EMAIL TO ATTORNEY GENERAL GEORGE BRANDIS – 13/05/2016

Senator George Brandis
Attorney General
Parliament House
CANBERRA
ACT 2600

Dear Senator Brandis,

I draw to your attention to the 2030 SDG agenda signed by Foreign Minister Julie Bishop in September 2015, and the fact that this UN agenda, as clearly stated in the Rio+20 outcome document, *The Future We Want,* is a continuation and expansion of the 24 year old Agenda 21 program.

Claims by the Minister for the Environment and others, that Agenda 21 is a 'dead', 'non-binding' agreement completely contradict the fact that successive governments have long been undemocratically enforcing various provisions of this UN agreement by passing domestic legislation, as I demonstrate below.

Environment Minister Contradicts Facts and Government Web Site

In fact, the Australian government admits on their current web site, "*Australia's commitment to Agenda 21 is reflected in a strong national response to meet our obligations under this international agreement*." The Australian government also admit in their "Road to Rio+20" fact sheet:

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

As Gwydir Council admitted during their Committee Meeting on 20th Feb 2013, Agenda 21 had, "*for 21 years, been very influential in developing public policies that directly impact upon every level of government*", including regulations pertaining to ecologically sustainable development. As the Council pointed out:

"*Many of the subsequent matters introduced to encourage a sustainable society, such as the carbon tax, are the outcome of the Australian Government's attempt to introduce the objectives of Agenda 21*."

Imported Undemocratic Agenda 21 Laws – Will Julie Bishop's 2030 UN Agenda be the Same?

Given this long history of successive governments importing undemocratic laws from the UN, and penalising Australians for non-compliance with 'non-binding' UN agreements, it is important to note that the UN's 2030 agenda signed by Foreign Minister Julie Bishop, like Agenda 21, is also described on the government's web site as 'non-binding'. This raises the very serious question as to whether the government intends to pass legislation to force Australians to comply with this 'non-binding' UN agreement also, as it has done for 24 years with Agenda 21. Is this the intention, or, on the other hand, will the government be passing legislation (or seeking Constitutional reforms) to protect Australia from interference from foreign agencies?

In view of the government's record of enforcing 'non-binding' UN agreements a very serious issue arises regarding those politicians who have deliberately misled the people in regard to the enforceability of various provisions of Agenda 21. What action will you be taking in this regard?

It is pertinent to briefly document this saga of deception and betrayal.

History of Deceit, Betrayal, and Abandonment of Democracy, as Agenda 21 'Soft Law' is Converted to Domestic 'Hard Law'

The history of Agenda 21, and the 2030 agenda, are well documented. Also well documented is the extent to which successive governments have gone to avoid democratic scrutiny of the drive to enforce the 'non-binding' provisions of Agenda 21 upon the people. But as a lawyer, you should also be gravely concerned about the role of the judiciary.

Officially, 'non-binding' international agreements such as Agenda 21 are described as 'soft law'. 'Soft' of course, because these agreements are frequently so radical that there is no possibility of open democratic approval by the people. This being the case, the devious and undemocratic conversion of soft law to hard law is up to the politicians and the judiciary. This process is well documented, also well documented is the fact that the people have consistently been denied any democratic choice, and denied any awareness of the costs.

The UNEP issued a training manual to advise countries regarding the incorporation of Agenda 21/ESD into national and sub-national laws and in 1996 the Hague held an International Environmental Conference on Codifying Rio Principles in National Legislation. Former judge at the NSW Land and Environment Court, Paul Stein, presented a paper at the conference entitled "*Turning Soft Law Into Hard: An Australian Experience with ESD Principles in Practice*." The Conference concluded (in part):

