clear: that we believe—

Mr TUCKEY—Sign at all costs.

Ms Hunt—Not sign at all costs. We believe that this convention is about a major global problem which has enormous human dimensions to it down the track. If this problem is not properly addressed now, it will have costs for Australia.

Mr TUCKEY—No, wait a minute. I am not talking about addressing it; I am talking about ratifying a treaty. I have made the point—

Ms Hunt—I am saying that addressing it, involves ratifying it. There is added value to ratifying it beyond just simply providing some aid, which I think I have explained.

Mr TUCKEY—Compared to any domestic problems that that might create for us?

Ms Hunt—ACFOA would not have expert opinion, as has been pointed out, on the details of constitutional problems that you may have. Our understanding was that, in the discussions that have already proceeded and now that a national action plan is not required for Australia, many of the reservations that were being formerly expressed have been dropped by those who—

Mr TUCKEY—You are aware that a national action plan is optional for any government of the future under this arrangement?

Ms Hunt—Yes, exactly.

Mr TUCKEY—We do not have to, but we can.

Ms Hunt—Yes. We did not think that it was going to cause major domestic problems because of that.

Mr TUCKEY—The domestic problems are prospective; they are not retrospective—we know what has happened to date. I am interested in your view. A view I hold is that we can do all these things and not ratify the treaty. Your view is that, without signature, it is all lost.

My final question to you relates to the level of aid that might be provided by Australia, particularly in cash. Have you any views—considering the fact that both the Australian government and the Australian nation are still borrowing money from the rest of the world—on whether you would suggest, in providing aid per se, Australia should look to its outlays internally to accumulate that money, or do we go on borrowing it from one part of the world to give it to another?

Ms Hunt—Our view would be that Australia is in the top 10 per cent of countries globally in terms of income and wealth. On one World Bank reckoning we are the wealthiest country if you take all our natural assets into account, so we are not a poor country. When you look at countries like Nepal or Bangladesh and you see how people are living there, I think it would be quite immoral for Australia to say, ‘We cannot assist a country like that.’ I believe that we have the capacity within our existing resources to deal with our own internal short-term budgetary problems without penalising countries who would laugh if they had problems like ours. They would think that we are incredibly well off.

Mr TUCKEY—Conceding that point, have you any advice to us as to the areas of extravagance of typical Australia that we should be addressing in terms of finding that money?

Ms Hunt—I don’t think that is what we are here to do. Our view simply is that we are one of the wealthiest countries in the world. We have a political process that

determines priorities and ACFOA would wonder why we are spending a lot of money on military cooperation. That is one area where we have some concerns; that is one area that we might look.

Mr TUCKEY—It might be because we like to keep our resources.

CHAIR—Wilson tried, didn't he?

Ms Hunt—I am not going to be drawn; I don't think that is what we are here for today.

CHAIR—Can I thank you for appearing before us? As I indicated before, the evidence we had before lunch will whet our appetites. Undoubtedly you will come back to discuss this over the next few months. Nevertheless, there are some fundamental issues that have to be addressed and one of them, of course, is alluded to by Wilson Tuckey. It is a very important issue and, particularly in relation to this specific convention, it does raise some constitutional question marks.

[13.56 p.m.]

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CHAIR—Welcome. Let me thank you first of all for the submission which, of course, has been received by the committee as part of the evidence. Before we get into opening statements, do you have amendments at all to the submission?

Ms Sumner—No. I would like to take this opportunity to extend the apologies of Christopher Lamb, the legal adviser, and Ian Biggs, the executive director, who are at the meeting of the Standing Committee on Treaties in Adelaide today.

CHAIR—I formally invite you to make a short opening statement. I do apologise. We did allow 45 minutes and we will stick with that if we can.

Ms Wagner—We welcome the opportunity to address the standing committee today. Other areas of the portfolio that are represented, as you are aware, are AusAID and ACIAR. The department will be pleased to respond to any questions the committee may have on the negotiation of the convention itself, and the international, regional and bilateral aspects of the convention that fall within the responsibilities of the department. AusAID will obviously be able to provide information on the aid and development context of the convention. ACIAR funds collaborative research projects on agriculture programs in developing countries, and will be able to address those issues.

As you are aware from our submission, Australia has been involved in the convention since the UN resolution in 1992 that the convention be developed. We became involved for a number of reasons, the first being our status as the developed country in the world most affected by desertification and, as you have heard from a number of submissions this morning, because of our considerable expertise in arid land management. In addition, we became involved because of the continuing concerns with desertification related issues in bilateral and regional relations, particularly as regards the provision of Australian aid and our concern to ensure that any international regime developed for dryland management was consistent with Australia's circumstances and interests. Lastly, we became involved because of the opportunities that may be available to us from participating in the convention.

Our involvement also reflected the global nature of the problems. I think that you have had a number of people commenting this morning that drylands extend across a large area of the earth and are to be found in all continents except, of course, Antarctica. Up to 70 per cent of drylands used globally for agriculture are considered by the UN to be degraded. With that amount increasing, it will have an impact on a large proportion of the world's population.

I think that it is also important to make the point that the effect of the loss of land to productivity which desertification may yield often extends beyond the borders of the country or region affected, with flow-on effects in terms of world trade and aid relationships. Global economic and political stability are also affected.

Australia's objectives in negotiating the convention were to seek a convention that was flexible enough to provide for the development of regional, national and local plans whilst recognising efforts already being made in this area. It would address the underlying causes of desertification, maximise potential commercial opportunities, maximise the efficiency of funding arrangements, and would be consistent with other international agreements. I think that the convention text demonstrates that we were successful in achieving those objectives.

The focus of the convention, as you are aware, is on developing countries affected by desertification. It imposes no substantive new obligations on Australia in terms of domestic land management, technology transfer or funding, beyond those commitments already made by the government under other programs and initiatives. If we were to ratify the convention and become a party to it, as our submission outlines, we would be obliged to give due priority and resources to developing strategies, programs and legislation to combat desertification, according to our own circumstances and capabilities; to establish strategies to combat desertification within sustainable development plans and policies; and to promote awareness of this amongst local communities.

Otherwise, the convention places only general obligations on parties to cooperate with other parties and non-government organisations in combating desertification. Without

going into detail now, these are outlined in our submission. Australia and all other parties would also be required to report to the conference of parties on measures taken to implement the convention. These requirements could be met through utilising the reporting frameworks already established for such programs as landcare and ESD.

As we have indicated in our submission, extensive consultations were undertaken with states, territories and non-government organisations during the course of the negotiations. NGO and state advisers were offered positions on all negotiating delegations, and they took the offer up for many of these sessions. This included the first session, in which the NFF and ACF participated, and subsequent sessions, in which the NSW government had a representative. States and territories were also provided with all conference papers prior to each session, and were asked to have input in the development of the Commonwealth's position. The option of separate meetings to discuss the Commonwealth's approach was also offered. Debriefs were given after every session.

I understand from the correspondence received that the major concern expressed by the states, territories and non-government organisations during the course of the consultation was whether Australia would be bound to prepare a national action program under the convention. As you are aware, this is not mandatory, and the Minister for Foreign Affairs indicated in the letter covering the department's submission that the government saw no need to develop a national action program. The government is now considering the question of whether Australia should ratify the convention under the new treaties procedure, and we are currently in the process of preparing a national interest analysis which will be taken into account in the final decision to ratify the convention.

