
The Parliament of the Commonwealth of Australia

The Link between Aid and Human Rights

Joint Standing Committee on Foreign Affairs, Defence and Trade

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Terms of reference

To inquire and report on Australia's efforts in advancing human rights in developing nations through the use of foreign aid, and in particular:

1. activities which have the advancing of human rights as their objective, in:
 - bilateral country programs;
 - regional programs in Asia and the Pacific;
 - global and multilateral programs, including the role of multilateral development banks and emergency and humanitarian assistance;
2. the utility of differing aid instruments and channels for advancing human rights, such as:
 - project aid, for example for schools, hospitals and basic infrastructure;
 - microcredit, particularly through institutions such as the Grameen and Women's Bank, as a means of advancing the human rights of women;
 - debt reduction of Heavily Indebted Poor Countries (HIPCS); and
3. activities supported under the Human Rights Program, including small activities, the Asia-Pacific Forum, the Centre for Democratic Institutions and the UN Commissioner for Human Rights.

Referred by the Minister for Foreign Affairs on 14 September 2000.



Abbreviations

ACFOA	Australian Council for Overseas Aid
ADB	Asian Development Bank
AFAO	Australian Federation of AIDS Organisations
AI	Amnesty International Australia
ALRI	Australian Legal Resources International
ALWS	Australian Lutheran World Service
APF	Asia-Pacific Forum of National Human Rights Institutions
APHEDA	Australian People for Health, Education and Development Abroad Inc
ASEAN	Association of South-East Asian Nations
AusAID	Australian Agency for International Development
CDF	Comprehensive Development Framework
CDI	Centre for Democratic Institutions
COHRE	Centre on Housing on Housing Rights and Evictions
CSOs	Civil society organisations
DAC	Development Assistance Committee (of the OECD)
DFAT	(Australian) Department of Foreign Affairs and Trade
DSE	Development Service Exchange
GNP	Gross National Product

HIPCs	Heavily Indebted Poor Countries
HIV/AIDS	Human Immuno-Deficiency Virus/Acquired Immune Deficiency Syndrome
HREOC	(Australian) Human Rights and Equal Opportunity Commission
HRF	Human Rights Fund
HRP	Human Rights Program
HRSGS	Human Rights Small Grants Scheme
HRTC	China-Australia Human Rights Technical Cooperation
Hurist	Human Rights Strengthening Project
ICCPR	<i>International Covenant on Civil and Political Rights (1966)</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights (1966)</i>
IFIs	International Financial Institutions
IMF	International Monetary Fund
IPPF	International Planned Parenthood Federation
IWDA	International Women's Development Agency
Komnas HAM	Indonesian Human Rights Commission
MDBs	Multilateral development banks
MED	Microenterprise development
NHRI	National Human Rights Institutions
NGDOs	Non-government development agencies
NGO	Non-government organisation
ODA	Overseas development assistance
OECD	Organisation for Economic Cooperation and Development
OI	Opportunity International Australia
Oxfam	Oxfam Community Aid Abroad Australia

PNG	Papua New Guinea
PRSP	Interim Poverty Reduction Strategy Paper
RA	Radio Australia
SAA	The Salvation Army
TI	Transparency International Australia
UDHR	<i>Universal Declaration of Human Rights (1948)</i>
UN	United Nations
UNAA	United Nations Association of Australia
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
VCA	Vietnamese Community in Australia



Conclusions

The Committee concluded that:

AusAID should make additional efforts to ensure that its documentation is complete and easily available to those who are interested in its work (paragraph 3.92);

there is merit in AusAID convening a program of seminars with Australian non-government organisations to discuss subjects of common interest, including specific linkages between aid and human rights (paragraph 3.96);

the Australian Government should give serious consideration to the cancellation of the debts of other heavily indebted nations (paragraph 4.40), and

the Australian Government could take the lead in convening an international conference on the Heavily Indebted Poor Countries initiative. Such a conference should review the process of admission to that initiative, so that acquisition of the status actually improves economic and social conditions in those countries (paragraph 4.41).

The Committee notes the support that AusAID is giving to the Asia Pacific Forum of National Human Rights Institutions, the Centre for Democratic Institutions and the United Nations High Commissioner for Human Rights and, if it is not possible to increase the allocations to these bodies in the future, encourages AusAID to continue the current levels of assistance (paragraph 5.66).

Introduction

The inquiry

- 1.1 On 14 September 2000, the Minister for Foreign Affairs, the Hon Alexander Downer MP, asked the Committee to inquire into and report on the link between aid and human rights.¹
- 1.2 The Committee called for submissions on this subject in November 2000, in a national newspaper and on the Internet. It also wrote to a wide range of non-government organisations (NGOs), Government agencies, the Churches and individuals with an interest in the subject.²
- 1.3 The Committee decided to take evidence for this inquiry at a seminar, with the participating organisations selected from those that had forwarded submissions. This seminar was held in Canberra on Thursday, 5 July 2001 and, including the list of participants, the transcript of the proceedings is at Appendix A.
- 1.4 This inquiry attracted a total of 31 submissions, listed at Appendix B.
- 1.5 Additional material received during the inquiry is listed at Appendix C.

Previous reports

- 1.6 This report should be seen against the background of a considerable and long-standing Committee interest in both aid and human rights. Since its

1 The terms of reference for this inquiry are at page ix. There is some debate about the appropriate term to use: 'aid' or 'development assistance' or 'overseas development assistance' (ODA). This report will use the shortest version, knowing that some readers will not be comfortable with this usage.

2 The inquiry was advertised in *The Weekend Australian*, 18/19 November 2000, p. 10, and again in *The Australian* on 6 February 2001, p. 2.

first report on the subject in 1973, a significant number of the Committee's reports has considered Australia's aid program and related topics. Since 1992, a number of additional reports has also examined Australia's efforts to promote and protect human rights around the world, in its region and in particular countries. These reports are all listed at Appendix D.³

This report

- 1.7 The Committee took the view that the limited terms of reference for this inquiry made it appropriate only to hold one public hearing, in the form of a seminar with invited participants. It also believed that, because the seminar process did not provide the usual opportunity to analyse publicly the material included in submissions, it was not appropriate to make recommendations in this report.
- 1.8 Nevertheless, the Committee has drawn some conclusions which it offers as contributions to the discussion on the Australian aid program. It believes that the differences in the views put forward, at the seminar on 5 July in particular, should not distract attention from the fact that there is a great deal of agreement about the major issues.
- 1.9 While the inquiry's terms of reference were limited, they dealt with substantial issues and, to an extent, it is artificial to address them separately. However, this has been done to ensure that, as far as practicable, all the views expressed to the Committee are reflected in this report.
- 1.10 Chapter 2 sets out the Australian Government's position on aid and human rights, including its overall approach and its views on the 'rights-based' approach to aid.
- 1.11 The following chapters address the three items in the terms of reference for the inquiry:
- activities advancing human rights, in Chapter 3;
 - the value of different means of advancing human rights, in Chapter 4; and
 - activities under various programs, in Chapter 5.
- 1.12 Chapter 6 will summarise the various strands in the debate, including the 'rights-based' approach to aid.
-

3 The Committee was first formed in 1952. A significant number of the reports tabled in the 1990s on relations with other countries, or groups of nations, included chapters on aid and/or human rights.

Human rights and aid

The Australian aid program

Objective, framework and principles

- 2.1 The Australian Government's general approach to pursuing the promotion and protection of human rights was set out in its 1997 White Paper on foreign and trade policy:

The Government views human rights as an inseparable part of Australia's overall foreign policy approach, both because the treatment of human beings is a matter of concern to Australians and because promoting and protecting human rights underpins Australia's broader security and economic interests. The Government's human rights policies are based on the universality of fundamental human rights-civil, political, economic, social and cultural.¹

- 2.2 The overall policy framework for Australia's aid program was set out by the Minister for Foreign Affairs, the Hon Alexander Downer MP, in **Better Aid for a Better Future: the Seventh Annual Report to Parliament on Australia's Development Cooperation Program and the Government's**

¹ Exhibit No 1, p. 13. See also Submission No 20, p. 214.

Response to the Committee of Review of Australia's Overseas Aid Program.²

- 2.3 The Government identified the central objective of the Australian aid program as being:
- to advance Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development.³
- 2.4 In addition to this objective, the Report stated that six key principles would underpin the Australian aid program:
- it would have a focus on partnerships;
 - it would be responsive to urgent needs and development trends;
 - its approaches would be practical;
 - there would be greater targeting of aid;
 - it would have an Australian identity; and
 - that it would be outward looking.⁴
- 2.5 This Statement also announced five priority sectors for the aid program:
- health;
 - education;
 - infrastructure;
 - rural development; and
 - governance.⁵
- 2.6 The framework for promoting human rights through the aid program was presented by the Minister in the Eighth Annual Statement to the Parliament on Australia's Development Cooperation Program, delivered in 1998. This framework consists of six key principles:
- Human rights are a high priority for the Government. Civil and political rights rank equally with economic, social and cultural rights.

2 This Statement was made on 18 November 1997; see Exhibit No 2. The Committee of Review was the Simons Committee (April 1997), whose report was: **The Australian Overseas Aid Program: One Clear Objective-poverty reduction through sustainable development.**

3 Exhibit No 3, p. 3. See Transcript, 5 July 2001, p. 3.

4 *ibid*, pp. 3-4.

5 *ibid*, p. 4.

- The aid program will continue to undertake activities that directly address specific economic, cultural, civil and political rights. There will be a particular emphasis on the creation of ‘durable institutional capacity’ to promote and protect human rights.
- The emphasis is on the practicable and attainable. The Australian Agency for International Development (AusAID), as the Government’s aid agency, will pursue ‘practical aid activities’ in support of human rights. These activities complement and build on high-level dialogue on human rights.
- The aid program will develop activities primarily as a result of consultations and cooperation with partner countries on human rights initiatives. Regional and multilateral activities will also be undertaken.
- Considerable care will continue to be applied to the use of aid sanctions associated with human rights concerns. The Government will consider such sanctions on a case-by-case basis. ‘Aid conditionality’ based on human rights concerns would only be used in extreme circumstances, since it can jeopardise the welfare of the poorest people and may be counter-productive.
- AusAID will continue to be linked closely with other arms of the Government on governance and human rights issues, liaising with non-government organisations (NGOs) and human rights organisations in Australia.⁶

2.7 The Minister’s statement added that:

Practical action based on these principles means that the aid program will continue to focus on its objective of assisting developing countries to reduce poverty and achieve sustainable development. These principles will underpin our strong support for civil and political rights throughout our aid work. The aid program will seek to maximise the benefits for human rights in all development assistance activities.⁷

Aid and human rights

2.8 At the Committee’s seminar on 5 July 2001, AusAID’s Director-General stated that human rights and development enjoyed ‘a symbiotic relationship’. AusAID stated that, from an aid perspective, ‘development

⁶ Exhibit No 3, pp. 2-3; Submission No 20, pp. 216-217.

⁷ *ibid*, p. 3; see also Submission No 20, p. 217. For convenience, the submission to the inquiry from the Foreign Affairs and Trade portfolio will be referred to as ‘the AusAID submission’.

and human rights were interdependent and mutually reinforcing'. For development to be sustainable, it argued, individuals in developing countries needed secure and long-term access to the resources required to satisfy basic needs, whether economic, social, cultural, civil or political, and to improve their well-being.⁸

2.9 AusAID argued therefore that, at the broadest level, 'the whole Australian aid program' contributed to the realisation of human rights, directly or indirectly. Thus, activities such as the following all contributed to human rights, particularly to economic, social and cultural rights:

- employment or income generation;
- improvement of the quality of public services, or access to them;
- strengthened sustainable management of natural resources; and
- provision of emergency and humanitarian relief in response to crises.

2.10 Activities that assist public sector reform and strengthen civil society also contributed 'strongly' to the promotion and protection of civil and political rights. AusAID noted that this highlighted the indivisibility of all human rights, adding that the Australian aid program gave 'equal priority to all of them'. The Director-General pointed out a heavy emphasis in this program on assistance to the Asia-Pacific region, and the fact that about 73 per cent of aid was currently being delivered through bilateral programs.⁹

2.11 The aid program also contributed to advancing civil and political rights in developing countries, largely through activities supporting good governance, defined by AusAID as:

The competent management of a country's resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to people's needs.

2.12 In countries where there is corruption, poor control of public funds, lack of accountability, abuses of human rights and excessive military influence, AusAID stated that development 'inevitably' suffered.

2.13 Australia has therefore attached a high priority to supporting activities that enhance good governance in developing countries. In 1999/2000, the aid program spent about \$A271 million, about 16 per cent of overall expenditure, on assistance to improving governance in such countries, focussing on:

8 Transcript, 5 July 2001, p. 3. Unless specified otherwise, material in this section was taken from Submission No 20, pp. 217-218.

9 Transcript, 5 July 2001, p. 4.

- improving economic and financial management;
 - strengthening law and justice;
 - increasing public sector effectiveness; and
 - developing civil society.¹⁰
- 2.14 From AusAID's perspective, the aid program's support for good governance strengthens the capacity and climate for the realisation of civil and political rights. Delivery of aid in this manner can create an environment in which these rights were respected and protected, through open and fair elections and strong legal and judicial systems. Good governance can also create a climate in which citizens openly exercise their civil and political rights. This can contribute to sustainable development by ensuring greater government accountability and effectiveness in the management of resources and delivery of services.
- 2.15 AusAID indicated that this link between good governance and civil and political rights is also reflected in the aid program's assistance to developing countries, in areas such as:
- legal and judicial reform;
 - electoral and parliamentary processes; and
 - strengthening media and civil society.¹¹

AusAID's approach

- 2.16 AusAID stated that the Australian aid program contributed to advancing civil and political rights, under its broad program of support for governance. The approach to promoting good governance through the aid program therefore had four elements:
- improving the economic and financial management of developing countries;
 - strengthening legal systems and the rule of law;
 - increasing public sector effectiveness; and
 - developing civil society.

10 *ibid.* Within the \$A271million, expenditure on civil society and law and justice amounted to \$A89million.

11 Examples of assistance via Australia's aid program can be found at Submission No 20, pp. 224-229.

- 2.17 This approach sought to strengthen the capacity and environment for the realisation of civil and political rights, and at ensuring greater accountability, effectiveness and equity in managing resources and delivery of services.
- 2.18 AusAID noted that the program was not structured around specific forms of aid, or specific sectoral funds, but was tailored towards how best Australia could contribute to poverty reduction and sustainable development in individual developing countries. This was done within the broad direction of the program's poverty reduction framework.
- 2.19 A particularly important aspect of AusID's overall approach was first to establish clear program strategies for individual countries. These strategies were based on analysis, including poverty analysis, and consultation with partner governments. Increasingly, these strategies are examined to see how they could be structured within broader international development frameworks, such as those of the World Bank and the various UN agencies.¹²
- 2.20 It is against the background of this approach that this report will address the terms of reference.

The 'rights-based' approach

- 2.21 The Australian Government has not adopted what is called the 'rights-based' approach to aid. According to the AusAID submission, this involved not only 'mainstreaming' human rights within aid programs and activities, but used the achievement of specific human rights objectives as the foundation for implementation of aid policy.¹³
- 2.22 The submission noted that, while Australia supported and attached importance to the UN's 1986 *Declaration on the Right to Development*, it did not use that Declaration as the rationale for the aid program. Nor did it adopt a rights-based approach to development.¹⁴
- 2.23 AusAID argued, first, that there was no agreed understanding of what the rights-based approach was. Various donors and agencies had adopted

12 Transcript, 5 July 2001, p. 4.

13 Unless specified otherwise, material in this section was taken from Submission No 20, pp. 218-219.

14 The text of the Declaration is at Appendix E. The DFAT Human Rights Manual, published in 1998, stated that the right to development is 'a universal and inalienable right of individuals and peoples': see Exhibit No 4, p. 2.

widely differing methodologies under its banner, and there was a need for more discussion of the topic.¹⁵

- 2.24 Second, the Australian Government viewed all human rights as indivisible and of equal priority. It believed that delivering an aid program based on a rights-based approach risked focussing aid on activities promoting certain rights over others, and of not addressing the real development needs of the partner country.
- 2.25 Third, AusAID contended that such an approach did not sufficiently address the role and responsibility of developing countries in addressing the rights of their citizens to basic needs and developments. The Australian Government recognised the key role of partner governments, as well as legal and judicial institutions, NGOs, and community groups in actively working to fulfil citizens' rights to basic needs and development. It is the Government's view that international donors should only play supportive and facilitating roles. The risk in donor organisations adopting a rights-based approach is that it may entrench dependence on aid.
- 2.26 Finally, the AusAID submission argued, this approach may also pre-determine and limit delivery mechanisms for the delivery of aid. The focus of Australia's program on poverty reduction and sustainable development allows for a more flexible and responsive approach to the needs of developing countries.¹⁶
- 2.27 In submissions and during the Committee's seminar, AusAID's views on the rights-based approach to aid were challenged. This issue will be addressed in Chapter 6.

15 Transcript, 5 July 2001, pp. 24, 27-28. AusAID gave examples of what the term meant to various organisations.

16 For more information on this point, see Submission No 20, pp. 220-223. See also Transcript, 5 July 2001, p. 5.

Activities advancing human rights

- 3.1 This chapter will examine the question of activities advancing human rights by surveying briefly some of the submissions the Committee received. This term of reference encompasses a significant number of the relevant issues. Placing the Australian Government's position in context, AusAID's contribution on this term of reference will be considered.¹

Programs and institutions

- 3.2 The AusAID submission included a number of examples of activities that support civil and political rights in a direct way, in several 'thematic' areas:

- Improving awareness of, and capacity to fulfil, human rights obligations through education, training and establishment of human rights institutions.
 - ⇒ Burma Human Rights Training Initiative.
 - ⇒ Cambodian Human Rights Training Program.
 - ⇒ Vietnam Human Rights Training Program.
 - ⇒ China-Australia Human Rights Technical Cooperation (HRTC) Program.
 - ⇒ Institutional support for the Indonesian Human Rights Commission (KomnasHAM).²

1 Aid has attracted a considerable amount of interest in the past few years. In an inquiry of this kind, it is inevitable that there will be duplication of ideas. What follows seeks to give the main points in submissions, and matters that may have only been raised in a minority of those received.

2 Submission No 20, p. 225.

- Protecting and promoting the civil and political rights of vulnerable groups, particularly women and children.
 - ⇒ Projects in South East Asia aimed at reducing trafficking in women and children.
 - ⇒ Fiji Women's Crisis Centre, contributing to the goal of eliminating all forms of violence against women and children, and raising women's status in Fiji and the Pacific region.
 - ⇒ Combating Commercial Sexual Exploitation in Sri Lanka, via a contribution to PLAN International and a Sri Lankan NGO, to provide children with greater protection and help child victims through legal assistance and counselling.
 - ⇒ UNICEF's Child Protection Plan in Sierra Leone, to protect the rights of children affected by war, including reunification and reintegration of separated children and counselling for those affected by war.³
- Popular representation and participation.
 - ⇒ Papua New Guinea (PNG) Community Development Scheme. Some 300 projects, totalling more than \$A4million, have been supported to strengthen the capacity of non-government and community organisations to plan and implement community development activities targeting poor and disadvantaged groups.
 - ⇒ The Philippines-Australia Community Assistance Program assists in strengthening the capacity of local NGOs and community groups to carry out community-based activities raising the living-standards of the poor and marginalised. Since 1986, AusAID has supported some 800 projects valued at about \$A30million.⁴
- Facilitating free and fair elections.
 - ⇒ Indonesian Electoral Assistance project. Funding and technical support through the Australian Electoral Commission for the Indonesian election held in June 1999.
 - ⇒ Technical and material support for East Timor's electoral capacity for the election to be held in August 2001.
 - ⇒ Assistance to the Fiji Electoral Commission in preparation for the May 1999 election.⁵
- Strengthening the rule of law and improving legal systems.

3 Submission No 20, p. 226.

4 *ibid*, p. 227.

5 *ibid*.