"1. The Rio Declaration should be given the fullest possible legal effect. It is necessary to incorporate the Rio principles into the national as well as the international legal system. There is a variety of ways to do so. An explicit way to reflect the principles as such in law is through codification of the principles themselves.
4. Rio principles should be incorporated so as to be given the highest possible status at each level (national, provincial, regional, local), in such a way that makes them, to the extent possible, justiciable, i.e. capable of judicial supervision. This will give guidance to policy makers, administrators, the judiciary, local communities and the citizens.
5. Developing case law in many countries including the Philippines, Australia, Pakistan and India shows that the judiciary (used in its widest sense to include all courts dealing with environmental cases) can play a vital role in the promotion, evolution and implementation of the Rio principles.
6. The principles which require clarification should be expressed in specific terms, divided into procedural and substantive principles. It has to be recognised that in some cases procedural principles are prerequisites to the achievement of substantive principles. In this respect, the procedural principles of public participation, including access to information, effective access to judicial and administrative proceedings (Principle 10) and of environmental impact assessment in accordance with the substantive principle (Principle 17), and of notification and consultation (Principle 19) are of importance. The substantive principles which are to be incorporated both into national law systems and policies, include but are not limited to the following principles: intergenerational equity (Principles 3),
eradication of poverty (Principle 5), sustainable patterns of production and consumption (Principle 8), precautionary principle (Principle 15) and internalisation of environmental costs (Principle 16)."

In an address to the Kenya National Judicial Colloquium on Environmental Law, 10-13 January 2006 entitled "The Role of the Judiciary in Promoting Sustainable Development: The Experience of Asia and the Pacific", Chief Judge of the Land and Environment Court of New South Wales, Justice Brian Preston details the history of sustainable development and Agenda 21, which was agreed to at the

United Nations Conference on Environment and Development (UNCED) in 1992, and their inclusion in Australian laws through two guiding documents developed by the Australian government, the *Intergovernmental Agreement on the Environment*, and the *National Strategy for Ecologically Sustainable Development.*

According to Chris McGrath in "***Does environmental law work?***":

"International considerations may also impact upon the Australian legal system through international debate and policy documents (sometimes called "soft-law") forming the basis for government policy. International policy documents and debate such as the Bruntland Report in 1987 and Agenda 21 in 1992 contributed significantly to the massive expansion of environmental law in Australia in the 1990s. This period led to a major expansion of environmental law in Queensland through enactment of legislation such as the Environmental Protection Act 1994 (Qld) and entrenched sustainable development as the overarching objective of the environmental legal system. The objective of sustainable development, in a variety of forms, is now the stated objective of modern environmental laws in Australia."

The judiciary, responsible for penalising Australians for failing to comply with the provisions of Agenda 21, have discussed the relevant enforcing laws in various papers such as**, "*Internalising Ecocentrism in Environmental Law*"**, "***The Role of the Judiciary in Promoting Sustainable Development: The Experience of Asia and the Pacific"*, "*Ecologically Sustainable Development in the Courts in Australia and Asia*", "*Judicial Implementation of the Principles of Ecologically Sustainable Development in Australia and Asia*", "*The Rise of Environmental Law in New South Wales and Federally: Perspectives from the Past and Issues for the Future*", and "*Synopsis of the Queensland Environmental Legal System*"**, ***Jurisprudence on Ecologically Sustainable Development: Paul Stein's Contribution***", "***From Declaration to Implementation – RIO+13: An Evaluation of its Legal Significance in International Environmental Law***", and the *Pacific Islands judges Symposium on Environmental Law and Sustainable Development*, Brisbane, 2002.

The UN has also pointed out in their paper "*Guidance in Preparing a National Sustainable Development Strategy: Managing Sustainable Development in the New Millenium, Background Paper No. 13, Agenda 21/*ESD needs to be embedded or undemocratic to ensure there is no disruption as a result of the electoral process.

Furthermore, Justice Nicola Pain pointed out in "***Human rights and environmental rights, A role for domestic courts? - an Australian perspective***", the High Court found that the Australian government had a duty to obey the dictates of the **United Nations Convention on the Rights of the Child**, even without enforcing domestic legislation.

