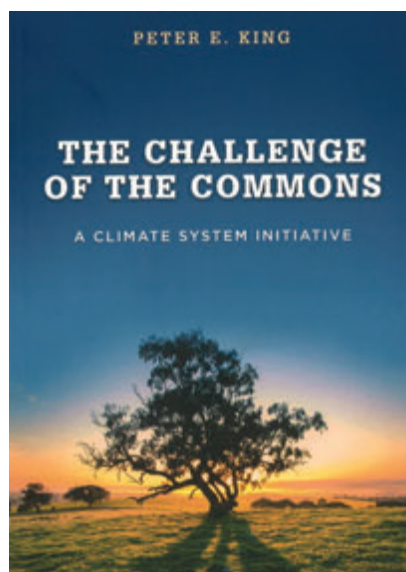


The Challenge of the Commons

By Peter King | Lyons Press | 2015



I confess that while I practise in public law and in the environmental area, and actively debate the climate change issue with one or two of my colleagues and my daughter, each of whom is far more erudite than me, I had not delved into the complex policies arising from 'climate justice' to any great extent.

Peter King's work is very readable, and makes sense of a difficult subject. Entitled 'The Challenge of the Commons' it is a discussion of the Rio Convention and the future of the Kyoto Protocol, and puts forward what Professor Paul Martin in his preface to the book, considers a well-informed personal discussion of the issues, containing ideas which require serious attention.

The book acknowledges the complexities of the climate change debate and proposes innovative ways forward.

The book reviews the legal and practical operation of the Kyoto Protocol and the Rio Convention, to each of which Australia is a party. The author then proposes reforms to the current version of the Protocol which are thoughtful and far reaching. In my view, they deserve consideration by policy makers and legislators at the highest level. It is, in

addition, a compelling read for anyone concerned about climate change and what measures may practicably and equitably be taken to address it and its effects.

You may not agree with all of the arguments in the book, but they are worthy of consideration.

The book was launched in Sydney in June this year by Justice Tim Moore a respected authority on environmental law and policy. Moore J described the work as 'lucid, thoughtful and well-written' during his remarks at the launch at Berkelouw Bookshop Rose Bay.

The Kyoto Protocol was arguably all but abandoned after the Copenhagen Conference of the parties to the treaty in 2010. Its apparent failure was due in part to the concern of many nation states that the radical incursions on national sovereignty then proposed went too far, and were not sustained by the science.

The book discusses the attempt at COP 21 in Paris in December 2015 to review the world's commitment to addressing climate change, which was a more modest proposal, although still almost entirely focussed on a solution to carbon emissions founded upon vegetation retention and regrowth measures. King has proposed different solutions which although carbon retention friendly, are more supportive of working agriculture, and seem far more achievable and of greater practical relevance. This is demonstrated in a revised version of the proposed new Protocol, adapting its mechanisms.

King takes the view that the Australian Government has a woeful record on complying with its obligations under the UNFCCC and the Kyoto Protocol - that it has fudged the figures in its national carbon accounts, and discriminated in its processes against privately owned

agriculture, which has no voice on this topic. He considers that there is little justification for the farming community having to bear the brunt of national compliance in the face of a large mining export industry which has continuously worsened the national carbon accounts and has benefitted from so-called government initiatives.

King makes the argument strongly in the book that green alone is not always good; that brown measures are now required, such as those proposed by Darwin at the end of his fruitful life - namely the re-fertilisation of soils depleted by desertification. He also sets out practical solutions for addressing other urgent natural resource challenges, such as balancing water usage and conservation in Australia and Africa the areas of greatest challenge, clean air measures especially in Asia, and harvesting of natural resources for powering the economies of the future, through winds, tides and sunlight.

The simplistic argument that man is the cause of all the new environmental problems in the world is not, according to King, a new one. The work illustrates the point by comparing the plot of the successful Australian film 'Fury Road', and its anti-hero Immortan Joe with what King considers to be the alarmist views of many environmental writers like Lord Stein and Dr Houghton. The film is about a chaotic and depleted world where the only currency is oil. Set in 2031, only some 15 years away, King suggests that it is clear that such a prediction, like the predictions of commentators like Stein and Houghton, have failed to materialise. He is proposing an appropriate and achievable conservative response to the challenge of the commons. Highly recommended.

Reviewed by Stephen Coleman