CHAIR—Thank you very much. You were sitting listening to the previous evidence. There was an issue that emerged this morning on a number of occasions. DFAT should be able to give an opinion, although it is more appropriately Attorney-General's, but the basic problem that has emerged is one of balancing our international community obligation and our federalist approach within domestic legal terms. Is it something that you could make a comment about now? Or would you prefer to take it on notice?

We certainly would want Attorney-General's to give us a view on this, because this is the first one that we have had so far where it does raise serious issues with perceptions of a conflict, particularly where the state has a responsibility in terms of land care. Mr Tuckey has made this point on a number of occasions, and a number of us have done so this morning, as well. Would you like to take it on notice, or do you want to make a comment at this stage?

Ms Wagner—I will ask my legal adviser to respond to that in a moment, but I would just preface those remarks by emphasising, as we have in the submission, that the convention very much emphasises a bottom-up approach, involving all tiers and all sectors of the community.

CHAIR—We accept that—and, of course, that is part of the machinery involving this committee, the treaties council and the ongoing officials group, as well. Nevertheless, there is a view—and it is quite a strong view—that the potential exists to do certain things. It is a very important and fundamental aspect of this inquiry to determine whether those perceptions are reflected in fact. Would you like to make a comment?

Ms Sumner—The committee has heard before, when Bill Campbell has been addressing the committee, that there is a continuum between the negotiation right through to the final domestic implementation. If you look at that domestic implementation side, it really is the Attorney-General and the Attorney-General's Department that have the most to do with that aspect of it.

We will take this on notice and we will definitely be consulting with the Attorney-General as to which would be the most appropriate department to answer the types of questions that you have been asking this morning. All the committee members have been asking these questions. You really require, and have been asking for, a quite detailed analysis of High Court decisions. You want to know how the domestic implementation of treaty obligations will affect constitutional arrangements between states and territories and the Commonwealth. All of these are questions best referred to the experts: the constitutional lawyers in the Attorney-General's Department. We should take the question on notice.

CHAIR—All right, with particular reference to the implications for Teoh because in our first report to the parliament—which is still being staffed within DFAT, A-G's et cetera—we have raised that as a potential question mark for us in our processes.

Ms Sumner—That statement, if you like, would confirm—and again questions that you have raised this morning confirm my thinking—that it is a matter for the Attorney-General. The Attorney-General is considering—

CHAIR—Do you want to take it to the Attorney-General's Department or would you like us to write directly to the Attorney-General?

Ms Sumner—I think you should write to the Attorney-General, because the Attorney-General is considering the implications of the Teoh decision.

CHAIR—Yes, but I also think DFAT has a very important input into this too. I think there are two departments involved.

Ms Sumner—We can refer it to our ministers. They will certainly know which of them should answer the question for you.

CHAIR—Yes.

Mr TUCKEY—On that matter, I think you should refer it to your minister and we should refer it to the Attorney-General quite separately; there are two issues involved which come down to the same concern. The first is the Teoh concept, where the treaty got momentum of its own and where the courts have actually ruled that the treaty had meaning in law notwithstanding no law.

The second point of course comes back to where the government of the day decides to accept recommendations from a department to legislate in an area, for instance, of land management, which has previously been assumed to be the preserve of state government land management administrations. The two issues need to be addressed.

Ms Sumner—I can see the two issues, but I am sure you would not want public servants to address questions of ministerial—

Mr TUCKEY—No, I am happy where you take it. I just want it understood that we refer to Teoh because that became so embarrassing to parliament. The reality is that there is the previous evidence where government quite deliberately has used the so-called foreign affairs power to take upon itself legislative powers that it previously assumed it did not have under the constitution.

CHAIR—I will write to the Attorney-General. I have already spoken to him privately. He has an initial reaction—a private reaction—which is to obviously seek some views from his officials. I would ask that DFAT take it up with A-G's as well. Obviously you are both going to be involved. What we should do as a committee is to write to the Attorney-General first up, highlight that this is a fundamental issue which has emerged in this convention and see where we go from there. We could all have views about whether it is ultra vires, whatever, but I think that we might go round and round in circles.

Ms Sumner—Of course the expertise of this panel lies in the negotiation and the actual text of the convention.

CHAIR—Of the convention, yes. I understand that.

Mr HARDGRAVE—Taking it a bit further, the Department of Foreign Affairs and Trade, and I presume some of the people here today, were involved in the process of consultation with various states and territories and other interested bodies—you said that just a moment ago. It is not good enough to now say that Attorney-General's should be the one that is going to determine domestic constitutional matters on this. It really is something that should have come up through the Department of Foreign Affairs and Trade.

You have put together a 53-page analysis of the provisions of this convention and I cannot find anything anywhere in there—even in the section about how Australia will be affected if this is ratified. I would like you to point it out to me. I would like to see there

some details for potential domestic difficulties. How does that come about? Does DFAT live in an isolated world looking out and not looking in?

Ms Wagner—No. You are correct to say that we have undertaken extensive consultations on the treaty. That also extends to consultations within the Commonwealth. There is an interdepartmental committee process which considers the treaty and prepares for negotiating sessions. Attorney-General's is involved in that committee and is the portfolio that provides the advice on those matters. As was indicated by our legal adviser, the Attorney-General has indicated that he is currently considering the Teoh case and its implications. As was indicated earlier, this is something that needs to be sorted out in that context.

Mr HARDGRAVE—What I am looking at is that we have, I think, a very obvious development that has been going on for 14 years in this country where conventions and treaties have been used as a device within the High Court context. It is contemporary knowledge—general knowledge stuff—that this has been occurring, and yet the Department of Foreign Affairs and Trade produces an analysis—I do not know of any other purpose for this analysis, other than for this particular committee and its deliberations—which does not even comment that there may well be an aspect that should be then further investigated by Attorney-General's. Surely there is a problem—and it is a very serious problem—within DFAT if it is going to prepare these sorts of things in total isolation from the rest of the world, meaning the general community.

Ms Wagner—I think we have prepared the analysis on the basis of the very extensive consultations that have taken place over a number of years. They range from consultations which have occurred at first minister level through to consultations which have occurred at officials level on a month to month basis as the convention has developed.

There is, as you are aware, a question in the convention over the preparation of a national action program. There has always been a recognition on the part of the Foreign Affairs portfolio that this treaty could have implications and would have implications for state governments and state and associated land management practices, particularly if the government were to decide to prepare a national action program. For that very reason states were involved in the consultations from the very outset, including state representatives and state advisers on delegations to the UNCED meeting where the decision was first taken to undertake a treaty. As we have pointed out in the past, becoming a party to this convention does give the federal government the power under section 51 to pass Commonwealth legislation; there is no denying that.

Mr HARDGRAVE—Is that in this document somewhere here or not?

Ms Wagner—I am not sure if there is specific reference in there, but that is an opinion which is widely held across a range of issues.

Mr HARDGRAVE—I am not expecting DFAT to give a legal opinion on this, but I would have thought that at least an acknowledgment that there was a need for it in a written submission to this committee would have been an appropriate thing to have done. As I said, it has been contemporary general knowledge for 14 years that these sorts of things can occur and do occur.