- ⇒ The PNG Ombudsman Commission Institutional Strengthening Project assists in strengthening the efficiency and effectiveness of the Commission to perform its constitutional role and promote public sector accountability and transparency.
 - ⇒ The Cambodia Criminal Justice Assistance Project seeks to improve the operational, managerial, institutional and human rights conditions within Cambodia's criminal justice system. It works with police, the courts and the prison service, and includes training, equipment and upgrading of facilities.⁶
 - Fostering and supporting a free media, and promoting community access to the media.
 - ⇒ The South Pacific Media Initiative assists, through training, in improving government accountability and transparency in the Pacific region by raising the media's standards, improving the flow and quality of information available to the public and supporting the evolution of regional and national media institutions.⁷
- 3.3 In its evidence, AusAID drew attention to the concept of 'progressive engagement' that it was using increasingly to underpin strategies for development with important partners, such as Indonesia and the Philippines. This concept involved identifying bodies and partner agencies that are important in the reform processes in particular countries. These bodies are assisted by increasing the level of support as it becomes clear that the reform process is effective and is having an impact.⁸
- 3.4 AusAID noted the importance of a sense of coherence to the way it goes about developing and delivering programs. Its submission listed the activities that contributed to civil and political rights in a direct way in a range of nations, in 1999/2000, and projects under the Human Rights Small Grants Scheme (HRSGS) from 1997/1998 to 2000/2001.⁹
- 3.5 In its evidence, Treasury noted that international financial institutions (IFIs) all had different mandates and different objectives. It argued that advancing human rights, as an end in their own right, was not the focus of bodies such as the International Monetary Fund (IMF), but of the UN. In terms of the limitations on the operation of IFIs, it expressed the view that

6 *ibid.*

7 *ibid.*, p. 228.

8 Transcript, 5 July 2001, p. 25.

9 *ibid.*, 5 July 2001, p. 28; Submission No 20, pp. 237-247.

incorporating human rights into their objectives went beyond simply making progress on the implementation of those rights.¹⁰

- 3.6 Treasury also pointed out that Australia's representatives on the boards of the World Bank, IMF and Asian Development Bank (ADB) represented constituencies, or groups of countries, such as Pacific countries. It was therefore necessary to reach a consensus within a constituency before a position was taken at a meeting of a Board.¹¹
- 3.7 There were mechanisms within IFIs so that, where there were concerns about the processes that had been followed, there were both internal and external assessments of projects. According to Treasury, IFI boards had been willing to stop funding projects where there had been concerns about the process being followed in projects.¹²
- 3.8 Oxfam Community Aid Abroad Australia (Oxfam) asserted that the ADB had never initiated a formal inspection of a project as a result of a grievance brought to its attention. AusAID noted, and Treasury agreed, that there had been 'significant developments' in the ways the World Bank and the ADB looked at their programs in developing countries. Treasury drew attention to many recent changes to internal governance mechanisms, and AusAID added that Australia had been a strong advocate for continual improvements to processes.¹³

A range of views

- 3.9 Most submissions to this inquiry included consideration of the first of its terms of reference. Summaries of their views are set out below.
- 3.10 The ***Australian Public Political Advocacy Council*** called for an immediate global effort to eradicate poverty and help developing countries. Australia should lobby for reform of the IMF and the World Bank to make it easier for developing countries to obtain loans. The Council suggested that project aid, in the form of schools, hospitals etc, should be the basis of the Australian aid program. Multinational firms should be encouraged to invest in developing countries, to create sustainable development. The Council also believed that it was important

10 These bodies are also known as 'multilateral development banks' (MDBs), and both terms will be used. Transcript, 5 July 2001, pp. 29, 30, 60-61.

11 *ibid*, p. 31.

12 *ibid*.

13 *ibid*, p. 34, 31, 36.

for Australia to address specific human rights issues in countries that received aid.¹⁴

- 3.11 The Council also recommended the reform and reconstruction of AusAID, making it accountable to this Committee.¹⁵
- 3.12 **Transparency International Australia (TI)** drew attention to the links it saw between a lack of respect for human rights and corruption. Both were described as the products of weak or poor governance resulting from a lack of accountability and transparency. TI noted that, over the past few years, some major multilateral lending organisations had taken issues of governance, transparency and accountability more seriously. They had persuaded recipient governments to review and examine legal frameworks and practice.¹⁶
- 3.13 TI also noted that poor governance, because of a lack of accountability and transparency, breeds both gross corruption and abuse of human rights. Transparency and accountability have positive effects in reducing corruption and in improving all aspects of human rights. A willingness to open processes and decisions to the public and to permit an active civil society, TI believed, was a significant curb to excesses and abuses by those with power in government and business.¹⁷
- 3.14 TI recommended that the governance program be seen as a key instrument to promote human rights. TI also recommended that organisations seeking to improve good governance and reduce corruption should be assisted with funding for training in capacity-strengthening, as well as moral and political support.¹⁸
- 3.15 The **Centre for Democratic Institutions (CDI)** described human rights using the key words ‘universal’, ‘indivisible’ and ‘inalienable’. CDI contended that it was unacceptable to claim that civil and political rights could not be ‘granted’ until economic rights had been achieved. It submitted that it was important not to compartmentalise projects because this risked missing some of their impacts.¹⁹
- 3.16 It referred to criticism of the 1986 UN Declaration on Development as a ‘new’ right and noted that it was seen a people’s right, rather than an individual right. The Centre saw both criticisms as short sighted because

14 Submission No 1, pp. 11, 7.

15 *ibid*, pp. 9, 14.

16 Submission No 2, p. 20.

17 *ibid*, pp. 20-21.

18 *ibid*, pp. 21, 23.

19 Submission No 3, pp. 29-30. See paragraph 2.8.

the Declaration encompassed numerous aspects of the economic, social and cultural rights ‘widely accepted’ by the international community.²⁰

- 3.17 CDI argued that the Declaration should create a human rights corrective to development plans, ensuring that development benefited communities. Such an approach took development planning beyond macro-economics and focused on individuals. A human rights approach to development planning, according to the Centre, would therefore provide universally applicable criteria by which to judge development proposals.²¹
- 3.18 The submission from CDI also referred to a report to the UN Secretary-General by an independent expert on the right to development. This report made a case for a decision to implement the Declaration by concentrating on economic, social and cultural rights, such as primary education and primary health care.²²
- 3.19 The ***Refugee Council of Australia*** provided a valuable perspective on human rights as they impact on refugees.
- 3.20 Its submission pointed out that the UNHCR had identified a number of ways in which NGOs can help refugees. For such roles to be performed, the Refugee Council believed that it was necessary for:
- NGO staff to receive human rights training and to be familiar with protection mechanisms;
 - NGO staff to operate in a framework that recognises that protection is an integral function within the central focus of a project;
 - funding bodies to see protection as a legitimate component of any refugee assistance project; and
 - the Australian government to continue to promote the important role played by NGOs in refugee protection in its discussions with countries of first asylum and, in multilateral forums, the UNHCR Executive Committee in particular.²³
- 3.21 ***Australian People for Health, Education and Development Abroad Inc (APHEDA)*** recommended that, in keeping with the recommendation of the Simons Report, an increased percentage of the aid budget should be contracted to non-government development agencies (NGDOs). This would enable more people in the community to be involved in

20 *ibid*, p. 30. See Appendix E for the text of this Declaration.

21 Submission No 3, p. 31.

22 *ibid*, p. 31. CDI’s work will be considered in Chapter 5.

23 *ibid*, p. 44.

development work and, perhaps more importantly, allow NGOs to form special partnership relationships with community organisations in developing countries.²⁴

3.22 The submission stated that, in the 1999/2000 Financial Year, \$A80.7million, or 5.73 per cent, of the aid budget had been directed to projects run by more than 60 Australian NGOs. APHEDA claimed that:

All indications are that the NGOs are highly efficient and give value for money.²⁵

3.23 APHEDA recommended that the NGO windows within AusAID's country programs be increased in both number and scope, and that funding should place a strong focus on human rights, good governance and strengthening of civil society.²⁶

3.24 The submission from the *Vietnamese Community in Australia (VCA)* welcomed the framework for supporting human rights, announced by the Minister for Foreign Affairs in 1998, as a formal recognition of the link between aid and human rights. The VCA saw the language of this framework as 'more vague than necessary, potentially reducing its usefulness'.²⁷

3.25 The VCA made a number of valuable recommendations to the inquiry, including:

- making the protection and promotion of civil and political rights a formal objective of Australian aid and no less important than that of reducing poverty;²⁸
- the promotion of transparency in the governments of recipient countries as an objective no less important than that of reducing poverty or introducing economic rights;²⁹
- identification of transparency requirements seen as critical for Australian aid to be effective and efficient, to ensure that these conditions were met before components of funding were delivered;³⁰

24 Submission No 5, pp. 49, 55.

25 *ibid*, p. 55. A 1995 AusAID publication, **Review of the Effectiveness of NGO Programs**, was cited in support of this statement.

26 Submission No 5, p. 55.

27 Submission No 8, p. 80; Transcript, 5 July 2001, pp. 9, 33, 58. See paragraphs 2.6-2.7.

28 Submission No 8, p. 81.

29 *ibid*, p. 82.

30 *ibid*; Transcript, 5 July 2001, p. 21.

- examination of ways to improve the information publicly available from AusAID, and to satisfy the public about the transparency and accountability of the program;³¹
 - provision of assistance to educate importers/exporters about Australia's anti-bribery laws and ways to discourage bribery;³²
 - initiation of a study to examine whether, where and how human rights should feature on the agendas of multilateral entities such as the World Bank, the United Nations Development Fund (UNDP) and the IMF.³³
- 3.26 The VCA also raised the potential for aid to be made ineffective because of corruption in recipient countries. One way to reduce this was to channel funds through Australian companies, but it noted that this simply transferred the potential problem of corruption to those companies. While Australia had implemented the Convention against the bribery of foreign public officials sponsored by the Organisation for Economic Cooperation and Development (OECD), the VCA said that it was not clear how often the problem was faced. It also referred to difficulties in finding the results of AusAID's evaluation studies on the outcomes of particular projects.³⁴
- 3.27 **Mr Garth Luke** was one of the few individuals who forwarded a submission to this inquiry. His submission indicated that, in his view, although it had signed a number of international human rights treaties that accorded rights to survival, health and basic education, Australia had 'shown little real commitment' to promoting them through the aid program.³⁵
- 3.28 He believed that there were signs of 'considerable improvement' in the way AusAID planned and implemented its program. He contended that it had fallen far short of its responsibilities because its commitment to the poor, through these treaties, was not being kept. Mr Luke believed that this commitment was 'easily' affordable within the present aid budget.³⁶
- 3.29 In their joint submission, the **Human Rights and Equal Opportunity Commission (HREOC)** and the **Asia Pacific Forum of National Human**
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31 Submission No 8, pp. 82-83; Transcript, 5 July 2001, pp. 46-47.

32 Submission No 8, p. 83.

33 *ibid*, p. 84.

34 Transcript, 5 July 2001, pp. 46, 53, 47. For the OECD's *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* and consideration of draft implementing legislation, see the 16th Report of the Joint Standing Committee on Treaties (tabled in June 1998). Following the Committee's seminar, AusAID provided information on its evaluation activities: see Submission No 20a (*passim*).

35 Submission No 9, p. 93.

36 *ibid*, p. 94.

Rights Institutions (APF) observed that it was difficult to gather precise information on the extent to which aid is used to advance human rights objectives. While it appears that, as a proportion of aid budgets worldwide, the amount spent on human rights projects continued to grow, there is no consistent reporting system separating this category from others.³⁷

- 3.30 The submission noted that the term ‘human rights aid’ could be applied to all development aid, since it was given to improve such things as health, education and housing. It has also been argued that, given the legal nature of rights, activities that could be defined in this way should focus on establishing or improving legal guarantees to health, education, freedom from torture etc.
- 3.31 HREOC/APF stated that most development had human rights implications. It was not a prerequisite therefore for a well-designed country program to contain a formalised human rights sub-program, or for ‘human rights’ to be mentioned in the program’s strategy, to achieve the advancement of human rights.³⁸
- 3.32 This submission noted that Australia’s aid program had considerable capacities to analyse and balance any potential impacts. HREOC/APF also expressed a concern, however, that this program lacked sufficient human rights expertise and that, as a result, the impact of programs outside that sub-sector might not always be fully appreciated.³⁹
- 3.33 Thus, because of AusAID’s heavy workload and what was seen as its lack of substantial expertise in this sub-sector, programs directly targeted to the promotion and protection of human rights as their primary goal represented real challenges to Australia’s aid mechanisms. HREOC/APF believed that all programs of this type demonstrated that work in the rights area lacked reliable indicators, and did not easily lend itself to measurement by traditional assistance methodologies.⁴⁰
- 3.34 While AusAID relied on standardised analytical devices, the submission noted that these often showed that activities in the human rights sector were ‘highly risky, controversial and prone to failure’. Programs were always at risk of not achieving their objectives, or of achieving them over such a long time frame that they were considered to have failed.

37 Submission No 10, p. 100. It was pointed out that HREOC focused principally on the bilateral technical systems it ran on AusAID’s behalf, while APF had a regional approach: see Transcript, 5 July 2001, p. 6.

38 *ibid*, p. 102. See paragraph 4.16.

39 Submission No 10, p. 102.

40 *ibid*, pp. 102-103.

Furthermore, because of their nature, human rights ‘successes’ were often difficult to demonstrate objectively.⁴¹

- 3.35 HREOC/APF drew attention to the fact that such difficulties had not prevented AusAID from sponsoring human rights programs, and this was seen as a credit to its broad vision.⁴²
- 3.36 The submission addressed the KomnasHAM Capacity Building Program, noting that what it saw as the ‘broad and deep’ relationship developing between HREOC and KomnasHAM would serve both organisations and both countries well.⁴³
- 3.37 It also noted that the HRTC program with China was an example of an innovative program that had ‘slowly but surely’ become a contributor to the capacity of key Chinese agencies to introduce policies and processes that will promote and protect human rights. HREOC/APF saw the eagerness of Chinese agencies to be involved, and to provide their own funding, as a mark of the program’s success.⁴⁴
- 3.38 In its submission, the **Australian Federation of AIDS Organisations Inc (AFAO)** drew attention to its work since 1990 in South East Asia and the Pacific. The Federation believed that a central goal of aid should be to enhance the promotion and protection of the rights and dignity of all, with special emphasis on those who are subject to, or at risk of discrimination or abuse of human rights. It also noted that a universal lesson from work in HIV/AIDS was that discrimination against vulnerable groups encouraged the epidemic to spread, and prevented the care and treatment of people living with HIV/AIDS.⁴⁵
- 3.39 It recommended that aid should be used to improve the human rights of refugees and mobile populations, and to reduce their vulnerability to HIV/AIDS.⁴⁶
- 3.40 The submission from **Amnesty International Australia (AI)** raised two major matters. First, it urged the Committee to consider how organisations of civil society could be engaged in the formulation and delivery of aid outcomes in developing countries. It believed that Australia’s aid program should work to strengthen organs of local civil society in developing countries in their advocacy of human rights.
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41 *ibid*, pp. 103, 105.

42 Submission No 10, p. 103.

43 *ibid*, p. 105.

44 *ibid*.

45 Submission No 11, pp 133, 134, 135.

46 *ibid*, p. 137.

- 3.41 Second, it considered that publicised human rights guidelines for AusAID might assist in demonstrating how Australia's aid program was fulfilling its stated commitment to human rights. Just as accountability in governance in developing countries was desirable, so too should aid programs be clear and transparent in their aims and methods of delivery.
- 3.42 The **Salvation Army, Australia Eastern Territory (SAA)** outlined its integrated approach, in which health, education, community development and resource and skills development are provided in many of the countries where it operates. Central to this approach is the meeting of basic human and physical needs, and the enhancement of human rights, self-determination, community participation and management. Its submission included details of partnerships with other donor countries.⁴⁷
- 3.43 Human rights are a central feature of the Salvation Army's mission to promote sustainability in all its community development and poverty alleviation activities. It has not been involved in the implementation of what it called 'pure' human rights programs, relating to civil and political rights. However, each development program that it implemented sought to raise the socio-economic level of the individual and the community. It was the SAA's general view that Australia's aid program was a medium of engagement between countries, NGOs and communities.⁴⁸
- 3.44 The **Australian Red Cross** stated that it did not link aid and human rights, but drew attention to the inclusion of humanity in its seven Fundamental Principles. Under this principle, it undertook a 'vast range' of work, incorporating the advancement of human rights. One of its core activities was the dissemination of international humanitarian law: a basic element in the development of a civil society, one that strengthened democratic structures. Its submission included examples of the range of its activities.⁴⁹
- 3.45 In its submission, the **Fred Hollows Foundation** referred to problems of access to aid, and noted that the use of aid did not necessarily advance human rights in developing countries because of the need for continuing innovation and application. It suggested that advances would only be made where aid was directed through cooperative approaches, negotiated in equal partnerships building on local capacity.⁵⁰

47 Submission No 13, pp. 148-149, 151.

48 *ibid*, pp. 149, 150.

49 Submission No 14, pp. 154-156 (*passim*).

50 Submission No 15, pp. 164-165.

- 3.46 The **United Nations Association of Australia (UNAA)** noted with pleasure that the emphasis of Australia's aid program had increasingly given weight to human rights considerations. It believed that the consequential focus in many programs on governance and long-term social development should help support concerns for human rights in Australia's region. In particular, it noted that Australia's aid program included provision for partnerships with UN agencies and believed that this should be encouraged.⁵¹
- 3.47 **Dr John Aird** was another individual who forwarded a submission to the inquiry. He asked:
- whether the assistance provided by foreign governments and NGOs to China's family planning program served the cause of human rights, or
 - whether this assistance encouraged the Chinese Government in its belief that it could violate, the human right of reproductive freedom without being called seriously to account.
- 3.48 Dr Aird referred to the denial by the United Nations Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF) that the Chinese family planning program was coercive. He observed that implementation of the program was anything but voluntary, particularly at the local level.⁵²
- 3.49 The **Australian Lutheran World Service (ALWS)** rejected the notion of placing conditions on aid to developing countries, arguing that this was counter-productive in establishing real partnerships and promoting a universal human rights culture. It argued that the international human rights instruments provided an internationally agreed framework for negotiating bilateral programs because of their universality and binding nature, and because of their coverage of the range of human rights.⁵³
- 3.50 The ALWS expressed the view that the terms of reference for the inquiry focussed on the Asia-Pacific region, to the exclusion of Africa. It expressed its concern that the Australian aid program had reduced its commitment to Africa, despite what it called 'the compelling case' for assistance to a continent struggling to protect and fulfil the human rights of its citizens.⁵⁴

51 Submission No 16, pp. 169, 170-171.

52 Submission No 17, p.175.

53 Submission No 18, p. 192.

54 *ibid*, p. 192. See Chapter 6 for consideration of the rights-based approach to human rights.

- 3.51 **CARE Australia's** submission gave details of three typical AusAID/CARE projects:
- a livestock bank for poor women in the Guanxi Zhuang Autonomous Region of China;
 - the Rakhine agro-forestry project in a number of villages in Rakhine State, Burma; and
 - the savings mobilisation project in Battambang Province, Cambodia.⁵⁵
- 3.52 It stated that such projects could significantly advance a range of human rights in the targeted communities. It also pointed out that the degree of effectiveness of these programs was dependent on three key factors:
- well-conceived project proposals, based on a sound understanding of problems and addressing them appropriately;
 - effective project execution, requiring in turn sound management skills, sufficient in-country resources and links with appropriate partners; and
 - probably most important, a concurrent improvement in the institutional structures of the recipient community, without which benefits from aid were not usually sustained.⁵⁶
- 3.53 CARE argued that, provided these factors were satisfied, significant human rights improvements could be achieved, with modest investments in project aid. It added that, with the presence of NGOs, improvements to human rights could be achieved in ways unimaginable through traditional multilateral/bilateral programs. These tended to operate through the host government's bureaucracy.⁵⁷
- 3.54 While the primary vehicle for development was private sector investment and related capital flows, CARE noted that these means would not ultimately result in equity in terms of development. Nor, it suggested, would it result in a reduction in poverty among the most vulnerable and marginalised groups in a society. CARE stressed the need for the targeting of assistance to those groups in developing countries.⁵⁸
- 3.55 **Oxfam** referred to a proposition from the 1997 Simons Committee report that, if the broader range of rights was considered, nearly all aid activities helped to promote human rights. It noted that the aid program did not

55 Submission No 19, pp. 201-202; Transcript, 5 July 2001, p. 8.

56 *ibid*, pp. 205-206.

57 *ibid*, p. 206.