Importing UN Laws is not Just Undemocratic, it Destroys National Sovereignty

As Chris McGrath points out in "***Does environmental law work?***", this importing of foreign 'law' creates 'tensions' which undermine national sovereignty:

"The fundamental basis or justification for international law rests on sovereignty and comity. Sovereignty is the independence of a state, that is, freedom from external interference in the conduct of a state's affairs……. there is a constant tension between the sovereignty of individual nations and international obligations…….Fisher suggests that there have been four recognisable stages in the ongoing development of international environmental obligations to the present position where the obligations of states to protect the environment are becoming in practice more important than the rights of states to independence within their territory (that is, sovereignty)"

These same concerns have been expressed by many distinguished Australians, to cite a few:

As Sir Harry Gibbs emphasises, "*A nation is not sovereign unless it is independent from control from outside its own borders":*

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

According to John Stone in Setting the Sovereignty Scene: Use and Abuse of the Treaty Power

"the most basic reason why, in the view of the Department of Foreign Affairs and Trade, treaties are necessary, is that the process of treaty-making provides numerous officials of that Department with a well-paid career, much of it spent in the gilded salons of Geneva, New York or wherever else international bureaucrats choose to ply their trade at the expense of their respective taxpayers."

According to Peter Faris QC:

"We are preparing to abdicate our Australian sovereignty to "law" made by the United Nations ….. But some people are not satisfied with sovereign democracy. They want every state in the world to be governed by some sort of international law. This international law is to come from NGOs (non-government organisations) like the UN. A greater attack on national sovereignty is hard to imagine. A prime and current example is global warming. The propagation of this fraud by the Left constitutes a major attack on capitalism. Rich countries will be obliged to bankrupt their industries and economies, to the great benefit of so-called poor countries like China and India. In the end, the aim is to bring the US to its knees……..
The Left do not want to have Australian laws for Australia. They want UN laws. This, of course, removes Australian sovereignty. Instead of Australians making their own laws, the laws are imported (as some sort of universal truths) from the UN.
The ultimate aim, which will be achieved, is that every UN covenant is legislated into law in Australia. The practical effect is that the UN becomes our supreme legislative body. And these laws will be supervised by the unelected judges who can effectively strike down any legislation of the duly elected Parliaments……
From the point of view of sovereignty, the United Nations has no legitimacy---in fact, it is in direct contradiction to the concept of sovereignty. It is one thing for Australians to make their own laws, it is quite another for the UN---an unelected body, a collection of states including some of the worst in the world---to be deciding what laws are so universal that they should be imposed upon the Australian people. Yet such is the perceived moral authority of the United Nations; whatever they say is, quite literally, the law.
There are many excellent analyses of the dysfunctional nature and corrupt practices of the UN. Despite all of this, some people believe that the UN speaks like the Pope---infallibly on the questions of faith or morals.
Today in Australia, Political Correctness is so strong that it is no more possible to challenge the moral authority of the UN than it is to deny global warming. And we can be absolutely certain that our

socialist federal Government, in the great tradition of socialists and communists, will seek to destroy our Australian sovereignty in favour of UN dogma……
In summary, my complaint is this. We will have introduced into Australia, as legislated domestic law, various UN Covenants. These will replace parts of our own law as we know it. The introduction of these laws acknowledges their moral superiority---they are universal laws and must be obeyed. Our sovereignty is diminished by the fact that these superior laws are the product of an unelected body outside of Australia. Australia and Australians have demonstrated that they are perfectly capable of creating a just legal system arising from our national sovereignty. This is now denied. The acceptance of UN Covenants is an acceptance of the correctness of that denial."

Public Debate Extremely Overdue – Enormous Implications of Denial of Democracy and Erosion of National Sovereignty.

It is far past the time the public was included in this debate about the deliberate undermining of national sovereignty. And the denial of democracy for more than 2 decades is absolutely staggering.

The implications of both these radical reforms are enormous and yet the people continue to be denied any democratic say. Why? When will this attack on democracy and sovereignty cease? When will you give the people a say? Isn't this THE most important election issue?

Furthermore, what are the limits of this policy? What is the end goal? And what are the costs, cumulative and final?

The radical direction in which you are sending Australia, with absolutely no democratic mandate, is the reason why there is an explosion of political organisations supporting conservative policies and standing up for Australian interests.

You have abandoned democracy, abandoned Australia, and abandoned Australians.

When will you reverse this process?

Regards

Graham Williamson