Ms Wagner—That is right. You may be right to that extent: that that issue could have been addressed more specifically in the analysis, but it is not a situation that is unique to this treaty. It is a situation that, as we have heard this morning, is raised by a range of treaties and is a broader question about which governments need to make broader decisions. But as I can only reiterate, the Commonwealth, recognising the potential implications of this treaty for state governments, has undertaken an extensive consultation process on the treaty to garner state views, to the extent where many state governments have now indicated that, as long as no national action program is prepared, they would be willing to support ratification of the convention.

Mr HARDGRAVE—Obviously we could go round in circles on this all day, which the chairman has already said he does not want to do. But at least by my raising this I hope that next time this sort of treaty or convention is being considered for ratification DFAT will acknowledge those sorts of domestic things in their submissions.

Mr TUCKEY—Draw them to our attention.

Mr HARDGRAVE—This should just be done as a matter of course. I accept that the department must be learning the new environment as well as anybody, but I genuinely submit that in my view there has been a fairly lax approach taken on that particular aspect and it perhaps explains some of the difficulties which have led to the establishment of this committee. But to move on to the area of expertise, could Australia do a lot of the work—the sentiments that are expressed in this convention—without ratifying it?

Ms Wagner—In our view that would be something that we would need to assess in the context of the preparation of the national interest analysis. We have heard some of the arguments that have been prepared today, and certainly there are upsides and downsides. The portfolio is more than willing to acknowledge that—that you cannot simply say that there are a number of benefits to Australia ratifying or a number of disadvantages. Within that framework, we consider there are some significant benefits to Australia becoming a party to the treaty, and benefits that would not be gained if we were not a member.

As some others have indicated this morning, the treaty provides a framework in which a policy dialogue can take place. It brings together those people who are most closely involved with the work, at officials level, from many countries around the world. Certainly, Australia could sit on the margins of those meetings and participate as observers. But I think the other point that would be problematic for us would be the

credibility problem, which I think is quite real.

Australia, as we have indicated, was a leading party in the negotiations. Much of the convention text reflects activities, processes and approaches that Australia adopts already. It is something that we consider Australia could share. Certainly, there are other mechanisms through which to do that, but the treaty provides mechanisms, such as the technology transfer provisions, the sharing of information and the information exchange mechanisms, which are aspects of the treaty itself which would not be available to us if we were not a party to it.

Mr HARDGRAVE—They would not be available?

Ms Wagner—If we were not a party they would not.

Mr HARDGRAVE—If there was a commercial advantage to us there might be, though.

Ms Wagner—There are also provisions in the treaty for exchange of information between parties on technology transfer and those aspects. One assumes that if Australia was not a party we would not participate in those activities. That is not to say that activities cannot continue to go on as they are at the moment without the treaty being finalised. We can continue to do that—

Mr HARDGRAVE—But we are a good international citizen. We would make the information available if it was going to aid an African country where thousands of people would die. We would make that sort of information available.

Ms Wagner—We could make that information available. The treaty provides a framework and a mechanism through which that can occur. We are not the only country to have this sort of information and this sort of technology. So I guess it buys us a seat at that table.

Mr TUCKEY—We might just buy ourselves a couple of scientific journals, you think?

CHAIR—I think it is worth asking Dr Willett for a slightly different—

Ms Wagner—May I make just one other point. There are still negotiations going on on important matters such as the way in which the global mechanism will be structured under the treaty and the way in which the science and technical work will occur. Decisions on those will be made by the conference of parties. So essentially, if Australia is not there it will not get a say on those things. I guess a judgment needs to be made—

CHAIR—You have given a balanced view as to the implications in terms of the

diplomatic level. What about at the agricultural level? On the question that Mr Hardgrave asked, do you have a slightly different view or do you have the same view?

Dr Willett—ACIAR was already involved in the technology transfer process, as far as ACIAR concentrates its efforts on utilising Australian research expertise for the beneficiaries in developing countries. In general, ACIAR's focus has been on South-East Asia in wetter areas than we are discussing now in desertification. It has had activities in southern Africa, Pakistan, China and India, at the drier end of the scale. The bulk of our activity has actually been at the wetter end.

Mr HARDGRAVE—You have done that without this treaty.

Dr Willett—Yes.

CHAIR—Do you have a scientific view on this or do you not?

Dr Willett—In terms of whether we need the treaty to do research?

CHAIR—No, whether if by not ratifying it would have adverse implications in terms of agricultural research.

Dr Willett—In terms of the bulk of our program which is of a bilateral nature, it would not be a great impact. In terms of our multilateral programs in which we fund research by the international agricultural research centres under the CGIAR, the Consultative Group on International Agricultural Research, I think they would be expecting us to be a party to this kind of treaty. There is obviously a means of doing it without. It is not absolutely essential.

Ms Beddie—There is one provision in the treaty about a panel of experts in this technology transfer area and also in providing other kinds of advice. If you have not ratified the treaty you do not get on the list of the panel of experts. I think that is something to be considered because there is no doubt that in Africa there is a lot of demand for the expertise that we can offer countries.

This we have already found in some of the projects that we are doing already to the spirit, if not to the letter, of the convention, in helping a number of countries start actually setting up national action plans. This they are doing, and they are driven to do this by their involvement in the negotiation of the convention, with the expectation that as a party of the convention as a developing country they will need such a national action plan. I think, given that we do have considerable expertise here, there is some commercial advantage in us being registered on the panel of experts.

Mr HARDGRAVE—Surely, if we have the expertise, which has been acknowledged from all submissions today, the panel of experts, because of its nature—

being experts and being in a specific scientific based community—will consult, will want us, will ask us to appear, will ask for our contribution whether we are ratifying this convention/treaty or not. They will certainly call us up and ask us for help. They will also, I would imagine in the broader sense, call us up and ask us for money, call us up and ask us for all those various things when necessary. Would you agree with that, or are they likely to ignore us?

Ms Beddie—I think the way these things work is that as a member of the club you look after yourselves. You go to the Danes or someone else who has got this expertise if they are registered on that panel of experts under the treaty.

Mr TUCKEY—They could actually buy *Farm Weekly* to find out how we operate, with due respect.

Mr McCLELLAND—But what about us finding out information from them? Would we, as a member of this panel of experts, be assisted in obtaining information and expertise from the rest of the world? Would that be of benefit to Australia?

Ms Beddie—I think so, yes.

Dr Willett—There is one other aspect here. Especially in terms of Africa, where there is a lot of donor activity in terms of assistance, one of the problems for Australian aid is in finding niches and opportunities for us to work effectively in Africa. I am not sure if it is the case but, if this treaty assisted in allowing coordination of the Western donors in Africa, that would be a very useful function.

CHAIR—I want to go back to what you said about the national action program and the NIA. We have been told by the foreign minister that the NAP is not required—that has been made very clear. Is that the delaying factor in the preparation of the NIA or is it a combination of that and question marks over Teoh and other legal issues?

Ms Wagner—No, it is simply a matter of timing. You have to appreciate the portfolio's efforts in preparing this—we are very new to this and learning as we go. It was our assessment that, given that there was to be obviously a lot of public debate over the treaty over the coming months both through this inquiry process and if the matter were referred to the Treaties Council, the national interest analysis would benefit from having the input of that advice to take into consideration.