58 Transcript, 5 July 2001, pp. 26-27.

include an evaluation mechanism which would allow the verification of such a statement.⁵⁹

- 3.56 Oxfam believed that the Simons' review had addressed the link between aid and human rights 'poorly'. Hence, this organisation argued, failure to examine that link had left Australia's program out of step with current thinking on effective development practice, particularly that emerging from multilateral development agencies.⁶⁰
- 3.57 Following the 1997 and 1998 Ministerial statements, Oxfam believed that AusAID made progress in integrating human rights into the aid program. It drew attention to the focus on:
- basic education;
 - primary health care;
 - good governance; and
 - some conditionality applied to the human rights performance of recipient governments.
- 3.58 While it was encouraged by this progress, it also believed that the link between sectoral focuses and human rights remained largely implicit, so that, in Oxfam's view, AusAID's approach was inconsistent with some contemporary views. Oxfam believed that human rights should be seen as integral to Australia's poverty eradication strategies, and not as a separate component of the aid program or merely part of the good governance agenda.⁶¹
- 3.59 In its evidence, Oxfam drew attention to its three main recommendations:
- investigation by AusAID of progress made by multilateral development banks (MDBs) and national governments towards a rights-based approach to development;
 - a whole-of-government approach by Australia to give full effect to its commitment to human rights principles; and

59 Submission No 21, p. 255. The Simons Committee report was: **The Australian Overseas Aid Program: One Clear Objective-poverty reduction through sustainable development**, (April 1997). It was as a result of this report that, in November 1997, the Minister for Foreign Affairs announced the objective of the Australian aid program, see paragraphs 2.2-2.5.

60 Submission No 21, pp. 254-255.

61 *ibid*, p. 255.

- an upgrading of the existing human rights section within AusAID, to a more specialist unit capable of providing expert advice to all country program staff.⁶²
- 3.60 It also expressed the view that Australia could afford more aid and that, in particular, it ought to fund a ‘decent’ program in Africa. Oxfam believed that there was ‘very strong support’ within the Australian community for the programs NGOs provide in Africa. In response, AusAID drew attention to the concentration on Africa in the aid programs of some European countries.⁶³
- 3.61 *Australian Legal Resources International (ALRI)* is an organisation that specialises in institution and capacity building in the area of civil and political rights. Its submission pointed out that, although human rights were always considered to be inter-dependent and inter-related, they had in fact been addressed in two separate international covenants in the post-Second World War/Cold War period. Civil and political rights had been included in the *International Convention on Civil and Political Rights* (ICCPR), economic, social and cultural rights in the *International Convention on Economic, Social and Cultural Rights* (ICESCR).⁶⁴
- 3.62 While its comments related primarily to a rights-based approach and then to the third term of reference, ALRI believed that the approach to development and human rights should be integrated and based on the following principles:
- development should address all human rights;
 - activities should be designed bearing in mind the mutual sustainability of the objectives they seek to achieve; and
 - delivery of aid should seek to respect local ownership at all times.⁶⁵
- 3.63 It saw the following steps as important in enhancing human rights through the aid program:
- strengthening policy formulation consultations to benefit from the knowledge in Australia’s institutions;

62 *ibid*, p. 270; Transcript 5 July 2001, pp. 59-60.

63 Transcript, 5 July 2001, pp. 19-20. The Refugee Council of Australia stated that Australia gave a ‘pittance’ in aid to Middle Eastern countries, in spite of the large numbers from some of its countries arriving here by boat: see *ibid*, p. 23. For a further reference to the situation in Africa, see paragraph 4.33.

64 Submission No 22, pp. 283, 281.

65 *ibid*, p. 284; Transcript, 5 July 2001, pp. 40, 16.

- the aid program playing a greater role in international and regional consultations;⁶⁶ and
 - a review of the present human rights program to ensure greater relevance to other aid sectors, and to focus on specific areas of civil and political rights.⁶⁷
- 3.64 In its submission, the *Human Rights Council of Australia* referred to its 1995 report **The Rights Way to Development: A human rights approach to development assistance**. It said that this report found that the debate about the relationship between aid and human rights, both in Australia and internationally, was ‘restricted by an undue focus on negative conditionality and by an overly managerial culture that tended to excessively limit participation’.
- 3.65 The Council stated that, while accountability was the key to the protection and promotion of human rights, the term ‘good governance’ was used to describe this concept. It pointed out that the term ‘good governance’ was contested and the cause of ‘a good deal of anxiety’ among human rights advocates. This term was seen to have acquired so many meanings that its relationship with human rights was described as ‘tenuous’.⁶⁸
- 3.66 It believed that, in its active promotion of the right to development in international forums, Australia had linked realisation of this right to good governance. This was seen as an effort to gain acceptance of the need to combat government corruption in developing countries.⁶⁹
- 3.67 In its submission, the Council made specific recommendations about the need:
- to train AusAID staff to introduce economic, social and cultural rights, as well as civil and political rights;
 - to identify the specific human rights objectives in project design documentation for each project; and
 - for AusAID’s documentation to refer ‘broadly’ to human rights objectives within country programs.⁷⁰
- 3.68 It also made recommendations related to:

66 ALRI suggested that bodies such as ACFOA and the Human Rights Council of Australia could be well suited as vehicles for this purpose.

67 Submission No 22, p. 286.

68 *ibid*, p. 291; Transcript, 5 July 2001, pp. 37-38.

69 Submission No 23, p. 292.

70 *ibid*, p. 295.

- participation by civil society organisations (CSOs) and NGOs in recipient countries;⁷¹
- coordination of country analyses with other donors by AusAID;
- measures to integrate human rights more effectively into the actions of member governments of the Development Assistance Committee (DAC) of the OECD;
- initiation of a dialogue with the World Bank to incorporate human rights into its Comprehensive Development Framework (CDF);
- facilitation of international discussion of the integration of long-term rights planning in humanitarian emergencies;
- convening of workshops with human rights and development NGOs to explore further the program implications of the six principles stated by the Minister in 1998;⁷²
- establishing a system of regular consultations between AusAID program staff and human rights and development NGOs to discuss human rights issues, as part of a re-engagement of the Australian NGO community with AusAID on the aid-human rights link;⁷³ and
- funding for NGO activities and training of their staff.⁷⁴

3.69 **Caritas Australia** noted that it was common to hear ‘development’ equated with the implementation of human rights. It observed that nothing clearly differentiated a human rights project from other aid projects. Further, in its view, there is confusion about what constituted a human rights outcome, and no clear notion of what human rights were referred to, how they might be implemented, or by whom. While Caritas characterised the debate as tending to be ‘vague and rhetorical’, it believed that the nexus between civil society and government was crucial to any understanding of human rights.⁷⁵

3.70 While governments responded to a remarkably widespread and common understanding that human rights should be implemented in their countries, these rights were not a panacea for development. Caritas pointed out that those that had been incorporated in current conventions:

71 Transcript, 5 July 2001, p. 37.

72 See paragraph 2.6.

73 Transcript, 5 July 2001, p. 13.

74 Submission No 23, pp. 296-305 (*passim*).

75 Submission No 24, p. 319; Transcript, 5 July 2001, p. 9.

- reflected a male perspective and were ‘exceptionally’ weak on women’s rights;
- demonstrated the Cold War ideological split;⁷⁶
- did not comprise a coherent package that could be implemented easily;
- were in conflict with other rights; and
- were sources of conflict with tradition, domestic laws and between women and men.⁷⁷

3.71 Caritas concluded that:

- care was required in equating ‘development’ with ‘human rights’;
- there was a need to include human rights in national laws because it took the view that activities such as the provision of health services, of themselves, did not implement human rights;
- supporting NGOs can be crucial to the eventual implementation of human rights;
- because in its view the UN’s current human rights system was compromised, implementation needs to be understood as a product of national polity, and not of international oversight; and
- while human rights cannot be implemented without an independent judiciary and an effective legal system, governance programs should not only involve government agencies. CSOs should be involved to improve relationships that can eventually result in implementation.⁷⁸

3.72 **UNICEF Australia** was supportive of Australia’s current bilateral country programs in the Asia-Pacific region. It recommended funding of programs that explicitly sought to create conditions allowing women and children to participate more fully in community life, and in the development of policies that affect them.⁷⁹

3.73 It also recommended that Australia should continue to make strong financial contributions to the UN, encourage other nations to do the same, and strive to reach the base target of 0.7 per cent of Gross National Product (GNP) to fund aid. It believed that Australia should continue to maintain governance as a priority program.

76 See paragraph 3.61.

77 Submission No 24, pp. 320-321.

78 *ibid.* pp. 324-325; Transcript, 5 July 2001, p. 46.

79 Submission No 25, pp. 336, 344.

- 3.74 Finally, it recommended that Australia should implement the ‘20/20 vision’, adopted at the World Summit for Social Development in Copenhagen in 1995, by introducing measures to increase its aid for basic social services to 20 per cent of its total aid budget.⁸⁰
- 3.75 In its submission, the **Australian Council for Overseas Aid (ACFOA)** stated that the promotion of human rights is fundamental to achieving the goal of sustainable reduction in poverty. The central premise of its submission was therefore:
- to achieve that goal the Australian Government needs to move away from an assumption that all aid advances human rights to a more explicit human rights approach to development.⁸¹
- 3.76 ACFOA advocated a series of guidelines as the basis of what it called ‘a more comprehensive human rights based approach’.⁸²
- 3.77 ACFOA stated that what it called the ‘globalisation of human rights’ entailed both the concrete implementation of rights through the accountability of participants in development, and the empowerment of civil society to enable people to be active agents of social change within their own communities. It believed that AusAID needed to be more consistent about its engagement in genuine dialogue with civil society, and not simply with partner governments in developing countries.⁸³
- 3.78 With specific reference to emergency and humanitarian assistance, ACFOA noted that the international NGO community had taken the initiative in developing and adopting minimum standards explicitly based on human rights instruments and international law.⁸⁴
- 3.79 ACFOA stated that it was inadequate to intervene in the lives of vulnerable people in a disaster situation only to provide for immediate needs. It also noted the importance of participation in aid projects by those on whom it would impact, and its related concerns about the unintended consequences of aid on those who may, for example, be more marginalised as a result of a project.⁸⁵
- 3.80 The **International Women’s Development Agency (IWDA)** has supported projects working with Burmese women on the Thai-Burma border since 1989.
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80 *ibid*, p. 344.

81 Submission No 26, p.355.

82 *ibid*.

83 *ibid*, p. 356.

84 *ibid*, p. 386.

85 *ibid*, p. 386; Transcript, 5 July 2001, p. 33.

- 3.81 It expressed the view that focussing on good governance and democracy, or economic enhancement alone, would not raise the status of women, or ensure their enjoyment of human rights. Similarly, funding development projects for women on the Thai-Burma border did not prop up the regime in Burma, but promoted effectively political, civil and social rights.⁸⁶
- 3.82 The *Centre on Housing Rights and Evictions (COHRE)* is based in Geneva and prepared its submission with Development Service Exchange (DSE), an NGO based in the Solomon Islands.
- 3.83 This submission included a summary of developments in aid over the past five years. It also pointed out that the international social development goals of OECD's DAC had become increasingly influential. Associated with this development had been increasing adherence to the 20/20 vision to which, the submission noted, Australia had not subscribed.⁸⁷
- 3.84 COHRE noted that, at the international level, poverty was increasingly seen as a violation of human rights. It expressed the view that an understanding of economic, social and cultural rights in particular could help to understand poverty in all its dimensions, and assist in setting benchmarks for its progressive eradication.⁸⁸
- 3.85 COHRE recommended that Australia should use its voice within the ADB to argue for reference to economic, social and cultural rights in the anti-poverty strategies advocated by the Bank..⁸⁹
- 3.86 In terms of the link between aid and human rights, COHRE made a number of recommendations relating particularly to the implementation of the six human rights principles announced by the Minister in 1998.⁹⁰

Conclusions

- 3.87 This chapter has set out responses in submissions to the first item in the terms of reference for this inquiry. Many of these responses were made in the context of a rights-based approach to human rights, addressed in Chapter 6.

86 Submission No 27, p. 397.

87 Submission No 28, p. 431. See paragraph 3.74.

88 Submission No 28, p. 432.

89 *ibid*, p. 433.

90 *ibid*, p. 435. See paragraph 2.6.

- 3.88 With this context in mind, there was considerable if implicit support for AusAID's approach in the three matters covered by this item. One submission called for AusAID to be made more accountable to this Committee. Another asserted that AusAID had fallen short of its commitments to the poor, expressed through the various international instruments.
- 3.89 HREOC/APF raised a more serious issue when it drew attention to problems for projects with a primary human rights focus: difficulties in assessing 'success', and the real challenge they represented therefore to Australia's aid mechanisms.
- 3.90 While this is a most important point, it is one that is unlikely to be resolved. As HREOC/APF pointed out, work in this area did not lend itself easily to tools of standard analysis.
- 3.91 The VCA was concerned about the availability of information on AusAID's evaluation of projects. The Human Rights Council of Australia made recommendations about:
- increasing levels of accountability in aid projects and the involvement of local people and organisations more in its processes;
 - explicit project design documentation;
 - the inclusion of guidelines in AusAID's documentation; and
 - increasing AusAID's efforts to publicise its country programs.⁹¹
- 3.92 **While these are not insurmountable problems, and without making a recommendation on the matter, the Committee believes that AusAID should make additional efforts to ensure that its documentation is complete and easily available to those who are interested in its work.** This could be done by ensuring that:
- guidelines, project documentation and memoranda of understanding include details of the criteria by which the success of projects will be evaluated, and
 - all relevant information, including evaluations of projects against their objectives, is available on as wide a basis as practicable, including via the AusAID website.
- 3.93 This inquiry also demonstrated differences of perspective between AusAID and NGOs. These differences should not be over-stated: there was considerable agreement with the approach taken by AusAID, and

91 See paragraphs 3.26 and 3.65-3.68.

support for its work. While it is reluctant to suggest any unnecessary consultations, the Committee has noted that such differences exist.

- 3.94 In its evidence, the Human Rights Council referred to a seminar held by AusAID with NGOs in 1998, following the Minister's statement to Parliament. This was regarded as 'a very useful exercise' and, while there had been an expectation that the discussion process would continue, this had not happened.⁹²
- 3.95 The Council stated that it would like to see a re-engagement of the NGO community in Australia in the examination of how the aid-human rights link could be pursued. It pointed out that this did not mean that AusAID would have to change its approach.⁹³
- 3.96 **Noting these comments, the Committee believes that there is merit in AusAID convening a program of seminars with Australian non-government organisations to discuss subjects of common interest, including specific linkages between aid and human rights.**

92 See paragraph 3.68. Transcript, 5 July 2001, p. 13.

93 Transcript, 5 July 2001, p. 13.

Different means of advancing human rights

4.1 This chapter will examine comments from the submissions on the second item in the terms of reference for this inquiry, including:

- project aid;
- microcredit as a means of advancing the rights of women; and
- debt reduction for Heavily Indebted Poor Countries (HIPC).

AusAID's submission

4.2 AusAID did not explicitly address this item, but gave many examples of projects that contributed to civil and political rights in a direct way. The following are examples of projects that were funded in 1999/2000:

- a co-funded project with China for women workers in Tianjin (expenditure of \$A720,857.41);
- an NGO program in Sri Lanka (expenditure of \$A17,578) combating commercial sexual exploitation;
- an NGO program in the Solomon Islands (expenditure of \$A140,895) providing a health advocacy program for children, youth and women;
- an NGO project providing training and income for Palestinian women (expenditure of \$A58,578), and
- a project with UNDP in East Asia addressing trafficking in women (expenditure of \$A250,000).¹

¹ See Submission No 20, pp. 238-242 (*passim*).

Other views

- 4.3 The ***Australian Public Political Advocacy Council*** supported institutions such as the Grameen and Women's Bank as means of advancing women's human rights. It also suggested that Australia should lobby for the creation of a global bank solely to eradicate poverty, with a prohibition on the participation of nations with records of human rights abuses.²
- 4.4 ***Opportunity International Australia (OI)*** is a non-profit global network that has specialised in providing microfinance and training for almost 30 years. It operates in 26 developing countries, and 85 per cent of its clients are women.³
- 4.5 It preferred to use the term 'microenterprise development' (MED), rather than 'microcredit', believing that borrowers' human rights are better advanced by providing them with ancillary services, especially business training services. Unlike many microcredit providers, in most cases OI only lends for the creation or expansion of small businesses.⁴
- 4.6 OI listed the benefits of MED as:
- creation of employment;
 - social benefits through the dissemination of information and as a conduit for the building of a community spirit;
 - giving dignity to women lifting themselves from poverty; and
 - recycling aid money to other borrowers.⁵
- 4.7 OI was aware that microfinance was not the single solution to poverty, acknowledging that those who are poor are trapped in a cycle and will also require assistance with health, education, food and housing.⁶
- 4.8 OI believed that there would always be a role for aid in the provision of microfinance. The private sector was unlikely to invest the significant time and funds needed to reach the very poor, unlikely to seek clients from the most depressed areas and did not have the necessary skills to deal with their special needs.⁷

2 Submission No 1, p. 12.

3 Submission No 6, p. 64.

4 *ibid.* For convenience, these terms will be used interchangeably.

5 Submission No 6, p. 65.

6 *ibid.*

7 *ibid.*, p. 68.

- 4.9 It also believed that there was a need for a tripartite approach to relieving poverty and advancing human rights, between aid organisations, government and the private sector.⁸
- 4.10 In addition, government could encourage greater corporate involvement in aid by giving a profile to companies forming effective partnerships with international aid bodies.⁹
- 4.11 OI stated that there were clear benefits for the advancement of the human rights of women, and their families, through the provision of microcredit, ancillary financial services and educational components integrated in MED initiatives. The focus on women in microcredit programs had proved to be ‘the most direct way’ of improving the fortunes of the family unit: they are more likely to reinvest their funds in their families and are more reliable borrowers.
- 4.12 OI concluded by noting that microfinance and training services, particularly when provided on an institutional basis, clearly conformed to the Australian Government’s goals of sustainable poverty alleviation.¹⁰
- 4.13 In its submission, *Australian People for Health, Education and Development Abroad (APHEDA)* drew attention to the increase in the combined debt of developing countries since 1970. It suggested that cancelling Third World debt would not solve the world’s problems, but would achieve more for its poor than almost any other step: giving hope to millions and helping to redress exploitation.¹¹
- 4.14 It recommended that the Australian Government should:
- work to reform the HIPC initiative further, to make it easier for such countries to meet the onerous conditions currently required for debt relief status;
 - place all debt repayments by Ethiopia and Nicaragua in a trust, to be returned to them as a form of aid until they achieve HIPC status; and
 - cancel the debts of Vietnam, Nepal, Bangladesh and the Philippines.¹²
- 4.15 The *Vietnamese Community in Australia (VCA)* suggested two principles for debt reduction to enable HIPCs to meet the purposes of the initiative:

8 *ibid.*, p. 70.

9 *ibid.*

10 *ibid.*

11 Submission No 5, pp. 53-54.

12 *ibid.*, p. 54. AusAID advised that none of these countries had qualified for HIPC status.