CHAIR—When, realistically, does DFAT see the NIA being produced?

Ms Wagner—We have asked for input from states and NGOs by, I think, 30 September. We have started to get a trickle of information back on that, particularly from some of the states that have provided submissions to the inquiry.

CHAIR—Is this the sort of issue that might be raised? My understanding is that the inaugural Treaties Council meeting is going to be in November. Is this the sort of issue that might be put on the agenda fairly early? I have written to the Prime Minister about it and, as yet, have not had a reply.

Ms Wagner—My understanding is that that is the subject of discussion today.

CHAIR—Is it?

Ms Wagner—Yes, at the Standing Committee on Treaties.

CHAIR—The Adelaide one. I see. That is where Chris Lamb is.

Ms Wagner—Yes. It is one suggestion that this treaty be considered.

CHAIR—Okay.

Mr TUCKEY—To move on a little bit, only because we have canvassed that other matter fairly widely today, article 6 in your analysis under the heading ‘Obligations of developed country parties’, which I assume includes Australia, states:

- (b) provide substantial financial resources and other forms of support to assist affected developing country Parties, particularly those in Africa, effectively to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought;

Could you expand on what ‘substantial financial resources’ might mean? Once the treaty is ratified, does that become an obligation on Australia? Is the central body going to set a budget and tell us how much we are up for?

Ms Wagner—I might make a general comment and then AusAID may wish to comment on the sort of funding that we are providing already on the ground.

Mr TUCKEY—I think that is in the submission. I am looking at it prospectively.

Ms Wagner—It may well be, yes. There is still the question outstanding about the functions of the global mechanism. That is the subject of ongoing discussion in the negotiating committees at this stage. The firm view of Australia together with OECD countries is that the global mechanism is not a mechanism for the delivery of new and additional financial resources; that funding under the convention is about mobilising, directing, prioritising and targeting existing funding through either multilateral funding or bilateral processes.

This article needs to be read also in the context of subparagraph (c) which talks about mobilisation of new and additional funding pursuant to article 20. Article 20

actually provides for the establishment of the global mechanism.

Mr TUCKEY—And article 21 facilitates. That is pretty clear-cut: ‘provide substantial financial resources’. But at this stage of the game information as to what that might mean to the Australian parliamentary budget is not known?

Ms Wagner—Certainly, we are not expecting any new or additional funds to be provided to the convention in terms of the global mechanism, as I explained. There is likely to be funds, possibly of the order of \$150,000, to service the secretariat and other administrative functions under the treaty. That is a general standard provision.

Mr TUCKEY—Where does the money come from for all these plans to assist the Africans?

Ms Wagner—If you will allow my AusAID colleagues to take up from where I am leaving off, there are already substantial funds provided by Australia which assist in implementing this convention. AusAID may wish to give us an overview of what they are although, as you say, I think they are in the submission.

Mr TUCKEY—There is a couple at \$300,000 mentioned in the submission, but that is not going to save many drought affected countries. What sort of dollars are the programs going to cost and to what extent are we committed?

Ms Beddie—I wanted to raise this because I think ACFOA did not get it quite right. There are some funds that we provided voluntarily to assist in the process of the negotiation of the convention. They have been provided by AusAID and DEST, and I can give you the exact figures. There has also been a three-year commitment of \$250,000, which has almost been spent, to UNSO. I am sorry for all these acronyms. That is one of the offices under the UNDP.

Mr TUCKEY—They are listed in the back of the submission.

Ms Beddie—Yes. This is the UNDP office for the Sahelian region. It is expert in desertification and we have channelled money through them to help a range of countries in Africa develop national action plans. That has been very well received and we are considering further funding of that mechanism within the Africa program of AusAID.

Questions of how much we spend will be included in our bilateral negotiations with a number of countries. But to give you an indication of what we have spent, since 1990 we have spent around \$10 million in Africa on various related activities. These are things that range from helping people with reforestation to dam building, wells and that sort of thing—a variety of projects.

Mr TUCKEY—If I can just interrupt, that has been our voluntary contribution.

We are talking of entering a contract with the rest of the world. My real question is: how much control have we got over what we put in? Let me add to that that we are talking about the obligations of developed country parties which would be by far the smaller group in the total of participating signatories. Once the agreement is ratified, what control have we got over how much money we contribute to what obviously will be some sort of development budget over and above the administrative budget?

Ms Beddie—As Leica Wagner has already said, one of the things that we are very much involved in at the moment in the negotiations—and these will probably go into the first conference of the parties—is to make absolutely sure we know exactly what our obligations are by defining this global mechanism in such a way that we are not committed to new and additional funding. This is the battle that is going on in the negotiations at the moment between us and the developing countries.

Mr TUCKEY—Otherwise, then, where do we go for the money to make this whole treaty effective in terms of adequate funding to address the real problem? If the signatories are all fighting tooth and nail not to put much in, where is it going to come from?

Ms Beddie—There are significant amounts already out there. A small donor in Africa, like Australia, has provided \$10 million over the last few years. For us, that is not a drop in the ocean; for Africa, it probably is. I think there are two things to say there. The first thing is that—certainly this is the theme not only on desertification but in any area of the aid world at the moment—we must enhance our cooperation and co-ordination. We must make sure that what Australia is doing at one end of Mozambique the Danes are not doing at the other. We know that the two should meet and do it better. I think one of the important things for us will be that, if we become part of this treaty, we will know much better and, in Africa, what much bigger players are doing. So we, as has already been said, can then find our niche and not duplicate.

The second thing is that the spirit of this convention is somewhat different from earlier ones in that it was a momentum from a lot of developing countries. They wanted this. There has been this notion of partnership and the obligation is on anyone who is involved in combating desertification to play their part. I think there is a much greater obligation on the part of developing countries to add financial resources to their efforts than there might have been in some of these earlier conventions, where there was an expectation that the donor should give.

Mr TUCKEY—I want to ask a question in terms of this entire treaty and the performance of the signatories. It relates to funding from those who have the capacity to give. In fact, earlier I talked about it being two groups—the complying countries and the donor countries—and that seemed to be a fairly good way of describing it. What, if any, are the sanctions applicable to people who do not comply, having given this agreement? Is there any intention to block their ability to sell food on the international markets? Is there

any other sanction or is it just a gentleman's agreement?

Ms Wagner—There are no sanctions of that nature in the convention. As you will see, reading through the text, many of the obligations in the convention are couched in general terms. References—'as appropriate' and 'as necessary' abound through the text. It is very much a convention which sets out a general framework for tackling desertification problems. Its emphasis is not simply on deserts per se; it is an emphasis on the underlying human, social, economic and political causes of desertification. There are no provisions in the treaty which could be used in the event that another party decided, for instance, that Australia was not meeting its end of the bargain.

Mr BARTLETT—Ms Beddie, you said that we had spent \$10 million since 1990. How does that compare with ACFOA's recommendation that 10 per cent of our foreign aid funding ought to go to Africa?

Ms Beddie—That is \$10 million out of a program which, I think—although I am not sure—this year is about \$105 million. So it is only a small amount.

Mr BARTLETT—So over that period of time it is much less than the 10 per cent?

Ms Beddie—Yes. That is \$10 million out of a program of about, say, \$100 million per annum for Africa in the last couple of years.

Mr BARTLETT—What is your response then to the recommendation that 10 per cent should go to Africa?

Ms Beddie—This is a long-standing recommendation from ACFOA. In the current budget which, overall, had a 10 per cent cut, Africa was preserved. In fact, it has had a slight increase.

Mr BARTLETT—But what is your response to their recommendation? Do you think that is an appropriate figure of 10 per cent?

Ms Beddie—I think that is a matter of government policy in a way. I do not think I can really answer that.

Mr BARTLETT—I am asking you, as an official within AusAID, do you think that is an appropriate figure?

Ms Beddie—These things have to be looked at across the board according to all sorts of other issues about our regional focus, the balance between multilateral and bilateral aid. As I say, this government has made a commitment to maintain levels of aid to Africa. They are in the region of 10 per cent, if you take into account the imputed

amounts that go through multilaterals into Africa. Of course, multilateral organisations are everywhere in Africa. They are spending a lot of money.

ACFOA prefers to look at the way we divide the budget into bilateral programs and multilateral ones and that is where one of its disputes with the budget is concerned. But, of course, we exist in the Asia-Pacific region; we have obligations in this part of the world as well.

Mr BARTLETT—Just another question in terms of your comment on their recommendation: what about their recommendation that a much larger component of aid should be directed through the NGOs? How do you respond to that?

Ms Beddie—This government, indeed, does recognise the role of NGOs and is committed to a greater role for NGOs in the program.

CHAIR—In terms of the 1996-97 outlays, what is the African element of the total outlay figure in aid, compared to the 10 per cent that Janet raised?

Ms Beddie—I do not have that statistic at my fingertips. What I can tell you is that we have spent for Africa \$105.6 million. That is our estimate for this financial year and that is out of a total of \$1.450 billion. So it is getting close.

CHAIR—So it is about seven per cent?

Ms Beddie—Yes. Then, as I said, there are multilateral activities as well.

CHAIR—So it is in the same ballpark basically?

Ms Beddie—Yes.

Mr McCLELLAND—You have given evidence about the emphasis on the concept of partnership. That, I think, is conveyed in article 3 of the principles where you talk about the spirit of partnership, cooperation among all levels of government, communities and non-government organisation. So, inferring from that, we are talking about a partnership between the federal government and our state governments. Is that right?

Ms Beddie—I would imagine so, but that is a question for Ms Wagner.

Ms Wagner—I think that is an important aspect to recognise in the convention. As I was saying in the context of our discussions on the Teoh issue, the convention emphasises very much a partnership with different levels in the community. Different levels of government could also be encapsulated in that concept. It is very much about getting to the actual farmer and others who are actually working on the ground.

Mr TONY SMITH—On the definition section, I am having a bit of trouble with ‘desertification’ and ‘land degradation’ when you read those together. But perhaps my question simply relates to whether or not, having regard to those definitions, we could have a natural phenomenon as something that has given rise to desertification, thereby with all the obligations that follow. Is that the way it is viewed? Is that the interpretation?

Ms Wagner—The interpretation or the definition of ‘desertification’ which has been adopted in the convention text refers to land degradation in arid, semi-arid and dry, subhumid areas. That definition was originally sourced from chapter 12 of Agenda 21 and was essentially adopted into the convention text. It is quite broad. The emphasis has been one of steering away from simply focusing on deserts per se and looking at desertification being a much broader process, with underlying social and economic implications as well.

One of the early themes in discussing the convention was whether this, in fact, was to be a convention to address the problems of expanding deserts, largely in Africa. Part of that discussion and part of the general debate that occurred around the Agenda 21 process was to broaden it beyond simply focusing on those concerns so that the convention itself was not simply to be one which focused on poverty and poverty alleviation and specifically on the problems in Africa. So it is quite a broad definition.

Mr TONY SMITH—It seems to me to be, with respect to the draftsmen, slightly contradictory in a sense, although perhaps it is the way I am reading it. It says, ‘including climatic variations’ which would suggest natural phenomena. But then when you read what land degradation means, it really seems to focus on man-made activities, although it says, ‘a combination of processes, including processes from human activity’ so it is possible to read it as being climatically or natural phenomena related. Is that the way it is—

Ms Wagner—I think the intention is to read it as a combination of those things so that the focus would not simply be on climatic variation. I understand that we have a similar debate domestically over drought and whether drought is a naturally occurring phenomena or what are some of the underlying long-term causes of land degradation and the impacts of drought in Australia.

Mr TONY SMITH—And about what is a natural phenomena, I suppose, these days?

Ms Wagner—Yes.

Mr TUCKEY—Whatever it is, they are entitled to a bit of help.

Ms Wagner—They are questions that my technical advisers would probably be best placed to answer.

Mr TONY SMITH—My next question is for AusAID. Do you take the view that ratification of the treaty will facilitate the activities of AusAID and NGOs in Africa in particular, and in what way?

Ms Beddie—Yes, I think it will facilitate activities. One of the jargon phrases that was used earlier is pertinent here. I will try and explain what I mean by it. It was ‘policy dialogue’. I think this convention where, as I said before, you really have developing countries very much feeling that this is theirs, will allow us, if you like, to use a bit of the stick to say, ‘Now, here you are. You’ve got this convention. It has a whole lot of prescriptions as to how one should go about trying to solve this problem. You have got to do your national action plans. You have got to involve your local communities. You have got to think about what sort of resources you are going to put into it yourselves. We’re here to be a partner in all of that and to help you. Now if you don’t meet your obligations under this, we really can’t help you.’ I think in that sense, it does provide a new framework and structure for some dialogue.

For us in Africa, that is perhaps more limited than it is elsewhere because we do not have such formal dialogues with many of the countries of Africa. But at the same time, I think for that very reason this gives us a form of dialogue with a number of the other countries that we would not otherwise have, because our presence is fairly limited in Africa.

Mr TONY SMITH—Opening up doors, in other words.

Ms Beddie—It will open up doors and, as I say, I think there is a tremendous demand for Australian expertise. For example, recently in Namibia, they specifically came and asked us. They wanted Australians there. They wanted us to help them look at various ways of planting seedlings and look at varieties of trees. That was not specifically under the desertification convention, but I think it is quite likely that they came to know of our expertise through this whole process.

Mr TONY SMITH—Through the dialogue?

Ms Beddie—Yes.

Mr TUCKEY—On page 58 of this analysis, it gives us quite a bit of information regarding contributions already made. In particular, the fourth paragraph from the bottom says:

Australia is providing \$370,000 over three years from March 1995 to the UNDP trust fund.

The next paragraph says:

Other donors including multi-lateral donors have contributed to both the special voluntary fund and the trust fund.

By the way, these are two operating funds that were put together under the decision of participants in the negotiations for the convention under the 'Urgent Action for Africa' proposal. They go on to say:

Other donors, including multilateral donors, have contributed to both the Special Voluntary Fund and the Trust Fund for support of the Convention. The Special Voluntary Fund has received contributions since 1993 which total US\$3,352,386. Of this, the largest donors have been Norway (US\$626,344), Japan (US\$500,000) and Sweden (US\$412,408). The Trust Fund has received contributions since 1993 which total US\$6,085,957. The largest donors to the Trust Fund have been Switzerland (US\$1,343,724), Denmark (US\$644,410) and Japan (US\$628,630).