- where possible, increase aid rather than allow direct debt reduction, and
 - where there is debt reduction, ensure that the money ‘saved’ helps the people, not the favoured few or the rulers.¹³
- 4.16 The joint submission by the ***Human Rights and Equal Opportunity Commission*** and the ***Asia Pacific Forum of Human Rights Institutions (HREOC/APF)*** pointed out that most development had human rights implications. These organisations commented that well-designed microcredit programs seemed to be particularly effective in promoting access to a broader range of rights among the poor.¹⁴
- 4.17 The ***Australian Federation of AIDS Organisations (AFAO)*** noted that the financial burden of HIV/AIDS on many countries is enormous, necessitating in its view, a broadly-based international effort that includes measures such as debt relief to help nations cope. It supported the Jubilee 2000 Project, by which the debts of poor nations were to be cancelled by donor nations, as a way to release resources for project aid and development work, including on HIV/AIDS.¹⁵
- 4.18 The ***Salvation Army, Australia Eastern Territory (SAA)*** noted that the use of microcredit, with other activities, sought to promote human rights. It therefore loaned money and funded purchases of livestock in microcredit arrangements to assist people to improve their income and, by this means, improving their right to self-determination and their right to make decisions.¹⁶
- 4.19 The ***United Nations Association of Australia (UNAA)*** saw debt reduction as a critical part of a global effort towards justice and peace, and welcomed Australia’s contribution to the HIPC initiative together with a promise to forgive the bilateral debts of Ethiopia and Nicaragua.¹⁷
- 4.20 Its submission quoted the President of the World Bank as saying that debt relief helped to free resources for social spending, but could not replace aid. UNAA said that it was vital that the initiative was seen as a small step, and recommended that a more fair and democratic debt arbitration mechanism be sought to achieve poverty alleviation and basic human

13 Submission No 8, p. 88.

14 Submission No 10, p. 102. See paragraph 3.31.

15 Submission No 11, p. 137.

16 Submission No 13, pp. 149, 151.

17 Submission No 16, p. 171.

rights. It believed that Australia should participate in the search for such a mechanism.¹⁸

- 4.21 The ***Australian Lutheran World Service (ALWS)*** acknowledged that project aid, microcredit activities and debt reduction could be viewed as expressions of a rights-based approach to aid. While probably not articulated in such terms, such projects inherently promoted the realisation of objectives such as the right to food, health and education.¹⁹
- 4.22 It argued that a rights-based approach ‘undergirded’ the Jubilee 2000 campaign, emphasising the human, rather than the narrowly economic, consequences of unsustainable burdens of debt. ALWS believed that that campaign had stressed the people-centred nature of development, emphasising that community participation in decisions and their implementation was essential to any program purporting to support development.²⁰
- 4.23 It drew a distinction between violations of, or failures to fulfil, specific human rights obligations by national governments and the international community, and the faster and deeper debt relief now being provided to some extent by international financial institutions (IFIs). ALWS believed that this was indeed provided, if recipient countries complied with even more specific social policy conditions.²¹
- 4.24 ***Oxfam Community Aid Abroad Australia (Oxfam)*** welcomed Australia’s \$A55.5million contribution to the HIPC and enhanced HIPC initiatives, together with the decision to cancel the bilateral debts of Ethiopia and Nicaragua. It saw debt reduction as imperative if HIPCs were to be in position to uphold their international human rights commitments. However, Oxfam said that it was increasingly clear that the HIPC initiative was proving inadequate to deliver to indebted countries a clean exit from unsustainable burdens of debt. Oxfam believed therefore that the HIPC initiative required fundamental reform.²²
- 4.25 This submission suggested that the limited budget savings provided through the enhanced HIPC initiative indicated that some of the world’s poorest countries would continue to transfer far more to their creditors than they would be able to invest in services such as basic education and

18 *ibid*, pp. 171-172.

19 Submission No 18, p. 194.

20 *ibid*, p. 196.

21 *ibid*.

22 Submission No 21, p. 271.

primary health care. Oxfam saw these services as enshrined as fundamental human rights in the ICESCR.²³

- 4.26 Research carried out by Oxfam International indicated that figures, prepared for the meetings of the IMF and the World Bank in 2000, citing large financial gains for HIPCs ‘grossly’ exaggerated the benefits of this initiative.²⁴
- 4.27 Oxfam’s submission included details from this research of the implications of post-HIPC debt service projections for 13 countries. The findings suggested that the benefits of the HIPC initiative will be significant for a small group of countries, negligible for a larger group and non-existent for several countries.²⁵
- 4.28 Oxfam made a number of recommendations about debt reduction for HIPCs, that Australia:
- advocate that the IMF and the World Bank reform the enhanced HIPC initiative to deliver commitments by creditors to provide a permanent release from the debt crisis, including through-
 - ⇒ implementation of a new approach to debt sustainability;
 - ⇒ immediate debt relief to countries making a commitment to a ‘poverty fund’ in the Interim Poverty Reduction Strategy Paper (PSRP), and
 - ⇒ extension of the HIPC framework;
 - place all payments on money owed by Ethiopia and Vietnam into a trust fund until those countries are eligible for debt relief;²⁶
 - actively support calls by the Secretary General to the UN for the creation of a new international arbitration mechanism between creditors and debtors; and
 - provide funds in the aid program for capacity building in CSOs in HIPCs, to enable them to participate more effectively in the PSRP process.²⁷
- 4.29 The ***Human Rights Council of Australia*** noted that savings and microcredit schemes have become very popular with development
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23 *ibid.*

24 *ibid.*, pp. 271-272.

25 *ibid.*, p. 272.

26 See also paragraph 4.15. The Vietnamese Community in Australia disagreed with this recommendation: see Submission No 8a, p. 456.

27 Submission No 21, pp 273-274.

agencies, both governmental and NGO. In examining how such schemes advanced women's human rights, the Council observed that most of these schemes exclude some people, and deny them their rights. Thus, without a human rights perspective, these schemes can lead to further discrimination.²⁸

4.30 The Council recommended that;

- support for microcredit projects should require analysis of people excluded from participation and consideration of how their rights are to be addressed; and
- the obligations of local authorities to respect, protect and fulfil rights should be included in dialogues with the beneficiaries of aid.²⁹

4.31 At the time it forwarded its submission, the *United Nations Children's Fund Australia (UNICEF)* was managing 35 projects funded by AusAID in 20 developing countries. It believed that project aid incorporated the six key principles underpinning Australia's aid program, and gave examples of the ways that its own projects supported these principles, by:

- focusing on partnerships;
- being responsive to urgent needs;
- taking practical approaches to poverty alleviation and sustainable development;
- clearly identifying priorities;
- reflecting Australian values abroad; and
- being open to new ideas and approaches.³⁰

4.32 UNICEF supported the use of microcredit to advance women's human rights, and recommended that the aid program continue to use it as a means to that end.³¹

4.33 It believed that debt is a human rights issue because demands on governments to make repayments made it difficult for them to provide social development programs. Applied effectively, it saw the HIPC initiative as an excellent tool for advancing human rights. Free of debt, countries would have more resources for alleviating poverty. Africa is

28 Submission No 23, p. 293.

29 *ibid.*

30 Submission No 25, pp. 338-339. These were the key principles outlined by the Minister in 1997: see paragraph 2.4.

31 Submission No 25, p. 340.

home to 33 of the 48 least developed nations, and relief of their debts would be of great assistance to them.³²

- 4.34 UNICEF urged continued support by Australia of the HIPC initiative, to harness its capacity to influence regional neighbours and encourage them to follow this country's example.
- 4.35 In the context of the Jubilee 2000 campaign, UNICEF pointed out that reckless lending made its contribution to the debt burden of some countries. It saw the one-time cancellation of debt as an opportunity for both creditors and debtors to launch a war on poverty, and to direct resources to the most needy by concentrating on human development.
- 4.36 UNICEF also urged the Australian Government to implement the '20/20 vision', adopted at the World Summit for Social Development in 1995, whereby the aid allocated for basic social services would be increased to 20 per cent of the total budget.³³

Conclusions

- 4.37 In the submissions received by this inquiry, there was considerable support for the use of microcredit in poverty alleviation. Through the views of practitioners such as OI, it also demonstrated that it was not the only solution to poverty and that there would always be a role for aid in providing microcredit.
- 4.38 Because it was intended to provide additional resources for social programs in very poor developing countries, there was a similar degree of support for the HIPC initiative. Oxfam expressed the view that, while debt reduction was imperative, this initiative was not in fact freeing the poorest countries of debt. There were also some concerns about the effectiveness of the HIPC initiative and the conditions that nations were required to meet to acquire that status.
- 4.39 Particular concerns were expressed about the current situation in Africa, including drought, the HIV/AIDS pandemic, civil wars and resulting uncontrollable population movements. While European countries give aid to Africa and this country's main concern is its own region, some commentators argued that the dimensions of the problems in Africa demand that a wealthy nation such as Australia can and should give more

32 *ibid*, p. 341. See paragraph 3.60.

33 Submission No 25, p. 342.

assistance for humanitarian reasons to African people dealing with a terrible combination of problems.

- 4.40 Australia's cancellation of debts owed by Ethiopia and Nicaragua was noted, and it was suggested that the debts of other nations should also be cancelled. **The Committee believes that the Australian Government should give serious consideration to the cancellation of the debts of other heavily indebted nations.**
- 4.41 It was also suggested that Australia should work for further reforms to the HIPC initiative. **The Committee notes this view, and believes that the Australian Government could take the lead in convening an international conference on the Heavily Indebted Poor Countries initiative. Such a conference should review the process of admission to that initiative, so that acquisition of the status actually improves economic and social conditions in those countries.**

Activities under various programs

- 5.1 The range of activities carried out under various programs in the Australian aid program did not receive much emphasis at the Committee's seminar on 5 July 2001. These activities were however addressed in some detail in the submissions received by the inquiry.

The Human Rights Program

- 5.2 AusAID supports a range of activities via a dedicated global Human Rights Program (HRP).
- 5.3 In its submission, AusAID indicated that this program reinforces, and gives practical effect to, the high priority that the Australian Government gives to civil and political rights. It reinforces its diplomatic representations on human rights issues. It also allows the Government greater discretion to pursue its human rights priorities without the constraints that apply to bilateral and regional programs.
- 5.4 The HRP encompasses:
- the Human Rights Fund (HRF), and
 - the Centre for Democratic Institutions (CDI).¹
- 5.5 Before examining material from the submissions to the inquiry on this third item of the terms of reference, this chapter will set out the activities carried out via the HRF, and by CDI.

1 Submission No 20, p. 228.

Human Rights Fund

5.6 Funds from the HRF are allocated to:

- the Asia Pacific Forum of National Human Rights Institutions (APF), and
- the United Nations High Commissioner for Human Rights (UNHCHR).

5.7 In the 2000/2001 Financial Year, the HRF amounted to \$A1.3million while, in the Budget for 2001/2002, it was allocated \$A1.6million.²

Asia Pacific Forum

5.8 In addition to Australia, the members of the APF are:

- New Zealand;
- The Philippines;
- India;
- Indonesia;
- Sri Lanka;
- Fiji; and
- Nepal.³

5.9 As determined by its members, and set out in the joint HREOC/APF submission, APF's major objectives are:

- to respond wherever possible with personnel and other support to requests from regional governments for assistance in the establishment and development of national institutions;
- to expand mutual support, cooperation and joint activity among member institutions;
- to welcome as participants other independent national institutions that conform to the *Paris Principles*;⁴ and

2 *ibid*, pp. 228-229.

3 Submission No 10, p. 116.

4 The 'Principles Relating to the Status of National Institutions', endorsed by the UN General Assembly in 1993, are known as the *Paris Principles*. See Submission No 10, p. 116.

- to encourage governments and human rights NGOs to participate in APF meetings as observers.⁵
- 5.10 It was pointed out that the APF's Secretariat was provided by HREOC, and that AusAID made a financial contribution for this purpose. Within this arrangement there are distinct roles: HREOC focused principally on the bilateral technical systems project, administered on behalf of AusAID, while APF's work had a regional approach.⁶
- 5.11 The AusAID submission stated that the five year APF program, begun in 1996, sought:
- to strengthen the institutional capacities of, and cooperation between, existing national human rights bodies in the Asia-Pacific region; and
 - to encourage and assist governments to establish national human rights institutions.⁷
- 5.12 Dialogue, cooperation and mutual support between national human rights institutions in the region were seen by AusAID as particularly important in developing better mechanisms for the promotion and protection of human rights in this region. Thus, funding was given to HREOC to provide the Secretariat for APF. In addition to disseminating and exchanging information, conducting workshops and training programs, the Secretariat also supported country-specific technical cooperation projects, focusing on strengthening their human rights infrastructures.⁸
- 5.13 The HREOC/APF submission noted that Government funding did not cover all the running costs of APF's Secretariat. Its establishment and operations since 1996 had required the assistance and support of HREOC. The submission stated that this situation was 'clearly not viable' if APF was to survive as an organisation, as the Secretariat needed to expand its financial base to achieve the objectives set out above.⁹
- 5.14 In addition to funding from AusAID, APF received money from UNHCHR and other UN agencies, the Australian and New Zealand Governments and a small number of 'miscellaneous private donors'.¹⁰
- 5.15 The HREOC/APF submission noted that APF's legal structures and governance processes were under review. Despite its value as an
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5 Submission No 10, p. 117.

6 Submission No 20, p. 228; Transcript, 5 July 2001, p. 6.

7 Submission No 20, p. 228.

8 *ibid.*

9 Submission No 10, p. 118.

10 *ibid.*

emerging coalition of member institutions, this submission also noted that APF was seen at the regional level, and especially by potential donors, as an Australian institution. This had hindered, to an extent, APF's ability to gain an appropriate level of regional and international support for its core activities.¹¹

- 5.16 One of APF's important regional initiatives was the establishment of the Advisory Council of Jurists. Its members are eminent jurists who have held high judicial office or senior academic or human rights appointments. Each APF member may nominate one of its nationals to sit on the Council for a five year term that may be renewed once. The submission from HREOC/APF noted that, for the first time, a permanent international juridical body was in a position to assess and review human rights issues in the region.¹²
- 5.17 APF works closely with the UN, and UNHCHR in particular. That relationship includes joint work on the promotion and establishment of national institutions and a regional human rights arrangement for the Asia-Pacific.¹³
- 5.18 In 2000/2001, APF received \$A0.225million from AusAID, and the funding was due to cease on 30 June 2001. In the Budget for 2001/2002, APF was allocated an increased figure of \$A0.5million.¹⁴

United Nations High Commissioner for Human Rights

- 5.19 Since 1995, Australia has provided \$A1.352million to the office of UNHCHR to support its global work on building national human rights. These funds are used for technical cooperation activities addressing the promotion and protection of human rights, specifically related to national institutions in the Asia-Pacific region.¹⁵
- 5.20 In their submission, HREOC/APF drew attention to UNHCHR's active involvement in the establishment and strengthening of independent, effective national human rights institutions, in conformity with the *Paris Principles*.¹⁶

11 *ibid*, p. 119. At its Sixth Annual Meeting, scheduled for 24-27 September 2001, APF will examine establishment of a separate legal entity.

12 Submission No 10, p. 111.

13 *ibid*, p. 127.

14 *ibid*, p. 118; Submission No 20, p. 228.

15 Submission No 20, p. 229.

16 Submission No 10, p. 127. See paragraph 5.9 for the *Paris Principles*.

- 5.21 In the 2000/2001 and 2001/2002 Financial Years, UNHCHR was allocated \$A0.2million by AusAID.¹⁷

Human Rights Small Grants Scheme

- 5.22 The Human Rights Small Grants Scheme (HRSGS) provides small grants to in-country organisations, primarily non-government, for activities aimed at promoting and protecting human rights in a 'direct and tangible' way. Its focus is the Asia-Pacific region, although proposals from other regions are also supported. This reflects the Government's desire to give balance to Australia's international rights representations with constructive, grass-roots activities.
- 5.23 AusAID's submission included examples of activities funded by the HRSGS:
- training workshops on the investigation of human rights abuses in Indonesia;
 - support for victims of child trafficking in Thailand; and
 - a popular theatre program to educate poor rural communities in Bangladesh about their legal and human rights.
- 5.24 In 2000/2001, HRSGS received funding of \$A0.8million, and will also receive that amount in the 2001/2002 Financial Year.¹⁸

Centre for Democratic Institutions

- 5.25 CDI was established on 1 July 1998, and received funding of \$A5million for a five year period from the Foreign Affairs and Trade portfolio.¹⁹
- 5.26 CDI's mission statement is:
- To harness the best of Australia's democratic experience in support of developing countries' needs for good governance.²⁰
- 5.27 Its priorities are set on the basis of country and sector needs, and by determining areas of comparative advantage for Australia. Using

17 Submission No 20, p. 229.

18 *ibid*; see pp. 244-247 for activities supported under the HRSGS since 1997/1998. The amount for 2000/2001 was increased from \$A0.5million in 1999/2000: see Submission No 26, p. 377.

19 Submission No 20, p.229.

20 Submission No 3, p. 32. Unless specified otherwise, material in this section was drawn from this submission, pp. 32-37 (*passim*).

Australian expertise, CDI only operates in countries that receive aid and, as it responds to Australian Government priorities, works in the Asia-Pacific region.

- 5.28 In its submission, AusAID noted that CDI assisted in supporting good governance initiatives in developing countries, in particular the development and strengthening of democratic institutions. It worked with Australian institutions to provide support through information exchanges, training, short-term placements and networking.²¹
- 5.29 Within two broad themes of anti-corruption and human rights, CDI focused its activities on four key sectors:
- parliamentary processes;
 - judicial processes;
 - the media; and
 - civil society.²²
- 5.30 While the major focus was on parliaments and judiciaries, there was also some attention to the related offices of ombudsmen because they are key institutions in the Pacific, and because there is a growing interest from Asia in these positions.
- 5.31 In CDI's work, there was also a focus on civil society, to balance the institutional emphasis. Projects in this area were aimed at strengthening leadership in NGOs, and at increasing competence in the media.
- 5.32 Discussions with groups from CSOs 'invariably' raised corruption and human rights as the key priorities, and they have been used as additional themes. Projects were selected from discussions with priority targets, adapted from previous generations of capacity-building work. Rather than repeating AusAID's projects, CDI attempted to develop new ideas and methodologies.
- 5.33 In the 1999/2000 Financial Year, CDI trained 652 individuals over 3757 training days for 32 projects, including workshops for parliamentarians, media courses for journalists and anti-corruption courses.²³

21 Submission No 20, p. 229.

22 *ibid.*

23 *ibid.* In 2000/2001, there were 205 participants over 2106 training days for 18 projects.

Material in other submissions

- 5.34 Without referring specifically to CDI's work on good governance projects, **TI** drew attention to the need for transparency and accountability in governments. It noted that, when these were lacking, poor governance led to gross corruption, and to abuse of human rights.²⁴
- 5.35 **UNAA** saw value in both bilateral human rights dialogues, eg. with China, and the opportunities provided by the APF. It also believed that CDI had played a useful role, and that its role in the region could be strengthened. UNAA recommended that Australia should:
- increase its support for UN agencies involved in development, and for UNHCHR in particular, and
 - promote bilateral and regional human rights dialogues and the enhancement of regional human rights institutions.²⁵
- 5.36 **Oxfam** noted and commended Government support for the bodies and programs in the third item of the terms of reference. It believed that additional funding for HRSGS would demonstrate that Australia was as committed to 'grass-roots' activities as it was to developing democratic institutions through CDI.²⁶
- 5.37 Oxfam referred to the launching in 2000, by UNHCHR, of a Plan of Action to address its shortage of resources. Voluntary contributions had been sought from UN members. Oxfam regretted that Australia had declined to support this Plan of Action financially, and recommended that it should do so in 2001.²⁷
- 5.38 When it forwarded its submission to the inquiry, Oxfam was concerned that funding from AusAID for APF was due to finish on 30 June 2001. As noted above, APF's funding was increased in the 2001/2002 Budget.²⁸
- 5.39 It also recommended that Australia should provide specific funds to support UNHCHR in the field, and in the Asia-Pacific region particularly, and contribute specific funding for UNHCHR's to protect the rights of particularly vulnerable groups.²⁹

24 Submission No 3, p. 20.

25 Submission No 16, pp. 171-172.

26 Submission No 21, p. 275.

27 *ibid.*

28 *ibid.*, p. 276. See paragraph 5.18.

29 *ibid.*

- 5.40 ***Australian Legal Resources International (ALRI)*** stated that HRP needed to be re-examined, with a view to adapting its activities to present needs, so that the impact of changes on one area was passed onto others. Thus, the setting up of a national institution may need to be preceded by a deeper understanding of customary laws and practices and the economic and social conditions in which such an institution might function. Care had to be taken that programs did not isolate what passed for 'human rights' from the rest of the development activity that it is meant to sustain.³⁰
- 5.41 ALRI took the view that the aid program should play a higher profile role in the development of regional human rights arrangements in both the Asia-Pacific and ASEAN regions.
- 5.42 Efforts to bring about a regional inter-governmental human rights arrangement in South-East Asia had been discussed over several years. Dialogue between government officials and civil society had been positive, but it had not been successful in bringing about an agreement. ALRI believed that Australia should play a higher role in South-East Asia than that played at present by aid partners from other regions.³¹
- 5.43 The ***Human Rights Council of Australia*** noted that the offices of the UNHCHR and UNDP had signed a memorandum of understanding to collaborate on the promotion of human rights. This was the latest joint initiative between these organisations. The Council's submission referred to the Human Rights Strengthening Project (Hurist), and to a symposium in Oslo, co-hosted with the Norwegian Government.
- 5.44 It pointed out that there were now Hurist pilot projects in all continents, including some aimed at the formulation of human rights action plans. These were the result of an Australian initiative at the Vienna World Conference on Human Rights, in 1993. The successful propagation of the Hurist initiatives was dependent on contributions by donors, and the Council recommended that Australia should provide 'a sizeable grant' to UNDP to support Hurist.
- 5.45 This submission also noted that UN treaty bodies, in particular the human rights monitoring system, were dependent on accurate information, particularly in the periodic reports submitted on performance against treaty provisions.
- 5.46 The Council recommended that Australia should:

30 Submission No 22, p. 285.

31 *ibid*, pp. 285-286.

- offer technical and other assistance to partner governments to enable them to fulfil their reporting requirements to the UN's human rights treaty monitoring bodies, and
 - offer to make available to Treaty monitoring bodies data and information from AusAID when periodic reports are considered from countries receiving aid from Australia.³²
- 5.47 In its submission, **Caritas Australia** drew attention to its experience in a number of program types in which AusAID is also involved, in particular:
- capacity building for NGOs;
 - programs that improve government administrations so that they can resist corruption and special interests;
 - programs that increase the skills, understanding and knowledge of the legal systems that are crucial to the implementation of human rights;
 - programs assisting in the development of national institutions;
 - programs designed to increase public understanding of human rights standards, especially at schools, and by NGOs;³³ and
 - programs assisting the development of the UN's human rights system, or advocacy by NGOs relating to it.³⁴
- 5.48 The views of Caritas and the Human Rights Council of Australia were similar, as they both stressed advocacy of human rights at the UN by NGOs from developing countries. Caritas pointed out that this could be 'expensive, time consuming and can produce unrealistic expectations'. It believed that this advocacy was best funded through NGOs, as it required extensive networks. The process also needed to be part of a comprehensive lobby, and to complement in-country advocacy work.
- 5.49 Caritas pointed out that the UN was often marginal to the implementation of human rights because, in its view, the current system was compromised.³⁵
- 5.50 **UNICEF** supported activities under AusAID's overall HRP. It noted that the good governance initiatives had encouraged acceptance within the international community of the notion that the right to development helped promote a culture of prevention.
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32 Submission No 23, pp. 299-300.

33 Caritas believed that the Australian aid program had failed to achieve this result at the school level.

34 Submission No 24, pp. 321-323.

35 *ibid*, pp. 324-325. See paragraph 3.71.

- 5.51 It applauded human rights training for officials in neighbouring countries as an essential element of a rights-based aid program. UNICEF saw governance work through HRF and CDI as complementary to other elements of the aid program. It urged the Australian Government to continue to maintain good governance as a priority in its aid and trade programs.³⁶
- 5.52 In its consideration of HRSGS, **ACFOA** recommended:
- a review of the Scheme and increased funding to meet the genuine needs it reveals;
 - publication of the guidelines and contact points on the DFAT/AusAID websites, and distribution to key NGOs; and
 - provision of a small proportion of funds to support NGO participation in international forums, such as meetings of the UN Commission on Human Rights.³⁷
- 5.53 ACFOA regarded the National Human Rights Institutions (NHRI) program as an important contribution to building long-term, sustainable institutions for the promotion and protection of human rights in the Asia-Pacific region. It noted Australia's funding to NHRI, and the provision of APF's Secretariat by HREOC.³⁸
- 5.54 It strongly encouraged APF to continue and expand this practice, noting NGO involvement at its Annual Meeting.³⁹
- 5.55 ACFOA saw the establishment of the Advisory Council of Jurists by APF as an innovation with the potential to promote human rights by providing jurisprudential support in this region. ACFOA believed that national institutions should be encouraged to consult with their domestic NGOs about the issues that could usefully be addressed to this Advisory Council.⁴⁰
- 5.56 It also argued that national institutions should be given a broader mandate to deal with both civil and political rights and economic, social and cultural rights, at both an individual and systemic level. ACFOA noted that the role of national institutions in the promotion and protection of economic, social and cultural rights was a major theme at the APF's meeting in August 2000. This had included consideration of the idea of
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36 Submission No 25, p. 343.

37 Submission No 26, p. 378.

38 *ibid*, p. 378.

39 *ibid*, p. 379.

40 *ibid*, p. 379. See paragraph 5.16.

national institutions having the capacity to assess the impact of globalisation and trade liberalisation on the ability of their governments to fulfil their human rights obligations, and economic and social rights in particular.⁴¹

- 5.57 ACFOA believed that Australia has an interest and an obligation to continue to support the building of transparent and accountable human rights institutions in the Asia-Pacific region. To do this, it argued, the APF Secretariat had to have adequate resources:
- to meet the educational and training needs of Commissioners and their staff;
 - to provide or arrange relevant technical assistance for drafting of domestic laws to ensure that newly established national institutions are constituted by statute, guaranteeing independence from government and conform to the *Paris Principles*; and
 - to monitor the development of each incitation on a continuing basis, to provide advice and support when required.⁴²
- 5.58 ACFOA therefore recommended increased or maintained funding for:
- APF's Secretariat;⁴³
 - a full-time, permanent, international human rights lawyer to service APF's Advisory Council of Jurists;
 - support for NGO participation at APF, for attendance at its annual meeting and at regional workshops; and
 - the global NHRI program, through UNHCHR's Voluntary Trust Fund.⁴⁴
- 5.59 ACFOA believed that CDI had made an important contribution to the development of good governance and human rights standards, through its international training and seminar programs.⁴⁵
- 5.60 Since 1993, ACFOA stated that it had advocated the establishment of an independent Centre for Human Rights Dialogue and Conflict Resolution. The mandate of such a body would be to recognise links between human rights abuses and unresolved political conflict in the Asia-Pacific region. It

41 Submission No 26, p. 380.

42 *ibid.*

43 Additional funding was included in the 2001/2002 Budget: see paragraph 5.18.

44 Submission No 26, p. 381. See paragraph 5.53.

45 Submission No 26, pp. 381, 382.

would meet the need for applied research, policy development and the provision of specialist information on human rights and conflict resolution in this region.

- 5.61 It recommended that the Australian Government provide \$A5million over five years to establish such a Centre.⁴⁶
- 5.62 ACFOA dealt with funding for UNHCHR, noting Australia's decision not to contribute to the Plan of Action and expressing the view that such a contribution would enhance this country's credibility and *bona fides* as a country genuinely interested in strengthening the system of human rights protection.
- 5.63 It recommended that the Australian Government investigate the funding needs of UNHCHR, with a view:
- to providing specific funds to support activities of UNHCHR, particularly in the Asia-Pacific, African and Latin American regions, with funds reserved to support activities protecting the rights of vulnerable groups;⁴⁷
 - to contributing to specific funds to support technical assistance for the development of national plans of action for human rights and legislative reform, to ensure consistency with international human rights standards; and
 - to supporting actively provision of funding to UNHCHR to improve its capacity to conduct effective planning and preparation for field missions in the context of UN-sponsored peacekeeping operations.⁴⁸

Conclusions

- 5.64 Among the points that emerged from the material received by this inquiry was the support given by participating organisations for the role undertaken in the Asia-Pacific region by both APF and CDI. In particular, there was a concern to guarantee funding for APF's Secretariat beyond the end of the 2000/2001 Financial Year. AusAID increased its funding for APF in the Budget for the 2001/2002 Financial Year.⁴⁹

46 *ibid*, p. 382.

47 See also paragraph 5.41.

48 Submission No 26, p. 384.

49 See paragraph 5.18.

- 5.65 There was also considerable support for the greater involvement of NGOs in APF's processes, and for increasing the capacity of national human rights institutions to operate effectively.
- 5.66 **The Committee notes the support AusAID is giving to the Asia Pacific Forum of National Human Rights Institutions, the Centre for Democratic Institutions and the United Nations High Commissioner for Human Rights and, if it is not possible to increase the allocations to these bodies in the future, encourages AusAID to continue the current levels of assistance.**

A rights-based approach to aid?

- 6.1 In addition to consideration of the terms of reference for the inquiry, one of the issues raised for the Committee's consideration was whether Australia's aid program should have a rights-based approach.
- 6.2 Nearly half of the organisations and individuals that forwarded submissions to the inquiry raised this issue, and discussion of the subject was a major issue at the Committee's seminar.
- 6.3 As set out in Chapter 2, the AusAID position on a rights-based approach to human rights was quite clear: it was not supported, because:
- there was no agreed understanding about the meaning of the term;
 - the Australian Government viewed all human rights as indivisible and of equal priority;
 - such an approach did not sufficiently address the role and responsibility of developing countries in dealing with the rights of their citizens; and
 - such an approach might pre-determine and limit mechanisms for delivering aid.¹
- 6.4 AusAID acknowledged that its submission had concentrated on civil and political rights. It said that this conformed with the terms of reference, and recognised that there was an interest and a debate on the subject within the Australian community. Although there was a degree of common ground in the debate, AusAID noted that, because it meant different things to various organisations, there was a need for further discussion about what the term 'rights-based approach' actually meant.

1 For more detail on the AusAID position, see paragraphs 2.21-2.27.

Finally, the Director-General of AusAID stressed the importance of coherence in the approach to aid and of ensuring a clear perspective for the program, centred on poverty alleviation.²

- 6.5 HREOC believed that the link between foreign aid and human rights was 'mutually beneficial'. Thus, it saw the aid program as an important tool in advancing human rights in developing nations, and the promotion of human rights in such countries as advancing the wider development and objectives of the aid program. It believed therefore that this link should be maintained and strengthened.³
- 6.6 This is a useful starting point for an examination of the seminar's discussion on the topic, and in the submissions received for this inquiry. The issues involved are complex and well understood by all participants in the debate, and what follows is therefore a summary.

The issues

- 6.7 ***Australian Legal Resources International (ALRI)*** defined the rights-based approach to human rights as:

The process by which development is used for the realisation of human rights enshrined in the ICCPR and the ICESCR.⁴

- 6.8 ***Oxfam*** also noted that the rights-based approach was 'bedded' down in the UDHR, the ICCPR and the ICESCR. It said that this framework gave the approach much greater clarity and legitimacy, in both moral and legal terms.⁵
- 6.9 In their joint submission, ***HREOC/APF*** argued that, over the last ten years, 'virtually all' major donors had to varying extents integrated human rights concerns into their programs and policies. Australia's approach, with human rights revolving around development, was seen to be consistent with that of many other countries.⁶
- 6.10 If the advancement of human rights was an end in itself, this submission then argued, a different approach and different administrative mechanism would be required. Such a mechanism would have to locate the

2 Transcript, 5 July 2001, pp. 3, 24-25, 27-28, 60. AusAID referred particularly to the concept of 'progressive engagement' with partners such as the Philippines and Indonesia: see paragraph 3.3. The Human Rights Council of Australia referred to varying definitions of 'good governance': see *ibid.*, p. 29; Submission No 23, p. 291.

3 *ibid.*, p. 6.

4 *ibid.*, p. 26.

5 *ibid.*, p. 24.

6 Submission No 10, pp. 100, 101.

promotion and protection of human rights as the goal, with development as a desirable but not necessarily central impact.⁷

- 6.11 Even among NGOs, there were different views on this issue. HREOC/APF noted that it was difficult to gather precise information on the extent to which development assistance was utilised to advance human rights objectives. *Oxfam*, however, referred to ‘a growing body of evidence’ highlighting the severely limited or negative impacts of development projects conceived and implemented without reference to a rights-based approach to development.⁸
- 6.12 The *Centre Housing Rights and Evictions (COHRE)* noted that, potentially, poverty reduction and the rights-based approach had much in common. It believed that an understanding of economic, social and cultural rights could help deepen the understanding and analysis of the different dimensions of poverty, and assist in setting benchmarks for its progressive eradication. It observed that, at the international level, poverty was increasingly being seen as a violation of human rights.⁹
- 6.13 COHRE welcomed the Minister’s six points announced in 1998 as providing a framework for the promotion of human rights as a welcome contribution to policy in this area, even if they did not specifically adopt a rights-based approach. It pointed out that, more recently, the promotion of this approach had encouraged a broader examination of how aid could be used positively and practically to help in the realisation of all human rights.¹⁰
- 6.14 It believed that Australia had the potential to play an influential role, especially in its region, in encouraging the discussion on the link between poverty and other human rights. It noted, however, that it was unclear how this country’s commitment to the promotion of human rights was currently reflected, for example, in the ADB’s policies and programs.¹¹
- 6.15 COHRE suggested that an over-reliance in a belief that economic growth alone would result in the progressive realisation of human rights could lead to policy prescriptions that, at least in the short term, were retrogressive and *prima facie* breaches of the ICESCR.¹²

7 *ibid*, p. 100.

8 *ibid*; Submission No 21, p. 257.

9 Submission No 28, p. 432.

10 *ibid*, p. 433. See paragraph 2.6 for the Minister’s six points.

11 Submission No 28, p. 432.

12 *ibid*, p. 434.

- 6.16 There was some support for this idea from **AFAO**, which suggested that aid had to be examined in a systemic fashion, to establish its effects on human rights, health and HIV/AIDS.¹³
- 6.17 **Mr Garth Luke** accused Australia of failing to support the wide range of international instruments that it had signed. Instead of actively working with other nations to realise the 'noble intentions' in these documents, he believed that successive ministers and AusAID's staff had 'cynically argued' against the usefulness of their concepts to avoid making any significant commitment towards their realisation.¹⁴
- 6.18 **CARE Australia** believed that the rights-based approach drew on international human rights norms, as a principled and coherent framework by which to approach development. It did not accept that human rights should be subordinated to the objective of poverty reduction, and suggested that there were other measures, such as relieving debt and focusing on broader economic issues, to achieve development.¹⁵
- 6.19 **ACFOA** stated that there was a need for a comprehensive analysis of poverty, both in particular societies and to demonstrate how participation and equity was denied because of the resulting lack of human rights. It pointed to recent change in thinking about the rights-based approach, citing the World Bank's Comprehensive Development Framework (CDF) and the positions now being taken on this issue by the UN, UK, Canada and Sweden.¹⁶
- 6.20 ALRI suggested that the World Bank's framework was a 'classic prototype' of the rights-based approach because it brought together the work of NGOs, civil society and inter-governmental organisations.¹⁷
- 6.21 The **Human Rights Council** and Oxfam agreed on the need for explicit human rights objectives or targets, to measure both the effectiveness of the aid process and progress towards achieving program goals. In this context, ACFOA noted the difficulty of assessing the value of programs without benchmarks or clear references to the various universally agreed human rights instruments.¹⁸
- 6.22 ALRI believed that a rights-based approach would assist just this process of assessing the efficiency of the delivery of aid. It noted that, over the
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13 Submission No 11, p. 136.

14 Submission No 9, pp. 93-94.

15 Transcript, 5 July 2001, p. 13.

16 *ibid*, pp. 18, Submission No 26, p. 365.

17 Transcript, p. 28.

18 *ibid*, pp. 40, 56.

past two years, UNDP had integrated human rights into its operations. It noted that, while the assessment, quantification and measurement of results of this benchmarking process had begun, it was still a long way from achieving agreed results.¹⁹

- 6.23 ALRI also noted that, because of constant change, the realisation of human rights involved a constant need to verify progress against the direct experiences of recipients of aid. It recommended the concept of ‘country teams’, made up of civil society, government and inter-governmental organisations, providing feedback to central agencies responsible for coordination of delivery of aid.²⁰
- 6.24 ALRI noted that it was more difficult to measure progress in the acceptance of civil and political rights. It was clear that progress was being made if, for example, courts were being used by more people and decisions by those courts were being followed up. ALRI believed that such benchmarks could be developed.²¹
- 6.25 HREOC/APF was concerned that AusAID had been ‘very clearly focussed’ on setting benchmarks and evaluating criteria for human rights projects to the extent that it had become something of a ‘fetish’. It noted the progress AusAID had made, over the past few years, of incorporating human rights into all of its programs. It drew a distinction between two programs:
- one that sought to introduce the concept, ideas and practices of human rights, where progress can be measured, and
 - a second program implemented in a country where there was already a program promoting and protecting human rights that could be strengthened.²²
- 6.26 It believed that both programs were being undertaken by AusAID and were ‘quite fruitful, quite well-based and quite well designed’, and were achieving results.²³
- 6.27 The **VCA** reiterated its recommendation that the promotion and advocacy of human rights be made a formal objective of Australia’s aid program. It conceded that this was an ambitious goal because it would probably require a review of the findings of the Simons Report. It argued that the

19 *ibid*, p. 52.

20 *ibid*.

21 *ibid*, p. 53.

22 *ibid*, p. 58.

23 *ibid*.

rights-based approach was another way of achieving the objectives that were the results of that review of the aid program.²⁴

- 6.28 The *Refugee Council of Australia* stressed its view that the promotion and protection of human rights was not solely about poverty alleviation. Nor was it simply about the rights in the UDHR and the two Covenants, but about the broader rights framework in a number of international conventions, each of which contained important guiding principles. The Council suggested that it was important to examine the work of agencies that had an entrenched rights-based approach for guidance about its incorporation into programs.²⁵

Conclusions

- 6.29 The Committee believes that the gap between the views espoused by AusAID and those who want a rights-based approach is not great. In reality, it seems that there is not a great difference between the views on either side. It also noted the complimentary remarks from other participants, at the seminar held on 5 July 2001, about AusAID's work.
- 6.30 During the course of the seminar, AusAID did sometimes appear dismissive of the reasoned and detailed arguments put forward by other participants, without perhaps due consideration during the discussion.
- 6.31 The Committee believes that there would be benefits in an on-going, formal series of discussions between AusAID and Australian NGOs about aid issues generally, and the Australian aid program in particular. Informal contacts undoubtedly take place on a continuing basis, but a more regular and formal process also has a role to play in the exchange and development of ideas.
- 6.32 The Committee has therefore suggested earlier in this report that AusAID convene a program of seminars with Australian non-government organisations to discuss subjects of common interest, including specific linkages between aid and human rights.²⁶
- 6.33 The Committee would like therefore to end its consideration of this topic on a cautionary note. It believes that further discussion and analysis of the link between aid and human rights would be more effective if all participants remembered that the similarities in the views expressed are
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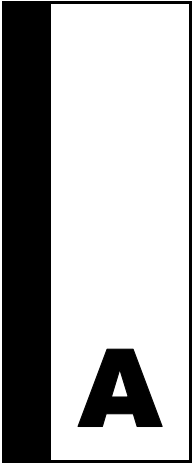
24 *ibid*, pp. 9, 58.

25 *ibid*, p. 59.

26 See paragraph 3.96.

greater than the differences. At present it seems that there is a strong emphasis on the latter, to the diminution of the former. The debate is likely to be part of an evolutionary process that will not resolve anything for some time, and is best conducted in that spirit, for the sake of the object of the discussion: the size and shape of the Australian aid program.

Senator Alan Ferguson
Chairman



**Appendix A: Transcript of seminar held on
5 July 2001**



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE

(HUMAN RIGHTS SUB-COMMITTEE)

Reference: The Link between Aid and Human Rights

BY AUTHORITY OF THE PARLIAMENT

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JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

Human Rights Sub-Committee

Committee Members: Senator Ferguson (*Chair*), Senators Bourne, Calvert, Chapman, Cook, Gibbs, Harradine, Hutchins, Sandy Macdonald, O'Brien, Payne and Schacht and Fran Bailey, Mr Baird, Mr Brereton, Mrs Crosio, Mr Laurie Ferguson, Mr Hawker, Mr Hollis, Mr Jull, Mrs De-Anne Kelly, Mr Lieberman, Dr Martin, Mrs Moylan, Mr O'Keefe, Mr Price, Mr Prosser, Mr Pyne, Mr Snowdon, Mr Somlyay, Dr Southcott and Mr Andrew Thomson.

Sub-Committee Members: Senator Payne (*Chair*), Mr Hollis (*Deputy Chair*), Senators Bourne, Ferguson, Gibbs, Harradine, Payne and Schacht and Mr Baird, Mr Brereton, Mrs Moylan, Mr Price and Mr Pyne.

Senators and Members in attendance at seminar: Senators Ferguson, Gibbs, Harradine and Payne; Mr Baird and Mr Hollis.

Terms of reference for the inquiry:

To inquire into and report on Australia's efforts in advancing human rights in developing nations through the use of foreign aid, and in particular:

1. activities which have the advancing of human rights as their objective, in:
 - bilateral country programs;
 - regional programs in Asia and the Pacific;
 - global and multilateral programs, including the role of multilateral development banks and emergency and humanitarian assistance;
2. the utility of differing aid instruments and channels for advancing human rights, such as:
 - project aid, for example for schools, hospitals and basic infrastructure;
 - microcredit, particularly through institutions such as the Grameen and Women's Bank, as a means of advancing the human rights of women;
 - debt reduction of Heavily Indebted Poor Countries (HIPCS); and
3. activities supported under the Human Rights Program, including small activities, the Asia-Pacific Forum, the Centre for Democratic Institutions and the UN Commissioner for Human Rights.