Firstly, that is clear evidence that without a convention a lot is being done. Secondly, I am wonder how many of those donors listed in fact have ratified the treaty. Do we know? Japan, Switzerland and Denmark for starters.

Ms Wagner—Japan has not yet ratified; it has signed, but not yet ratified. Switzerland has ratified, Norway has ratified and Denmark has ratified.

Mr TUCKEY—Some of those parties, with the exception of Japan, have ratified, but that did not seem to stop Japan putting in over \$1 million. I make that point. I think that particular page is clear evidence of the ability of the international community to get on with the job without having ratified or necessarily completed the convention. As we know, the convention is still lacking three signatories to swap over to ratification before it actually goes formal. I do not know that that requires any further comment; I just draw it to the attention of the committee as evidence that maybe we do not need to go this far.

Ms Wagner—Can I just clarify those funds that we set up under the convention?

CHAIR—On the other hand, they are relatively small amounts.

Ms Wagner—Those funds that were set up under the convention were specifically set up for the negotiations.

Mr TUCKEY—I agree—without a convention.

Ms Wagner—For the convention.

Ms Gordon-Smith—For the process of negotiating the convention. The special voluntary fund—

Mr TUCKEY—And for preparing NAP.

Ms Gordon-Smith—The special voluntary fund was for the participation in the convention negotiations of developing countries. It was to facilitate their participation in what has been referred to as the policy dialogue.

Mr TUCKEY—Where does it say that?

Ms Gordon-Smith—It does in between that particular paragraph.

Mr TUCKEY—I get the distinct impression that that money was provided to assist in the preparation of NAPs et cetera, which is what we have been doing. The Chairman has just said that \$9 million or \$10 million is small beer—and I guess in an international context it is—but it raises the question of how much Australia might be expected to donate once we have ratified the treaty.

Ms Beddie—Could I just clarify the figures? I said earlier that we paid \$250,000 over three years to ANSO. I might have confused you because I was being very parochial: that is what we, AusAID, have done. Another \$120,000 was provided by DEST, which is where you get the \$370,000. That money has been used primarily in connection with preparation of national action plans and that sort of thing, whereas the other firm's figure that you have mentioned are these other two funds—the special voluntary fund and the trust fund—which are much more specifically connected to the negotiation of the treaty.

Ms Wagner—Can I draw the committee's attention to the first and third paragraphs on that page? They explain the purposes of, firstly, the trust fund and, secondly, the special voluntary fund.

CHAIR—Yes, thank you. We thank you for your evidence today. So that you know exactly what we are doing, as a result of this hearing I will write not only to the Attorney-General but also to the foreign minister in relation to the Teoh implications and seek some advice on that. I have spoken informally to both—it has been raised with them. The reaction was that they are looking at it. We will formalise that in terms of this inquiry. As I said this morning, you have whet our appetite and I am sure we will see you back.

Ms Wagner—Thank you.

[2.58 p.m.]

CRAIK, Dr Wendy, Executive Director, National Farmers Federation, 14-16 Brisbane Avenue, Barton, Australia Capital Territory 2600

CHAIR—Welcome. We have received the formal submission from the National Farmers Federation and it has been incorporated in the evidence. Are there any amendments to this submission?

Dr Craik—No, there are not.

CHAIR—Would you like to make a short opening statement?

Dr Craik—Firstly, I would like to extend Harry Bernano's apologies for not being able to be here today. He is the chairman of our environment committee, but he is otherwise occupied in Queensland—

CHAIR—Cane cutting or something—

Dr Craik—Cane cutting, or something, that is right. The National Farmers Federation appreciates the opportunity to appear before the committee and to make some remarks. We certainly support the reform of the treaty making process in Australia. We support the establishment of the Joint Standing Committee on Treaties and the preparation of national impact analysis.

The National Farmers Federation does not oppose ratification of the desertification treaty, per se, but we do oppose ratification of the convention without adequate parliamentary scrutiny and, if ratification requires the adoption of a national action plan. We understand from the convention that national action plans are voluntary for developed country parties to the convention. We also believe that a national action plan is not required because Australia has, or is already putting in place, appropriate policies and strategies to cope with our unique land management challenges. Clearly, Australia requires Australian determined solutions to Australian problems and does not need to be dictated to by other countries on how to manage our land.

As well, since the convention is designed to provide aid to Third World countries suffering from desertification, particularly Africa, and national action plans are designed to ensure that aid money is spent effectively, we do not see it as appropriate for Australia to adopt a national action plan. We understand from the preliminary analysis we had from DFAT that there are no domestic implications for land management from ratification of the treaty without a national action plan.

There is no doubt that we do not have here in Australia the desertification problems of the type and magnitude of some overseas countries. In Australia, 70 per cent of the land mass falls into the category of arid and semiarid land, or rangelands which have suffered some degradation, but we certainly do not have the same population pressures causing desertification as other countries. Nor do we have the associated problems of poverty, poor health, migration or displacement. And, importantly, I think that in contrast with some developing countries, Australia has very well-developed natural resource management and drought policies to deal with our circumstances and currently is developing a national rangelands management strategy to deal with land management problems in arid and semiarid regions. In fact, Australia has something like over 20 strategies related to this issue.

The desertification convention may provide a platform for Australia to export our land management expertise to Third World countries. I should point out that some of our member organisations are concerned that ratification will provide a future federal government with a new head of power to influence land management which is primarily the responsibility of state governments.

CHAIR—Just for the *Hansard* record let me read—and Dr Craik would be interested in this, too—the letter that I have received from the foreign minister, the last paragraph of which says:

I would like to inform the committee that analysis of convention obligations has shown that the range of strategies for dealing with drought and desertification already in place or as in the case of the national rangeland strategy—

which is what you just mentioned—

nearing completion, are sufficient to meet our convention obligations should Australia become a party. Accordingly, the government does not intend to pursue the development of a national action program.

Mr McCLELLAND—I have a question on this issue of the absence of a national action plan. Is the NFF comfortable in the absence of a mandatory obligation on Australia to implement a national action plan, and the fact that it will not interfere with the existing regimes in place?

Dr Craik—If subsequent governments continued not to impose a national action plan, yes. Clearly, there is that prospective difficulty which I have alluded to a number of times this afternoon. But, clearly, if this government chose not to ratify it, that would not bind any future government either. But under the current arrangements, if the government agrees that a national action plan is required and this process of parliamentary scrutiny

goes through, then we would not oppose ratification of the convention.

Mr McCLELLAND—Thank you.

Mr TUCKEY—But you do recognise that you would get no protection from the decision of the incumbents in government?

Dr Craik—That is true. We have certainly acknowledged that and our state members have acknowledged that.

Mr TUCKEY—Well, if you had your druthers, would you ‘druther’ have it that there was no ratification and that we continued with all the current practices of our own internal plans and our own international activities without that making it just that little bit easier, remembering that there is practically no stepping back from ratification once it has been done? The processes of doing that are quite draconian.

Dr Craik—It is clear from the processes that we already have in place here in Australia that we have enough land management strategies that deal with the issues here in Australia and we believe that that is sufficiently dealt with. Whether there are any other implications of the treaty in terms of providing expertise or aid to other countries other than the issues of agricultural expertise and the land management expertise and whether that is facilitated in any way by the convention or the provision of aid, I am not in a position to offer detailed comment.