The Sub-Committee met at 10.04 a.m.

CALLAN, Mr Peter, Director, Multilateral and Human Rights Section, AusAID

DAVIS, Mr Bruce, Director-General, AusAID

DAWSON, Mr Scott, Assistant Director-General, East Asia Branch, AusAID

MARCH, Mr Alan, Director, Development Banks Section, AusAID

MOORE, Mr Richard, Assistant Director-General, Mekong and South Asia Branch, AusAID

TAPP, Mr Charles, Deputy Director-General, Pacific Humanitarian and International Division, AusAID

CURTOTTI, Mr Michael, Councillor, Human Rights Council of Australia Inc.

EARLE, Mr Patrick, Projects Manager, Human Rights Council of Australia Inc.

ENSOR, Mr James, Advocacy Manager, Oxfam Community Aid Abroad

HOBBS, Mr Jeremy John, Executive Director, Oxfam Community Aid Abroad

SIMPSON, Ms Katherine Marion, Advocacy Coordinator, Oxfam Community Aid Abroad

DOAN, Mr Trung Viet, President, Vietnamese Community in Australia

PHAN, Ms Alison, Consultant, Vietnamese Community in Australia

FITZPATRICK, Mr Kieren, Director, Asia Pacific Forum of National Human Rights Institutions

HARRIS, Ms Susan, Human Rights Policy Officer, Australian Council for Overseas Aid

PACE, Dr John, Chief Executive, Australian Legal Resources International, Australian Council for Overseas Aid

TUPPER, Mr Graham, Executive Director, Australian Council for Overseas Aid

HUETTER, Mr Pierre, Executive Officer, Centre for Democratic Institutions, Australian National University

KENNEDY, Mr Bill, Project Manager, International, Human Rights and Equal Opportunity Commission

LEGG, Mr Chris, General Manager, Asia-Pacific Division, Department of the Treasury

MRAKOVCIC, Ms Maryanne, General Manager, International Finance Division, Department of the Treasury

NAPIER, Mr Mark, Executive Officer, Human Rights and Indigenous Issues Section, Department of Foreign Affairs and Trade

SMITH, Mr Rod, Assistant Secretary, International Organisations Branch, Department of Foreign Affairs and Trade

VANDERWAL, Mr Eric, Director, Human Rights and Indigenous Issues Section, Department of Foreign Affairs and Trade

PIPER, Ms Margaret Claire, Executive Director, Refugee Council of Australia

SCOTT-MURPHY, Mr John, Public Policy and Advocacy Adviser, Caritas Australia

YALLOP, Mr Robert, Principal Executive, Overseas Operations and Program Department, CARE Australia

CHAIR—On behalf of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade I want to welcome all participants to the seminar for this inquiry into the link between aid and human rights. As many of you, if not all, would be aware, the untimely death of our previous chair, Peter Nugent, results in me fulfilling the role of chair of this subcommittee. It is a great honour to follow Peter in that capacity.

I am overwhelmed by the number of people who have given up their time to attend today and the level of interest in this inquiry. I would like to thank all of those who are in attendance and those who have made submissions on the subject of the inquiry. This topic is a small but important area in the larger field of development assistance, which this committee has looked at previously a number of times, since it first looked at foreign aid in 1973.

In 1986 the committee examined the Jackson committee's report on Australia's aid program and in 1989 looked at that program again in the context of the role of AusAID's predecessor AIDAB. In the 1990s the committee also held seminars on the aid program, on the report of the Simons committee and on the related topic of Third World debt. In both 1992 and 1994 the committee tabled reviews of Australia's efforts to promote and protect human rights around the world, and human rights have also been addressed in a number of reports on Australia's relations with particular countries. The reports that have been tabled by this committee since 1973 have shown continuing attention to both development assistance and human rights in a large number of those countries. It is, therefore, I think particularly appropriate that we are now focusing explicitly on the link between these two important subjects.

The inquiry has received 28 submissions from a variety of organisations and the participants here today have been invited to provide a cross-section of those views. This is the only hearing for this inquiry. We have a wide range of issues to discuss today. Because of the various limits

placed on not only US participants but on us as parliamentarians, holding a seminar is probably the best description of what we are trying to do here today.

In passing, I do want to note that the subcommittee regret that Treasury did not forward a submission of its own to this inquiry. It is true that we have an extremely detailed submission from AusAID, but it is Treasury that provides representatives at meetings of bodies such as the International Monetary Fund or the World Bank. I believe the committee would have benefited from a written expression of those views, but I am pleased to see that the department is represented here today.

It is a matter of some regret that, although they did forward submissions and they are publicly available, both the Federation of AIDS Organisations and APHEDA are not able to participate with us today. What I am going to do, which I think will be the most effective way of ensuring that all views are reflected during the proceedings, is ask each organisation to make a short introductory statement prior to consideration of the issues in the first item on the program sent to you. For other topics, as we go around, I will make a very brief introduction and seek comments from you all as participants.

I do not think I need to point out what are going to be the inevitable time limits on our discussions here today. We have some considerable overlap between the topics, so please do endeavour to keep your comments brief and to the point. The proceedings are being recorded by *Hansard*. All of our deliberations will be available on the record for you to consider if you do feel there are issues that need to be followed up. Additional material can be sent to the secretariat following today's proceedings. In the last hour of the program there is an opportunity to sum up where we have been today and the issues we have traversed and to set down ideas for the committee's consideration for the future. It is my intention that during this parliament the committee will table a short report on this matter.

I am very pleased to welcome my colleagues here this morning. We have a good representation of members of the subcommittee and an indication of the level of interest of members of the committee in these proceedings. I will ask AusAID and then Treasury to make the short introductory statements to which I have referred and then we will come back around the table. I think it is best if we assume the detail that is in the submissions that have already been made to the inquiry rather than traverse all of that ground again, and limit our submissions to just a few minutes each.

Mr Davis—It is an honour to be part of this seminar. I will start by underlining the basic objective for the aid program, which is poverty reduction and sustainable development. The government tabled a document outlining its approach, 'Reducing Poverty: The Central Integrating Factor of Australia's Aid Program' recently, and that is available to the committee. While poverty reduction is a starting point for the aid program and its development, clearly human rights are very important and a high priority within that program. We believe that human rights and development enjoy a symbiotic relationship. They are interdependent and mutually reinforcing.

In our submission we have concentrated on civil and political rights, partly because to do otherwise would require us to write a submission about the entire aid program and because that

recognises within an Australian community context where there is particular interest and debate. But I would stress that in no way should this be interpreted as us suggesting a hierarchy of rights. Clearly, economic and social rights represent fundamental concerns, particularly for disadvantaged people.

The government has a framework for supporting human rights through the Australian aid program. Some of the key features of that to note are a focus on the practical and attainable, the equal priority given to all human rights and the supporting specific human rights activities primarily as a result of working with partner governments. Once again, the principles are outlined in a statement the minister made to parliament in 1998.

These features represent the Australian aid program's distinctive approach to human rights and are consistent with the constructive engagement that we have with partner countries in our own geographic region. I think it is worth noting up front that the Australian aid program has a very heavy emphasis on the Asia-Pacific and it has a very strong emphasis on bilateral activity, with some 73 per cent of that being delivered through bilateral programs at the moment.

The aid program contributes to advancing civil and political rights under its broad program of support for governance. The government's approach to promoting good governance through the aid program is four pronged: improving the economic and financial management of developing countries, strengthening legal systems and the rule of law, increasing public sector effectiveness, and developing civil society. Overall, in 1999-2000 about \$271 million was provided for good governance activities within the overall program, representing about 16 per cent of the overall aid program. Within that, expenditure on the two elements of civil society, and law and justice directly contributing to civil and political rights was around \$89 million in 1999-2000.

There is a range of examples in our submission on that but, just to highlight a couple of points, our approach is aimed at strengthening the capacity and environment for realisation of civil and political rights and at ensuring greater accountability, effectiveness and equity in managing resources and delivery of services. We are keen that this approach in turn should create a climate for citizens to openly exercise civil and political rights and the like. I think it might be useful to say a word about how the Australian aid program is determined. The aid program is not structured around specific forms of aid or specific sectoral funds; it is tailored very much to look at how we can best contribute to poverty reduction and sustainable development in individual developing countries, and this is done within the broad directions of the program's poverty reduction framework, which I mentioned at the beginning. A particularly important aspect of that approach is to first establish quite clear program strategies at individual country levels. These in turn are based on analysis, including poverty analysis and consultation with partner governments and increasingly look at how they can be structured within broader international development frameworks such as those of the World Bank and the UN agencies.

We have a lot of detail that we can provide to the committee about that. I will just mention one part of the material, which is our tool kit for the production and review of program strategies. Once again, that provides the framework in which these strategies are developed and, very importantly, negotiated with our partner governments. But, through that process, not only is there negotiation with partner governments, there is also significant consultation with all

other development stakeholders, whether they be within the Australian domestic community or, particularly importantly, within civil society and other groups within developing countries.

A number of submissions have made comments about the extent to which there have been corporate directions in AusAID and the way in which we go about mainstreaming human rights considerations into the aid program. In that sense I will just mention three things in passing and can come back to them later if people would like. Firstly, the strategies I have already mentioned are an important aspect of the way in which we go about ensuring that human rights considerations are taken into account; we have detailed guidelines in our procedures manual, *AusGUIDE*, and, once again, we can provide that to the committee; and we have an ongoing program of human rights training for staff, which is something that we can talk about more during the course of the discussions, should you wish.

Beyond bilateral programs, obviously there are also avenues through our global human rights program to support activities. Two main areas that I would mention—and these are mentioned in the submission—are the Human Rights Fund, which covers a range of small grants activities, support for the Asia Pacific Forum and for the OHCHR and, beyond that, support for the Centre for Democratic Institutions, a separate representation here but another particularly important part of our global reach in support of human rights activities through the aid program.

So, to conclude, our program is very much grounded in an interest in poverty reduction. The focus on poverty reduction does provide an effective anchor for addressing all human rights simultaneously and, most importantly, in a practical way. We have, as part of that practice, established a specific framework for addressing human rights within the aid program, and that is something obviously we can talk about during the course of the day.

CHAIR—Thank you very much, Mr Davis. I think the committee has a number of the documents to which you referred, but we would be happy to accept any other copies that you could provide us with and perhaps make those available to participants as appropriate. Mr Legg or Ms Mrakovic, is there anything you wish to offer at this stage?

Ms Mrakovic—We can be very brief. The terms of reference of this committee are broad and they encompass discussion of a wide range of issues linking human rights and aid. As you know, Treasury has not provided a submission on this topic, but that does not mean we do not believe that human rights are fundamentally important. Rather, it reflects the view that primary responsibility for the relationship between Australia's aid program and human rights rests with agencies such as AusAID and DFAT, and that has been well articulated. We feel it is unlikely that Treasury could provide significant additional information beyond that provided by AusAID.

We see Treasury's role in today's proceedings as being more specific. The Treasurer represents Australia on the Board of Governors at the IMF, the International Bank for Reconstruction and Development, the Asian Development Bank and the European Bank for Reconstruction and Development. It is Treasury's role to assist the Treasurer in the administration of these responsibilities. We are happy to assist the committee on issues relevant to the operation of the IFIs and with recognition of the overarching role that DFAT and AusAID

play in advising the government in its formulation of policies with respect to aid and human rights. I will leave it at that.

CHAIR—Thank you very much. Before I turn to any of the other participants, is there anything DFAT wish to add at this stage?

Mr Smith—No, except to say that the submission to which Mr Davis spoke is, of course, a joint Foreign Affairs and Trade portfolio submission. I have nothing to add to his comments at this stage.

CHAIR—All right, thank you very much. Mr Fitzpatrick, I invite you to make any opening comments if you wish. If we can get around the circle in doing that I will turn to my colleagues, who will obviously have questions, before we move on to the next point.

Mr Fitzpatrick—Thanks very much. In the interests of brevity we have made a joint statement between the human rights commission and the Asia Pacific Forum. It is a joint submission.

CHAIR—We are very grateful.

Mr Fitzpatrick—I will ask my colleague Mr Kennedy to introduce that statement. Before I do so, I would just underline that the distinction between the Asia Pacific Forum and the human rights commission with regard to our submission is that the human rights commission is focused principally on the bilateral technical systems projects, which it runs on behalf of AusAID and the Asia Pacific Forum on the regional approach. In the annexes of our submission as well we have briefly commented on the third and second points of the terms of reference of the inquiry. If the committee would like to ask us any questions we will be happy to answer them.

Mr Kennedy—I have been asked to apologise on behalf of Miss Diana Temby, our executive director, who unfortunately has been unable to attend this morning. She has asked me to read a statement on her behalf.

The essential point in our submission is that the link between foreign aid and human rights is a mutually beneficial link—that is, the aid program is an important tool in advancing human rights in developing nations, and the promotion of human rights in developing nations advances the wider development and objectives of the aid program. Improving rights is a significant factor in reducing poverty and achieving sustainable economic and social development. For this reason, we suggest in our submission that the link between foreign aid and human rights should be maintained and strengthened. We support the provision of human rights aid—that is, projects which include in their objectives the protection and promotion of human rights.

In making these comments, the commission acknowledges the positive efforts in recent years of Australia's aid agency, AusAID, to incorporate regard for human rights into its various aid programs. Our submission highlights some important strategies in the effective delivery of human rights related aid. These strategies are illustrated by reference to several bilateral and multilateral programs funded by AusAID and administered through the human rights commission. These programs include the AusAID Fund to China, China-Australia Human

Rights Technical Cooperation program and the Indonesia Komnas HAM Capacity Building project. On the multilateral side they include the Asia Pacific Forum of National Human Rights Institutions, of which our commission is a member.

In describing these initiatives, we suggest that the Forum of National Human Rights Institutions has a unique and valuable role to play in the implementation of foreign aid, a role that both supports and complements the central role played by the government's overseas aid agency. In our submission we emphasise the importance of a strategic and carefully targeted approach in the design and delivery of human rights aid. This includes, for example, flexibility. Human rights assistance should not be applied in a rigid and formulated manner. It is essential to maintain a flexible approach that accommodates the different needs and circumstances of individual countries. Human rights reform efforts that do not have the support of beneficiaries or for which beneficiaries do not take responsibility will not be legitimate, effective or sustainable. Building relationships of trust with the partner agencies has been a vital ingredient in all of the assistance activities that HREOC has had involvement with.

Our submission emphasises the importance of government aid agencies maintaining a solid level of human rights expertise supported by adequate resources. We also focus on evaluation in our submission. Effective evaluation is an essential component of all development assistance; however, our submission acknowledges that there are particular challenges in evaluating the success or failure of human rights projects. Human rights reform is a long-term process that does not lend itself to short-term indicators of success that may be relevant in other areas; it involves subjective judgments that sometimes do not sit well with traditional, more concrete evaluation methodologies. Moreover, because human rights assistance is by definition most needed in hostile environments, it follows that in many cases such assistance will not immediately lift performance to meet international human rights standards. Our submission concludes that these challenges to effective evaluation are not insurmountable but that they can be met through a realistic and long-term approach which takes into account both capacity and context. These challenges should not deter governments from pursuing human rights assistance within their aid programs.

I would just like to add for the benefit of other participants that the Human Rights and Equal Opportunity Commission is a domestic agency. Its concern is with human rights in Australia and 99 per cent of its efforts are devoted to the promotion and protection of human rights in Australia. Its role in international project aid is simply the application of some of the expertise that it has developed in the promotion and protection of human rights in Australia to the goals of our overseas aid program.

CHAIR—Thank you very much, Mr Kennedy. Mr Yallop, from CARE Australia, would you like to make any opening comments?

Mr Yallop—Yes, and I also would like to apologise on behalf of CARE Australia's chief executive, Mr Paul Mitchell, who is unable to be present today. He asked that I be present in his stead. CARE Australia has made a brief submission to this inquiry and I will leave that submission to stand. But I would like to add a couple of brief comments. CARE Australia is a non-governmental humanitarian relief and development organisation involved both in direct implementation and in implementation through partnerships with indigenous organisations of

aid activities in developing countries. CARE is not an organisation generally involved either in human rights advocacy or in human rights monitoring. As you will see in our submission, CARE's emphasis on the link between human rights and aid is primarily in enabling vulnerable and marginalised people to access resources and influence decisions that affect these people's lives.

Like many governmental and non-governmental aid organisations, CARE Australia is involved in ongoing dialogue over the most appropriate approaches to humanitarian relief, poverty alleviation and sustainable development. Enabling vulnerable and marginalised people to realise their full rights as human beings is central to this dialogue. Nevertheless, CARE's efforts remain focused at a community and household level in addressing issues of health, livelihood, water, sanitation, education, and participation in the life and decisions of the community.

In situations of natural or man-made disasters CARE Australia, like many of the organisations represented here today, has been involved in the development and implementation of the Sphere *Humanitarian Charter and Minimum Standards in Disaster Response*. This charter draws on the Universal Declaration of Human Rights and international humanitarian law and seeks to identify the rights of those affected by disasters and the responsibilities of humanitarian organisations in an objective and quantifiable form. It is worth noting that the Australian government supported the development of this charter in minimum standards and continues to support its application through Australian non-governmental organisations.

In the recent situation of response to the Mekong floods in Cambodia, CARE staff utilised the Sphere minimum standards in determining relief requirements, and relief efforts were far more sensitive of the accountability to beneficiaries that is fundamental to the humanitarian charter within the Sphere standards. CARE Australia's submission touches briefly on three projects that are part of the Australian aid program and gives examples of how Australian aid, even in very small projects, can positively affect the human rights of vulnerable and marginalised people. Only last week I was in villages in Donglan County, China, where the livestock project described in our submission has made an enormous improvement in the lives of poor minority women in that area.

While it is appropriate that all actors in the Australian aid program—AusAID, non-governmental organisations, the Australian parliament and others—should continue to assess the directions and impact of all aspects of the aid program, we also recognise that today as we sit here hundreds of thousands of people in poor and disadvantaged communities are improving their lives as a result of Australian aid.

Mr Heutter—I also would like to apologise for the director who wanted to be here today, Mr Roland Rich. Unfortunately he had to be overseas and the change of dates meant that he could not change that once again. As Mr Bruce Davis mentioned, the CDI is almost wholly funded by AusAID and accordingly we share their mission and methods, although obviously CDI is much more narrowly focused because it specialises in governance and obviously, as the name suggests, democratic institutions. Therefore, my main role today is just to observe and assist the committee by answering any questions anyone might have about the CDI.

Mr Doan—I will start by explaining what the VCA, the Vietnamese Community in Australia, is. It is an umbrella community organisation which has a chapter in each of the Australian mainland states. It is a volunteer based organisation. Alison and I are both volunteers. The promotion of human rights is one of our key aims and that is why we are here today. I would like to thank the committee for the opportunity to be here today.

I hope that by the end of the inquiry we will find that the link between foreign aid and human rights is not like the kind of link that we see on one of those commercial shows on television, but is one of the strongest links that one can imagine. It is not just a mutually beneficial kind of link like Mr Kennedy said; I believe it is even closer than that. Human rights and foreign aid go hand in hand. Therefore, among the 15 recommendations we made in our submission the very first one was to do with the following: if the link is so close then why do we not actually formalise that link and declare that the promotion of human rights needs to be one of the objectives of the foreign aid program? The second and final point I would like to make is: in order to bring that into reality, we need some kind of structure to actually carry out those beautiful words. We believe that one of the most fundamental ways to do that is to have a structure within the Australian government that carries out that function of promoting and advocating for human rights within the foreign aid program. That is the basis of one of our other recommendations—the formation of a human rights advocacy unit in either DFAT or AusAID.

CHAIR—Thank you very much, Mr Doan. We do appreciate your time today. I know that many of the organisations that are represented here today are largely supported by volunteers in many ways. The committee is very grateful for your assistance with our inquiry.

Mr Scott-Murphy—Caritas Australia is the official relief and development agency of the Catholic Church in Australia and has a very wide ranging program which includes many aspects of human rights, directly in a campaigning sense as well as underpinning human development projects in all regions of the world. It was only about 10 years ago that you could not hold a human rights workshop in South-East Asia. I think that gives an idea of the distance that we have come in recent decades in discussing human rights and including that in governmental concepts of how they serve their people. For our agency, human rights provides a mechanism for dialogue between civil society and government. That, I think, is really crucial.