In terms of the land management issues in Australia, we would certainly prefer to be in a situation where we are not likely to be bound by some additional imposition, particularly where other countries might be able to have a say in that.

CHAIR—Deratification is possible. It would vary from convention to convention. In this case I am not sure exactly where this one sits, but it is technically possible to deratify.

Mr TUCKEY—Yes.

CHAIR—But it has potential international embarrassment involved with it, too, depending on whether or not it is in the actual treaty.

Mr HARDGRAVE—I was just interested in one of your opening comments, that DFAT had suggested to you that there were no domestic implications attached to this. When did they suggest this to you?

Dr Craik—This was an analysis—I am not sure when it was produced. There is a copy of it in our submission. I am not sure of the actual origin of it.

Mr HARDGRAVE—It just seemed to me to be a slight contradiction of what had been said to us a little while ago, that they would essentially have to get back to us on that, that they were not all that sure about that. So I was just wanting to see if we could get an opinion on when it occurred.

Dr Craik—I can take that on notice and find out.

Mr HARDGRAVE—All right, no problem. I think Wilson Tuckey has raised this question that NAP would essentially be hanging over the heads of all landowners for some years to come. One of the other central elements of this particular convention seems to also provide the opportunity for some small central control of that use in Australia. It certainly could cause that to occur via the High Court. Is there a need for greater central control of land use?

Dr Craik—We believe that the strategies that have been put in place, usually through negotiation and incentive and voluntary participation, like the rangeland strategy which is currently being developed, like the landcare program, like all the other strategies that have been developed over the last 10, 15, 20 years, have been very successful. I suppose if you look at the landcare program in particular, which is a purely voluntary exercise, whereas membership of most other organisations is declining the membership of landcare groups has been increasing. It has been shown, I think, to be quite remarkably successful both nationally and internationally in terms of changing attitudes to an issue, dealing with problems and putting the framework in place to deal with future problems.

Mr HARDGRAVE—They are more centrally inspired initiatives rather than control, though, aren't they?

Dr Craik—That is right, and we would certainly support more initiatives rather than centrally inspired control. We are certainly not in favour of centrally inspired controls.

Mr HARDGRAVE—No. So, in other words, the current situation where the various states have control over land management matters seems to work fine and a change to that would be a problem?

Dr Craik—We certainly see that states have responsibility for land management issues. The Commonwealth certainly has played a coordinating role and so we have had the development of national strategies through negotiation. We certainly do not see the

need for greater central control of that issue. In the negotiation process, our belief is very much that an incentive based process is a much better way to go.

Mr HARDGRAVE—Have affiliates of your organisation raised concerns that by implication, under the external affairs powers within the constitution, that this convention combined with that particular aspect of the constitution, could produce a change to the current arrangements?

Dr Craik—Yes, they have.

Mr HARDGRAVE—Are they concerned about that?

Dr Craik—They have raised that issue. They are concerned about the possibility that it might give the federal government a new head of power under which to legislate nationally on land management issues. Yes, they have raised that.

Mr HARDGRAVE—What is the danger of that sort of national legislation on land management issues?

Dr Craik—The perception clearly is that it removes the decision making further from the area where the implications are felt.

Mr HARDGRAVE—So people would feel less empowered through that process?

Dr Craik—Undoubtedly.

Mr TUCKEY—People would be less empowered.

Dr Craik—That is right.

Mr BARTLETT—How effective do you think our own programs are in terms of combating degradation and desertification in Australia?

Dr Craik—Australia's programs have been remarkably effective. Australian occupation of the land mass was based on European practices. We transported European practices onto non-European soils. The turnaround in attitudes and practices in the last 20 years, based on new information and new ways of looking at things, has been quite phenomenal if you look at that change.

Mr BARTLETT—We have had comments this morning that things are still going downhill, albeit at perhaps a slower place than they were, but still deteriorating.

Dr Craik—In some areas that is undoubtedly true. But what we are talking about is a change of attitude, a change of practice; changing lifetimes of practices and trying to turn that around. That turnaround has been remarkable. The mechanisms are in place and if we keep on going with the rangelands management strategy, keep on going with Landcare, the national vegetation initiative, the Murray-Darling Basin initiatives; yes, we have a long way to go, but you have to start somewhere.

Mr BARTLETT—Do we have anything we could learn more readily from other countries if we were a member of the treaty?

Dr Craik—Undoubtedly, we have things we could learn from other countries.

Mr BARTLETT—And more easily if we ratified the convention?

Dr Craik—There is certainly no doubt. If you are in frameworks that are structured it is often easier to learn information than it might be otherwise. But the extent to which that is regarded as a benefit is probably easier for others to judge in this particular case. But there is certainly no doubt; you can get additional benefits from being in loops and being in frameworks of a formal nature.

Mr BARTLETT—From the point of view of the National Farmers Federation, would you think that those benefits, in the minds of most of your members, outweigh the concerns expressed about centralised power?

Dr Craik—No.

Mr BARTLETT—Thank you.

CHAIR—So it remains a serious concern or a perception—a very major perception?

Dr Craik—It does.

CHAIR—How have you got around that in terms of your organisation and coming to us the way you have? With difficulty I suppose?

Dr Craik—As I say, the policy of the NFF and the position we have adopted is that we do not oppose ratification of the convention as long as there is adequate parliamentary scrutiny and no national action plan is required.

CHAIR—So there is a strong caveat that covers it.

Dr Craik—That is right, but our members have expressed that concern and would in fact prefer to see the constitution amended so that the external affairs power is proscribed to external affairs matters, but recognise the difficulties and the unlikelihood of actually getting that to happen.

Mr HARDGRAVE—So you would not be upset if we did not ratify it? I would not see the NFF marching in the streets if we did not ratify it?

Dr Craik—I think that is a fair comment.

Mr TONY SMITH—I think you have almost answered this question. Do you agree with the proposition that we are still sliding, but we have slackened the pace?

Dr Craik—Yes, I think we are and I think one of the reasons that things still seem to be getting worse is the fact that our detection techniques and our research techniques are improving, so that the level of our data resolution is improving over a period of time. So we are able to detect things that may have been there for some time that were not able to be picked up before. But yes, I think there will continue to be some deterioration for some time before we turn it around, but it is variable across the country.

Mr TONY SMITH—Is there anything to suggest that those farmers who have expressed opposition are in marginal farming land? Is that where the opposition is coming from mainly?

Dr Craik—I do not think that would be a fair conclusion, no.

Mr TONY SMITH—So there is no correlation between that and those most concerned about the operation or the possibility of centralised control—and we are only speculating about that, of course—being from more marginal farms?

Dr Craik—I do not think so. It is not an issue that we have looked at in that sort of detail but certainly it would not immediately leap to mind.

Mr TUCKEY—Just taking this a step further, I am led to believe that some nations always insert a clause into such conventions that they cannot be used, that it is a condition of their signing that it not be used to override other constitutional powers. I think it is frequently referred to as the federal clause. Would NFF be more comfortable if such a clause was part of the agreement before it was ratified?

Dr Craik—So that what was in the convention could not override—

Mr TUCKEY—Yes, could not override our basic constitution.

Dr Craik—I think we would be, yes.

Mr TUCKEY—Because I just wanted to draw your attention to the submission of DPIE in which they tell us that developed countries affected by desertification are not required to develop an NAP but have the option of doing so. They say that under the national action programs national governments commit themselves to establishing an institutional environment that encourages sustainable natural resource management practices, for example, by establishing effective systems of land tenure and resolving conflicts over access to land water resources. In other words, were a future government to take on a national action plan land tenure could be one of the first issues. I might add that my concern is, as has occurred on previous occasions, that this could occur in two ways. It could occur by pressure groups emanating from non-agricultural areas demanding action of government, forcing them to take that additional step, because quite clearly the opportunity was there for them to do it; or otherwise going directly to the courts and arguing that as a consequence of the ratification of this agreement there was an obligation to achieve certain things.

Dr Craik—I think there is no doubt we would be a lot more comfortable if that were the case so that there was some surety that a national action plan were not going to be—

Mr TUCKEY—Or even if at some stage there was a national action plan, that it had to be implemented at the state level or whatever in the traditional—

Dr Craik—Yes.

CHAIR—Thank you. After all that wait, we did not keep you very long, although we would appreciate it if you would stay and be part of the rest of the group because we are going to invite others to come back now. Can you stay for a little while?

Dr Craik—Yes, I can stay for a while.

CHAIR—Thank you very much. Let us have everybody back to the table then. Would you like to come back? We will not keep you very long but most of you have been here nearly all day listening to what others have said. Is there any supplementary comment that anybody would like to make before we ask one or two further questions? There being none, Bob will start.

Mr McCLELLAND—I ask this of Catherine or Leica. Wilson has raised the point

and it is worth thinking about. How do these federal clauses work? Would a federal clause be practicable here and what has been government policy in respect to federal clauses?

Ms Sumner—I think it would be appropriate if I took that on notice and gave you a full report on that, because I think it would be useful. It is a question that you have asked a number of times today, and we can go back through the negotiating history.

CHAIR—We have got it on the record. That is the main thing.

Mr TUCKEY—Mr Chairman, as a matter of notice, there has been a lot which has come out of the other inquiry we have on tuna, which is raising quite a few issues. This is not a question, I am really saying something since the opportunity is here. It struck me that we are going to need a lot more advice from you on things such as by-catch provisions in a future treaty. I thought it might be an opportunity to put you on notice that you might want to think a bit about advising us in that area, because there has been a huge amount of evidence arise there relating to issues outside the present parameters of the treaty. It might be best, I think, in that regard if you were to have a look at the evidence provided in those areas, because I for one would be anxious that we had you back in the future to give us some advice on where—if anywhere—we should be recommending parliament goes on that.

CHAIR—It would be fair to say that there are some general principles that have been raised in the context of that one that have been quite interesting.

What about the Department of the Environment? You were not here when I opened. Do you have any supplementary comment that you want to make? We have had Mick here most of the day listening and writing. Do you have anything further?

Mr Trimmer—No, there is nothing really, Senator, which we were not aware of which adds or subtracts from what we have said.

Mr Campbell—None from my perspective, Mr Chairman.

CHAIR—We have got some further questions for you. Did you hear the last lot of evidence from Wendy?

Dr Pickup—I was in here just after three o'clock and I heard the last part of Wendy's evidence.

CHAIR—Is there any supplementary comment that you want to make?

Dr Pickup—I do not know whether it would be helpful, but I did manage to bring along a paper that a group of us wrote which sets a global perspective on desertification and sets the Australian situation within that global perspective. I did not have it this morning, but I wonder if it would be a useful contribution—

CHAIR—If you would like to give us a copy we can put that into evidence. Do you have a copy you could give us now?

Dr Pickup—Yes.

CHAIR—Thank you, we will table the document. I do not think I have anything else to comment on, apart from one or two things that came up while some of you were not here about what we intend to do. Because the issue of the Teoh case kept on coming up, which you would have heard this morning, and the question of powers between the federal government and the states has been raised, as chairman of this committee I will be writing to both the Minister for Foreign Affairs and the Attorney-General for some legal advice or some advisings in that area, because it is posing some problems, albeit at this stage not major, but it has come to a head with this one. We need to understand where are heading.

Mr Campbell—To add one comment there, Mr Chairman, in the area of Commonwealth-state relations our drylands areas, primarily agricultural and pastoral, are subject to a long history of Commonwealth-state cooperation and joint effort reflected in a number of national strategies.

CHAIR—That point has been reinforced since you left, I think. It came up on a number of occasions.

Mr Campbell—Good.

Mr TUCKEY—Can I just add something there, nevertheless, to substantiate the areas of my concern which, if possible, I would like addressed in the treaty. The problem with many of these issues as to the cooperation that has existed is probably best exemplified by the yes case that was distributed in 1967 on the Aboriginal constitutional change. The yes case said, ‘Look, take it from me’—they said this to me as a voter—‘this is not a Commonwealth takeover. You, the voters of Australia, must know it is only a process so the Commonwealth, in cooperation’—that could have been underlined—‘with the state governments, can do certain things to assist Aboriginal people so that together we in the states can march forward.’

Of course, it is not that long ago that the state of Western Australia found out how

much cooperation there was. Notwithstanding that promise to the people, I voted on the strength of it. So it is really a case of not what might have occurred, what friendly relationships we have, when a push gets down to a shove then the High Court rules. As in the case of the constitutional rights of the Commonwealth on the matters of Aboriginal affairs it has a total power and the state governments basically have nothing left. My own view is we have got to make sure that it is in the book; it is in black and white. But I genuinely believe there is probably the opportunity, without offending our international neighbours, to include that in the treaty on the grounds of our domestic concerns.

Mr McCLELLAND—Just taking that up, Catherine, in addition to taking on notice this issue of federal clauses, you might consider whether there is an ability at this stage of the game to seek an amendment to this particular treaty to include a federal clause.

Ms Sumner—Certainly.

CHAIR—I think if you could take that specifically, I will be writing—as I indicated, DPIE were not here when I made this point—to both the Attorney-General and the Minister for Foreign Affairs in relation to the federal-state implications of Teoh question marks, because that is something that has to be addressed at ministerial level. It has implications specifically for your minister, but I think it is primarily something for the Attorney-General and the foreign minister as well. So I will be taking that one up from the committee side if you would take up the federal clause aspect from the departmental side and maybe the two will come together.

Ms Sumner—Certainly.

CHAIR—If there are no further comments, I thank you all again for your participation. As I indicated this morning, this has been an initial public inquiry and it has been very helpful. I hope it has been helpful to you as well. It is a very technical, very complicated issue which perhaps raises some very serious legal constitutional question marks which need to be addressed, and I do not see our inquiry into this issue being completed in the short term. From a personal point of view, and I cannot speak for my colleagues, I do have some difficulty in reporting before that NIA is completed, although perhaps it is the other way around—I am not sure yet—but we need to discuss that. But it has been very helpful. DPIE, do you want to make any further comments before we finish?

Mr Willcocks—No.

CHAIR—Okay. We will undoubtedly be back to you on this one, depending on

what happens in a number of areas. Thank you very much.

Resolved (on motion by Mr McClelland):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 3.36 p.m.