In order to foster human rights in developing countries, it is crucial that civil society organisations be built up to be able to make representations to the government. The Australian aid program can work directly with governments through that broader term ‘governance’, and there are a large number of extremely useful things that can be done there under the term ‘human rights’. But without an active civil society able to take people’s representations directly to their government, that work at the governmental level runs the danger of not being useful in the long run. For us, that nexus between civil society and government is crucial to any understanding of human rights.

Ms Piper—Thanks for the opportunity to address the committee. It will come as no surprise that the Refugee Council, being the peak non-government organisation looking at refugee issues, wishes to focus very specifically on issues as they pertain to refugees and leave to the agencies with a broader focus some of the other issues with which we concur. But refugees are, by definition, victims of human rights abuses and their protection falls to the international

community, under both international customary law and UN treaties. Therefore, it is important to recognise the collective responsibility we have for people who are no longer able to call on the protection of their state.

There are three key areas that the council wishes to highlight in this regard. The first is the link between human rights protection, aid and population movement. We would say that this is one area that is of particular relevance to the Australian government at this point in time, given the concern that has been expressed over the boat arrivals here from the Middle East. Many of these people are coming in a secondary movement from countries where they have been in exile for a period of time, in particular the Iraqis, who make up one of the two largest groups that are coming. The reason they coming is that they are unable to see a sustainable future in the countries of first asylum. They do not have access to basic human rights, such as education, health care and employment, or the access that they have had has broken down in large part. There is also the threat that is looming large over their heads of being forced back to their country of origin. We have seen quite substantial returns from Iran—one of the key countries of first asylum in the Middle East—to Afghanistan and threats of return to Iraq. People in such situations are then compelled to take matters into their own hands and seek protection elsewhere.

One of the points that is made in the submission from the Refugee Council is the problem that occurs where you have long-term refugee situations, such as that in the Middle East, and the failure of the international community collectively to recognise the need to continue to financially support these situations and the implications of this. Australia is seeing only the edge of the population movement that is coming out at this time. Last year, some 34,000 Iraqis, as you are probably aware, went to Europe. We saw about 2,000 come here. If there is concern over irregular population movement, then we would argue that it is important that the reasons for this flight—the push factors involved—be ameliorated.

The second issue that we draw attention to in our submission is the issue of project aid and refugees. The non-government sector are typically at the front line of providing assistance in emergency situations and, while they tend to be focusing on issues such as health care, sanitation, water provision and food, we argue that all of these functions have to be underpinned by a strong human rights focus and a protection focus. The staff who are involved need to be fully cognisant of the protection role they play and of the importance, too, of recognising especially vulnerable members within the community, particularly women, children, victims of torture and trauma, the elderly and the disabled. Here it is important that there be training for field staff, project managers and consultants to ensure familiarity, not only with the protection functions that they can undertake side by side with their role in the field but also with the mechanisms for protecting human rights and the implications for them and for the projects if they are to follow certain courses of action. The aim, of course, is to ensure that rights are protected without jeopardising the sustainability of the programs that they are working on.

Here too it is important for the government to recognise this important nexus to ensure its incorporation into project design and also to support the role of NGOs working in refugee situations. Many governments around the world are very uncomfortable with the presence of NGOs. Governments such as Australia, within a context such as the UNHCR executive committee, can play a very important role in educating them and in supporting this issue.

As for the third area, we would like to stress the importance of recognising the restoration of civil society in post-conflict situations where countries have been torn apart by conflict between ethnic and religious groups. A great deal of support is needed to bring the communities back together in any kind of sustainable way. The projects that are looking at civil society development are not necessarily as tangible as those building roads, schools and hospitals. But, if you are going to have a sustainable future for countries such as East Timor, Bosnia and so forth, you really do need to be focusing on these areas as well.

Mr Tupper—The Australian Council for Overseas Aid has 95 member organisations. One of our core functions is the setting of standards. One of those instruments is our ACFOA code of conduct. That code of conduct, which all of our members have signed, requires them to build creative and trusting relationships with people of developing countries and to meet program standards which respect and foster internationally recognised human rights, both socioeconomic and civil-political. Another part of the code of conduct also requires an organisation in ACFOA—in all its activities, particularly in its communications to the public—to respect the dignity, values, history, religion and culture of the people with whom it works consistent with the principles of basic human rights. So, from ACFOA's perspective, the establishment of standards and practice in relation to human rights and its application to aid and development assistance is a core part of our function.

We would observe, as has the UN and the UNDP human development report, that over the years there have been to some extent parallel tracks followed in relation to human rights and human development. What we will be seeking to see, mostly out of this hearing and this process, is some convergence between those parallel tracks. We want to acknowledge very valuable initiatives for the government through AusAID in the area of good governance, with the creation of the Centre for Democratic Institutions. More recently there has been the establishment of a new poverty reduction framework policy. I believe there is much common ground in these areas. Our submission focuses on developing a more explicit rights based approach to development. In our submission we outline key principles as being to:

- focus on people living in poverty, the marginalised and vulnerable groups such as women, children, minorities and indigenous peoples;
- adopt a participatory and inclusive approach to developing country strategies, program design, monitoring and evaluation which includes all stakeholders including civil society organisations and affected communities;
- recognise the interdependence of human rights and broaden the range of activities to address civil, political, economic, social and cultural rights;
- promote transparency and accountability in the rule of law to strengthen the capacity of people living in poverty to claim and enforce their rights.

With these first four guidelines I believe there is common ground with the current aid program. We move on to two areas:

- analyse development issues from a human rights perspective and identify systemic barriers to human development and the realisation of all human rights;
- translate human rights into development objectives.

We submit that a more explicit and applied human rights analysis and approach will enhance the poverty focus of the aid program. At this hearing we have opportunities to offer examples from NGO experience to date in the way that is being done and to explore what difference a rights based approach would make in the way that aid is assessed, planned and implemented.

Finally, I would like to suggest that this is also usefully considered not only from the perspective of a group of people sitting in Canberra at this hearing but also from the perspective

of people whom we are trying to assist through the aid program who are suffering exclusion, marginalisation and poverty, and to try to some extent to walk in the shoes of people who are suffering exclusion and ask what would we expect from aid agencies in recognising our dignity as human beings and our human rights.

Mr Earle—I would like to say a couple of words firstly about the Human Rights Council of Australia, which is a small non-governmental organisation established in 1978 by Australia's former consul to East Timor, James Dunn. Its membership is a number of individuals who have long experience in human rights domestically and internationally. The council's work on the relationship between human rights and development began in 1993 and was partly funded by AusAID at that stage. It began around the discussions in the region on the relationship between economic, social and cultural rights—the rights to development that were taking place in the region in relation to the World Conference on Human Rights.

The outcome of that initial work was a report that was launched in the Australian parliament by the then minister for overseas aid, Gordon Bilney, and it advocated the adoption of a human rights approach to aid. It looked at how you could practically use the human rights framework as a basis for development policy and programming. The report attracted a considerable amount of interest, and the Human Rights Council obtained subsequent funding from the Ford Foundation and from the European Union to engage in further work in the area. That resulted in a manual for a human rights approach to development assistance, which is in fact quoted in the issues paper for this inquiry. Subsequent to the publication of that manual in 1998, the Human Rights Council has been engaged in working with a number of different development agencies—with UNICEF and UNDP, in Nepal in particular, with SIDA in Sweden, with the Finnish government and with NGOs—to try and elaborate on what, in practice, taking human rights as a basis for development policy might mean.

The Human Rights Council has made a submission to the inquiry, and I will not go into the recommendations here. The Human Rights Council welcomes the emergence of more common frameworks for the design and delivery of development assistance that Mr Davis referred to earlier—that is, at the World Bank level the emergence of the common development framework and at the UN level the UN Development Assistance Framework, UNDAF. The UNDAF is intended to enable better coordination of UN agencies. And there is a concerted effort within United Nations systems to look at what a human rights based UNDAF would be, and that has been a particular focus of the council's work in Nepal. The need for a common framework was one of the recommendations of that initial report, in terms of saying, 'How can aid be better delivered to the poor?' It needs better coordination, and it makes sense to look at common frameworks. We very much welcome the injection of human rights into the UN system, as one of our recommendations in our report suggests, given the move towards greater coordination to inject rights into the World Bank's comprehensive development framework.

We accept that AusAID at this stage rejects the human rights approach to development. At the same time, we think it needs to be acknowledged that a number of other development agencies are taking the human rights approach to development very seriously and are devoting resources to looking at what that will mean in practice. We would very much like the focus to be on the future engagement of AusAID in contributing to those discussions. There is considerable uncertainty about what the human rights approach means in practice. However, in a broad sense

it can help to deliver better outcomes for the poor and there is a commitment to exploring how it can do so.

I would like to bring to the attention of the committee a couple of reports which emerged from Stockholm and which we refer to in our submission. I will leave copies. They are from a workshop held in Stockholm last year hosted by the Swedish International Development Agency, the Swedish NGO foundation for human rights, which brought together a significant number of bilateral donors and UN agencies. Unfortunately, Australia was not represented on that occasion. One of the main recommendations of these workshops is that there should be follow-ups to look at very specific programming issues. Certainly the hope would be that the committee could recommend Australian participation in such workshops in future. We would very much hope that this seminar is the beginning of a process that will engage not just partner governments of AusAID but also civil society in AusAID's recipient countries and indeed the NGO and civil society here. We very much welcome this initiative.

I should refer to another positive initiative of AusAID's which we participated in, which we very much welcomed and which we would like to see taken up again by this committee. In his statement to parliament in 1998, the Minister for Foreign Affairs elaborated on his six principles for how aid can promote human rights. This was followed by a seminar by AusAID, and it was a very welcome initiative. It was a seminar that involved and engaged key NGOs in the Australian community development of human rights NGOs. I think I can speak for all of the NGOs there when I say that it was a very useful exercise. We certainly left with the expectation that it would be a continuing process. Unfortunately that has not proved to be the case. We would very much like to see a re-engagement of the NGO community in Australia to look at how the link between human rights and aid can be pursued without necessarily saying that AusAID has to adopt holus-bolus a human rights approach to aid. Really, there is an increasing body of work at the international level on the links between development, poverty and human rights, and this should be the focus of ongoing discussions between the NGO community, AusAID and DFAT.

Mr Hobbs—We also welcome the opportunity to participate today. I will ask Mr Ensor to make some more substantive comments. My brief comment would be that, like others, we would really like to acknowledge the substantial progress that AusAID has made in adopting creative and quite important initiatives to promote human rights. Oxfam Community Aid Abroad does believe that the government should adopt a rights based approach to development on a whole of government basis. We believe that the human rights approach to development draws on international human rights norms as a principled and coherent framework by which to approach development.

We do not believe that human rights should be subordinated to the objective of poverty reduction. We note Mr Davis's comment this morning that poverty reduction provides an anchor for achieving human rights, and I think that is the important point—human rights is the ultimate goal but the objectives should be aimed at. Development assistance is one way of achieving economic, social and cultural rights. There are other measures such as relieving debt and looking at broader economic issues, so we would encourage AusAID to think about the possibility of adopting a human rights approach as a broad framework to development.

Mr Ensor—A human rights approach to development is a new methodology that is being adopted and investigated by a range of governments, multilateral agencies, and non-government organisations. In the case of Oxfam International, of which Oxfam Community Aid Abroad is one affiliate, this is a process that began for our organisation around the world about two years ago. In our case the shift to a formal rights based approach to development programming and advocacy has led to significant changes that we believe have impacted on the effectiveness of our work over that period. Our approach reflects the view that poverty and suffering are primarily caused and perpetuated by the denial of rights between and within nations. That denial of rights results in the exploitation and marginalisation of groups of individuals and communities we largely work with. Our rights based approach further implies that states have obligations and citizens have rights and that those are reflected in a range of international agreements including, the United Nations Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, as well as a range of specific commitments made by governments at fora throughout the 1990s.

Flowing from that analysis, our strategic planning framework consists of five aims expressed in terms of rights. Explicitly they include the right to a sustainable livelihood, the right to basic social services, the right to life and security, the right to be heard and the right to an identity. We have recently committed to using these five rights as strategic aims for our international development and advocacy programs, and beneath each aim sit strategic change objectives which set program targets and advocacy targets to be met over an agreed timeframe. This basic rights framework that we bring to our work is used to operationalise the UDHR and the two covenants in a practical way. The value of those documents is that they provide a platform of universal standards with a measure of legal standing. This puts an onus on our development and advocacy programming to be of a consistent and high quality standard. I think an important point to make initially is that no government agency, multilateral institution or non-government organisation has all the answers at this point in time as to what constitutes the most effective model for a rights based approach to development. It is a line of thinking that is being investigated and implemented across the board and, as Mr Hobbs said previously, this warrants investigation by the Australian government and AusAID.

CHAIR—Thank you. All of those comments give us a very good basis from which to start. My colleagues have been unusually quiet for almost 50 minutes so, rather than having them burst at the seams from not being able to say anything, I would like to seek initial questions or comments from members of the committee.

Mr HOLLIS—I was just a little bit surprised that people were not more critical. They seem to be very supportive of Australia's role and they seem to be not terribly critical of it. That may come later in the day, though.

Senator FERGUSON—I would like to raise one initial broader question. In reading through many of the submissions that we have received, they seem to be based on a premise that in fact a reduction in poverty equates with an increase in human rights or the lessening of human rights abuses. I have been thinking about that and I do not think you could say that historically that is the case.

I am almost old enough not to remember prewar Germany but I read a lot about it, and certainly in cases where there was an increase in the economic life of the people of Germany there was actually an increase in human rights abuses. In more recent times, I suppose if you think of a country like Singapore in the early sixties you could say that there was a lessening of human rights there which led to an increase in the economic production of the country—and some people might say that even contributed to it. That a reduction in poverty can lead to an increase in human rights—I think Mr Davis raised that—is one part of the question. I guess, on reading some of the submissions, the second part of the question is that some of the people who are the most depressed and the most in need of aid are those who live where there are no human rights whatsoever. If we start to put any hooks into the aid that we give, the people who are the most oppressed and the most in need may miss out—because we do not see any significant improvement in the human rights conditions within those countries. There is an argument for not attaching any tag to the aid that we give to countries because they are the most oppressed. I put that in not necessarily as part of our terms of reference, but it is in a way because we are talking about the linking of human rights to aid. I wonder whether someone could talk firstly about the reduction of poverty leading to an increase in human rights—and I think there are cases where that may not necessarily always follow—and, secondly, about the giving of aid to the most needy in the world who sometimes have no human rights whatsoever.

CHAIR—That should segue quite nicely into the discussion of priorities, which we were moving into anyway, Senator Ferguson, and I will also seek comments from other members of the committee. Are there any responses around the table to Senator Ferguson's views? I cannot believe there are so many people in the room and nobody wants to respond.

Mr Davis—Clearly there might be occasions where it does not follow. I suppose the first point is that when we are talking about human rights—as I mentioned at the beginning—we are talking about the full range of human rights, and that includes economic and social advancement. To have basic services and to see some prospect of economic advancement are about the most basic rights that the very poorest can have. I think there is also the possibility that what can be interpreted as a move away from poverty is an interpretation just based on our interest in seeing economic growth. We certainly have a much broader interest than that. What we are talking about when we talk about the reduction in poverty equally includes the move towards sustainable development. That concept of sustainability is important in terms of being able to improve people's rights in the longer term. It is clear that we have to remember that moving out of poverty is a critical aspect in terms of the broad range of rights. It is also important that we do not think about the way in which the aid program objective operates in terms that are solely focused on an interest in terms of economic growth. The point was made earlier that in the end what we are trying to do is to achieve an improvement in people's rights. Whether that is the ultimate goal is an interesting point for debate—as I think CAA mentioned. Certainly from our perspective the ultimate goal is to improve the lot of disadvantaged and poor people in developing countries.

CHAIR—Thanks for that.

Mr Doan—I would like to comment on Senator Ferguson's first point. We certainly agree with the suggestion that a reduction in poverty is not always accompanied by an increase in human rights. The examples you gave are very good. I would have given those same examples.

On the other hand, I cannot think of any country where civil, political, economic and cultural rights are well respected that is also poor and needs aid. It seems to me that, if our foreign aid concentrates on the promotion of civil and political rights, it follows that poverty will reduce. It does not always work the other way around.

Mr Scott-Murphy—The examples you give of countries that have achieved some level of development without human rights—for example, Nazi Germany, the Soviet Union or Singapore—certainly indicate that it is possible to build houses, supply jobs and even supply economic growth for a certain period of time, but in the long run, without rights in that equation in their society, those governments are potentially unstable. We saw the collapse of the Soviet Union, we saw Nazi Germany lead Germany into a disastrous war and we are seeing Singapore gradually coming around to notion of rights within their legal system. It has become a standard model, I think, for nations to participate in the world economy, in the United Nations and in all the forums of the civilised world. I submit that, while you can achieve certain levels of development without rights, it does not last long.

Dr Pace—I will address both points. The answer lies in the rationing of the balance in the delivery of activities related to the range of human rights. Of the countries that John has mentioned, for example, I would say that the most classic example is that of Latin America, which has migrated from military dictatorships to a situation where civil and political rights were indeed restored and they now have democratically elected governments—where you still have similar economic and social rights problems. So the answer is in the balance of the approach. That is the reason there have been so many submissions in the paper for an integrated approach to human rights. You cannot develop one side of the gamut to the exclusion of the other. For instance, with regard to the implementation of the most prevailing projects that exist between the UNDP and the Office of the United Nations High Commissioner for Human Rights, these are projects that are likely to be associated with the World Bank. They are government driven and they are initiated as a result of a dialogue between the government and the so-called country teams, which develop the needs of the country on the one hand and the response of the international community on the other. So for each case there is a different formula. It is a process that is still very much a work in progress, but the hallmark of this work in progress is that the efforts are ‘dosing’ the development aid along the range of the various needs. We can expand on that more if you like, but that is the answer. In my view, that is why you get lopsided development to the detriment of the political area: when you have an overemphasis on the economic and social areas.

Senator HARRADINE—I have just general questions, following Alan’s comment. What do we mean by development? Where are we in development? Have we gone backwards in development? Are there more less developed countries now than there were before? Can’t we be honest in this particular area, since we are all here and are all very much involved in this area, and have been for many years? I refer to a meeting that took place at the United Nations headquarters last October for IDGs—international development goals. It comprised agencies of the UN. The result of that was a report, which said this, inter alia—and this is important:

In other words, how would the support of the UN system for Africa’s development this time be different from the past? This was important because given Africa’s dismissal economic and social performance in the past one and a half decades, it would appear that the coordination of UN work had produced non-development in Africa!

This is the UN talking. It continues:

A revealing statistic in this regard was that the number of Least Developed Countries has grown from 25 in 1970 to 49 today, out of which Africa now accounts for 34 LDCs (about 70 percent of all LDCs).

The question that I am raising for everyone is: how can that be reversed in a manner consistent with the upholding of the rights enunciated in the Universal Declaration on Human Rights?

Mr Ensor—I have a couple of comments. In terms of the international development goals, the trend at this point in time appears to be that those goals will not be met. If you take the international development goal around basic education for all by 2015, currently there are about 125 million children who do not have access to primary education. Oxfam's estimate is that by 2015 the number will still be 75 million, the majority of which will be in subSaharan Africa. If you take gender equity in education, the goal is to achieve that by 2005. Our analysis is that that goal is now unachievable, with two-thirds of the children not having access to education being school girls—exactly the same proportion that existed in 1990 when that commitment was initially made.

In terms of how a rights based approach might address these issues somewhat differently from previously, one way to look at that would be that a rights based approach would imply a responsibility on the international community to address the international goals in terms of very explicit commitments. Obviously there are existing commitments around levels of aid, but a rights based approach might look at issues more broadly. For example, debt relief is agreed as a significant stumbling block to the achievement of the 2015 international development goals. A rights based approach to the issue of debt relief might lead to an approach that puts the international development goals as an objective and recasts the heavily indebted poor countries initiative debate to one about what is a sustainable level of debt rather than what is an appropriate debt to export ratio for a country to qualify for HIPC.

If it is recast in terms of sustainability, some of the criteria emerging from HIPC might be that no country should emerge from the HIPC initiative paying more than 10 per cent of government revenue, for example, towards debt relief, or that no country should emerge from the HIPC initiative spending more on debt service than it does on primary health care and basic education. A recent analysis we have done of the HIPC initiative shows that at least six countries will emerge from HIPC still spending more on debt service than basic education and primary health care and that those countries will not meet the 2015 targets.

If a rights based approach is integrated into our position on a lot of trade issues, the debate might turn more towards issues such as market access for least developed countries—subSaharan Africa being a case in point—and how market access, particularly for agricultural exports, links to the 2015 development targets rather than the debate not being addressed in terms of those targets. So they are a couple of examples of how a rights based approach might change some thinking on those sorts of issues.

CHAIR—Thank you. Are there any further comments in this area?

Mr Legg—I certainly do not dispute the judgments made about the likelihood of meeting development targets by 2010 or 2015, whatever the point by which we have undertaken to

achieve them. But Senator Harradine's comment made me think that it might be useful to refer the committee to work done by Treasury and published in the recent centenary edition of Treasury's *Economic Roundup*. It is an article entitled 'Global poverty and inequality in the 20th century: turning the corner?' It goes to this issue of making sensible comparisons over time, and whether or not the information base we have is adequate and whether or not sometimes it is misused. Certainly, for instance, in terms of the number of least developed countries, it makes the point that there were substantially fewer countries in the world 30 years ago than there are now. So comparing the number of least developed countries now to the number 20 or 30 years ago does not necessarily tell you whether you are on the right track or the wrong track. The membership of the World Bank has gone from around 100 to 180 in that period. Most of the new countries that have emerged in that period have done so out of very difficult circumstances and clearly, therefore, they are countries whose economic performance would be poor relative to many others. Having said that, I think I agree that subSaharan Africa has been an area where we would all be deeply frustrated and disappointed by the progress that has been made. But I suspect that, in many ways, the lesson there is telling us the limits of what external assistance by any external agency can achieve without appropriate policies and institutional settings on the ground.

Mr Tupper—I would emphasise that amidst all those negative indicators there are some positive indicators of what aid programs and development have achieved, particularly when it comes to indices of child mortality. I do not have those figures to hand, but I just want to balance up the picture there. The other point is that it is in recent years that there has been a turnaround in approach of thinking—for example, with the World Bank's comprehensive development framework, with the Asian Development Bank and with the rights based approach now being adopted through the UN and in Canada and Sweden. So this is a very recent event. That turnaround has occurred because of analysis of where things have not been going quite so well, particularly in terms of the sustainability of aid programs.

One of the other recent examples from the NGO community was referred to earlier by Mr Yallop. That was in relation to responding to emergencies and humanitarian disasters, where the sphere standards that were developed through the NGO community internationally have only been adopted for two years now and we are still actively involved in a training program. Those standards have the prospect for greatly improving the effectiveness of response in those situations. I just want to alert you to the fact that there have been some fairly substantial changes in the last three years that are addressed at turning this around.

I think a key issue—and this relates more to the previous questions about assumptions—is about the assumptions being made that have caused problems in the past. The 1997 Simons committee of review report on the aid program drew attention to this on page 3 of its report. It states:

There is a need to be more discriminating in the activities that are chosen for support. An effective aid program does not engage in activities because they will have some impact on poverty; it selects activities which maximise their impact on poverty.

It goes on with the important observation that more analysis is needed in the economic and distributional impact of project proposals. Recently in AusAID's policy paper *Reducing poverty: The central integrating factor of Australia's aid program* there is a requirement to do a

fairly comprehensive analysis of poverty. We submit that that analysis—not just of particular needs in particular societies but of how participation and equity is being denied because of the lack of human rights in that situation—would be strengthened by taking a human rights approach so that the response to that need is more comprehensive, more focused and more sustainable.

Senator HARRADINE—The quotation I made was directly from the UN, and I did not elaborate on that. I am trying to get a handle on what you think about development assistance all round, whether that has led to a lessening of poverty or whether there is now more poverty than there was a decade-and-a-half ago? I am particularly interested in hearing from AusAID and, if we want specifics, I would be interested in the Sudan.

CHAIR—We can continue to explore this as the priority session continues. I know Senator Ferguson wanted to ask a question on the Simons report, and I did indicate to Mr Baird that I would follow up with him. I ask respondents to bear in mind the thesis Senator Harradine is drawing when they are making responses.

Senator FERGUSON—Mr Tupper, you quoted from the report of the Simons committee. That is the same committee that recommended that our aid be focused almost exclusively within our own region, if I remember rightly. Is it the general view of the bodies represented here today that we should focus on our immediate region? If that is going to be the case, and everyone in the world focuses on their immediate region, who is going to look after Africa?

CHAIR—Let us just have a couple of brief comments on that, because I want to give Mr Baird and Senator Gibbs the opportunity to make their points.

Mr Davis—I guess one response could be, ‘Everyone else.’

Senator FERGUSON—That is what we are afraid of!

Mr Davis—Given our geographic location as the one developed country in the heart of the Asia-Pacific region, I think there is growing recognition in the international community that it does make a lot of sense for us to have that concentration on the Asia-Pacific. When we went through our most recent OECD peer review by the international community, there was an acceptance that it did make sense for us. While we sit very much in this region, a lot of the Europeans sensibly do have a concentration on Africa.

Dr Pace—The response there would be to develop an international responsibility. Therefore, there has to be a uniform or as near as possible uniform framework strategy for development aid at the international level. At the delivery level we can talk regions—and in the case of Australia and the Asia-Pacific region, for instance, it would seem a clear and necessary responsibility from any perspective. But we do not believe that you can sacrifice the international collegial obligation towards ameliorating the delivery of aid very much to remove the phenomenon that Senator Harradine mentioned in his question—to sacrifice the international responsibility for the region. So it has to be at a complementary level.

We would think it ideal if this committee were to see its way into recommending that this responsibility be acknowledged at the international level in participating in a so-called rights based approach. In so saying, I do not really wish to get taken into clichés. We need to understand that we are talking about a holistic, integrated approach to the realisation of all five sets of rights, according to the particular needs of the country that is receiving them. So a rights based approach at international level, yes—and for sure, focus at the regional level.

Mr Hobbs—I think there is a wellknown difference of view between the government and the NGO community about aid for Africa. Our position is very much driven from the fact that I think there is very strong support within the Australian community for aid programs that NGOs run in Africa.

Senator FERGUSON—Or for some of those in South-East Asia, I would suggest.

Mr Hobbs—That is probably a fair point. Whilst we think there is an obvious case for a very strong program in our region, we believe that Australia can afford more aid and it ought to be able to pay for a decent aid program in Africa.

Mr BAIRD—I listened with interest, but I have not yet heard the request that we tie human rights obligations to the giving of aid and the elimination of poverty. Is there a need to do that? Do we erode our programs by making it a requirement that we see some improvement in human rights situations, especially in some of the countries where the worst abuses occur?

CHAIR—Did you wish to direct that somewhere specifically, Mr Baird, or just in general?

Mr BAIRD—Perhaps we can start with AusAID and work up or down, depending on how you see it.

CHAIR—It is a level playing field, and we are just working in a straight line.

Mr Tapp—This is obviously an interesting question that is aired in many places at many times. But it is the government's view that conditionality should be approached very carefully. It may be counterproductive, as it can very specifically jeopardise the welfare of the poorest; also, from the government's perspective, aid conditionality will only be used in extreme circumstances. I think a number of other people have already highlighted the fact that work in trying to reduce poverty and promote sustainable development often occurs in countries where human rights abuses may exist and that, in that sense—I think my colleagues from HREOC highlighted this fact—to see progress on these matters will often take a significant amount of time.

The government's focus is on making a practical difference through policy dialogue as well as by helping to develop human rights institutions within the region. I think I should also comment that, where serious and sustained human rights violations have occurred, Australia, in concert with other donors, has withdrawn aid. In relation to some of the human rights dialogue with certain countries, I think our colleagues from DFAT may be in a position to make some specific comments. But, in a sense, the nature of the work that we are doing, particularly with our geographic location—which Mr Davis has already commented on in terms of the focus of

the aid program—means that one is dealing with countries whose poverty is significant and where there are certainly human rights issues needing to be dealt with. But, as I have just said, the government is firmly of the view that conditionality should be approached very carefully. Perhaps our colleagues from DFAT may wish to add to that.

Mr Smith—I guess the point I would make is a more general one; that is, the efforts that we make to promote and protect human rights do not start and end with the aid program. The aid program is obviously very important, but it is part of a much wider effort, and that effort takes place at a number of levels. It takes place at the multilateral level and the bilateral level, but it also takes place at an intergovernmental level and a community level—and there are a number of illustrations for that. Obviously we work bilaterally through various human rights dialogs and various human rights training programs; clearly the aid program is a very important component of that, but it is not the only component. We also work at the multilateral level in supporting the work of the Office of the High Commissioner for Human Rights. We are a very active participant in the Commission for Human Rights. We support the work of HREOC in its international efforts. We are working very hard to try and build national human rights institutions in a number of countries, obviously with a focus in our region but also more generally. So the point really is that our effort on human rights is not limited to the aid program; it is part of a much broader effort that does engage not just government but also the wider community, including NGOs

Mr Yallop—I think Care Australia in particular has a history of engagement at times in what many would consider to be those countries with the greatest violation and abuse of their citizens' rights; at times the violation and abuse of the rights of particular groups, ethnic and other, within those countries have been quite severe. At the same time, we have approached such situations, first of all, from an understanding that there is a humanitarian imperative that exists within those environments. If we as an NGO were also to limit or withdraw our engagement from environments simply because of the nature and/or actions of a state or a government in those environments, we would be perpetuating and/or exacerbating the very abuses and violations that those people themselves are experiencing. Therefore, at times we have worked in situations where some of our colleagues within the international NGO community have chosen to depart, while others who perhaps share our perspective in terms of that humanitarian imperative and so on have remained and continued to function.

The other element that is well worth consideration in the context of the question of rights is that, when you look at rights based approaches or a fundamental context of rights in relation to those situations, not only does it imply responsibility upon the state or the government of that state within which such abuses of rights may be taking place but, if you adopt that approach, it also implies a responsibility upon all of us as human beings, organisations, et cetera—that is, that we are as responsible to react and respond to address the situation of those whose rights are being abused. Therefore, if we adopt a rights based approach and then consider withdrawing or tying our engagement as actors or deliverers of aid in environments where there are state sponsored abuses of rights—that is, if we refuse our responsibility on the basis of state sponsored abuses to rights and, therefore, withdraw our assistance to the marginalised and vulnerable, those whose rights are potentially being abused—we are potentially in violation of that ourselves.

Mr Doan—In relation to the question of conditionality, I agree that there are clearly cases where conditionality of aid would cause the poor to suffer. However, there are kinds of aid in respect of which withdrawal does not cause the poor to suffer. For example, if you consider that part of the aid program involves inviting judges or members of national assemblies to come to Australia, the withdrawal or postponement of that kind of aid will not cause any harm to the poor. I would argue that AusAID could look at the aid program and classify certain kinds of aid that we should not touch unless there are extreme circumstances. There would be other kinds of aid where we would not have to wait until extreme circumstances occur before we activate them or impose some kind of conditionality.

Mr BAIRD—I notice that there was certainly a tying of aid in respect of the delivery of Mr Milosevic to the War Crimes Tribunal. It was used very effectively. I am sure that we would not see Mr Milosevic where he is now without that.

Mr Doan—That corresponds to my next point. Rather than thinking in terms of conditionality, we should think in terms of bonus aid. If certain human rights, transparency or governance conditions are satisfied, perhaps some extra or bonus aid could be given instead of the other way round of withdrawing aid if you do not satisfy certain conditions. Another way in which we could achieve the aim of conditionality, without using conditionality as such, would be to use a small part of the aid fund to promote human rights. For example, if there are local NGOs in the recipient countries that work to promote human rights, part of the aid program could help those NGOs.

Mr Earle—Any provider of development assistance obviously retains the right not to give aid. The Human Rights Council has suggested that the process by which that conditionality is imposed in relation to human rights should follow certain principles which should involve the process being open and transparent. We would like to see the circumstances under which Australia would contemplate withdrawing or suspending aid explicitly spelt out in its aid programs and memoranda of understandings with its partner countries. That decision should also be subject to some form of independent review. The process should include some form of civil society consultation to take into account precisely the sorts of issues Mr Yallop mentioned in terms of the impact of the withdrawal of aid over concern for civil and political rights violations so that it does not then have a negative impact on the enjoyment of economic, social and cultural rights of the people that Australia is trying to help.

The issue of conditionality raised by Mr Baird is not restricted to human rights. Australia and other donors impose many conditions on aid. I understand that the World Bank does the same so that tranches of loans can be suspended depending on whether economic performance programs have been fulfilled. Again, a question arises as to whether that is consistent with a commitment to assist with the rights of the poorest and most marginalised.

There is a need to look at other issues of conditionality if the commitment is to help realise rights and not to just focus on negative human rights conditionality. In some ways, the debates have moved beyond that—this is consistent with the rights-based approach to aid—and they now say, ‘Our aid is intended to help other people realise their rights. We accept that as an international obligation on our part, as part of our responsibility as a responsible international citizen and a member of the United Nations.’ So the nature of our policy dialogue with our

partner countries will be to ask, 'How can our aid best help you to realise the rights of your people and how do we involve people in those decision making processes?'

If that process is undertaken, it can help to marry up the division that can exist between poverty approaches and looking at rights. One of the interesting developments that is occurring at the international policy level at the moment is the response to the failure of aid to deliver the sorts of outcomes that were hoped for in post-war decades. In many cases, it has not lifted people out of poverty in the way that was hoped for. It is now seen as playing a more minor role given other capital flows and the situation of debt. There has been the sense that aid needs to be much more focused on how it can assist in the realisation of rights and the need to address not only economic growth but also issues of discrimination, marginalisation of the poorest and most vulnerable, and whether human rights can help to do that. We need to ask, 'If you talk about economic social and cultural rights in terms of the assistance that you are willing to offer to help to achieve those, does that help to desensitise discussions or concerns about civil and political rights?'

Certainly, one of the strong messages that the agencies that are exploring this approach see, and one of the added values that they refer to, is that if we talk to another government about the right to health or the right to education and the resources that we might be able to provide for them, it becomes easier for us then to talk about the right to freedom of association and the right to a fair trial. The nature of the human rights dialogue becomes a bit less hot than they find it in some circumstances, and that is one of the things that they perceive to be the advantages of more explicitly referring to economic, social and cultural rights in the policy dialogue between governments.

Ms Piper—With the Chair's indulgence, I would like to go back to the last discussions on regional priorities, having missed the boat when that came around the first time. Although I acknowledge there is a particular role for Australia within this region, there are other strategic reasons for looking beyond this region. I go back to the point I made in relation to the people who are coming from the Middle East: Australia is currently spending about \$300 million on the interception, detention and processing of people coming almost exclusively from the Middle East to this country, yet we are spending a pittance in the Middle East on overseas aid. Our total contribution to UNHCR is less than \$14 million, and the total UN contribution to Iran to help them to look after close to two million refugees last year was \$US7.3 million—so about \$A4 million—which equates to about \$7 per person per year. When you start looking at the comparisons between that and the \$300 million we are spending on stopping these people coming, there is a great disparity.

It concerns me that when we are looking at spending aid money in the Middle East, not all the money that is being spent actually focuses on alleviation of the push factors that are causing people to leave and the restoration of rights. Aid money is currently going through DIMA, and that is assisting the government of Iran to strengthen its border control and to prevent people from leaving in the first instance, as opposed to ensuring that people have access to essential rights within the country and are not compelled to look further for them.

I would see this as a skewed priority in government funding, where you have this imbalance in both the relationship between what we spend here and what we are spending in the countries

of origin and also the nature of the assistance that we are giving to the countries of first asylum and the countries within the region that should be in a position to help if they were receiving sufficient international assistance not just from Australia but from the international community as a whole.

Senator GIBBS—Mr Ensor, you were talking about rights based. How exactly does that work? Does it mean that we put conditions on aid? If that is the case, how can we actually do that? Apart from basic rights of health, education, things like drinking water and all that sort of thing, what we feel are basic rights other cultures might not—because of different cultures and different religions. I believe the way women are treated in quite a lot of parts of the world is quite appalling and I am sure most women in this country believe it is appalling too. But are we to say that that is absolutely appalling when they actually accept that? Because of their religion, some things they do not accept and we all know that. How are we actually going to stop that? How can we actually say to a government, ‘Look, you treat women absolutely disgracefully. You do not educate women, you chop their hands off, stone them and do all this, and this is disgusting and appalling and no one should be treated that way’? How can we say, ‘If you do not stop this we are not going to give aid’?

Mr Ensor—There are a few issues there. The first one is the cultural issue. In terms of our experience at Oxfam International, that is the reason why we bedded our rights based approach in the UDHR and the two covenants. They are three documents that are the most universally accepted human rights standards, with only a handful of governments around the world not formally recognising and signing on to those instruments. Bedding it into that existing international human rights framework gives a rights based approach much greater clarity and legitimacy, both morally and in legal terms.

In terms of conditionality, what we have said in our submission is that a human rights based approach is not necessarily about negative conditionality. It is more about translating, in dialogue between a donor and a recipient, the human rights obligations of national governments under those agreed UN instruments into development objectives, and they become the subject of negotiation between the donor and the recipient. The way we approach it is that it promotes a positive approach that is aimed at assisting our partners or governments that we work with to eradicate poverty and meet their human rights obligations in the international development targets.

Mr Earle—It is a wonderful example. In all likelihood the country that you mention that is doing those terrible things to women has signed CEDAW like Australia has as a common basis for dialogue. The diplomatic representative would be saying, ‘Look, we have a real problem with your treatment of women. We need to raise that because of our concerns. Let our aid program talk to you about programs that might help you address that issue. Is it an issue of education and training? Is it a matter of better law enforcement?’ But they can actually use CEDAW, the Convention on the Elimination of Discrimination Against Women, to say, ‘You have taken on board this commitment not to treat women in this way. To prevent discrimination against women, let’s work together to see how we can help you.’ We can do that at a diplomatic level and we would like to see those diplomatic efforts complemented by the aid program—practical efforts of the aid program and aid resources. I think that is a very good example.

Mr Davis—In terms of the basic question of what a rights based approach means, I think there is still a lot of debate about that. There is some way to go in terms of joint understanding of what that might mean both in policy terms and in practice. One way of trying to illustrate that is that at one end of the spectrum there is the rights based approach entailing a focus on good governance, partnership, participation, local communities, and design and implementation and at the other end of the spectrum is the talk about framing entire programs in terms of the international human rights instruments and covenants and measuring performance against that. There is still quite a lot of discussion to be had about exactly what a rights based approach might mean.

What is important though for us to acknowledge here is the degree of common ground that there is between all of us on some critical aspects that cut across what some are calling rights based and what we are describing in terms of government policy; namely, the critical importance of the accountability of governments to their citizens and the need to take stakeholders' views into account in the design and implementation of government programs. There are other points such as the focus within our own program on supporting the development of effective, transparent, accountable institutions of government in civil society, which is pretty similar to what others are describing in terms of rights based approaches. That is very much our own good governance objective. I might also get Mr Dawson to say a word on progressive engagement because that is another aspect where there is some interesting common ground.

Mr Dawson—This concept of progressive engagement is one which is increasingly underpinning the government's strategies for our development cooperation with a number of our important partners. Certainly in the case of our programs of cooperation with Indonesia and with the Philippines, this concept is something which is now really fundamental to our strategies. It is entirely consistent with the comments from our colleagues from the Vietnamese community associations about the importance of looking at, in a sense, bonus rather than negative conditionality. The way in which we have applied the concept of progressive engagement means that you identify bodies and partner agencies which are important to the reform process in the countries in which we work and, increasingly, look to support them as drivers for change in those countries and increase the level of that support as it becomes clear that it is effective and it is having an impact.

I was very interested to read the submission from HREOC that talked about our initial stages of cooperation with the Indonesian National Commission on Human Rights, Komnas HAM. That has been going on now for a number of years. In 1993 when it began, many people were sceptical about what that body could achieve and what value it would have. That assistance has continued and built up until now we are working with an institution which is clearly a key Indonesian institution in terms of the protection and development of human rights. In a smaller way, we are seeing similar sorts of processes operating with some of the agencies that we are engaging with through the human rights technical cooperation program in China. We can talk about that later in the discussion when we talk about effectiveness. This idea of progressive engagement is one where there is a good deal of common ground and perhaps provides a different way of looking at the issues of conditionality.

CHAIR—I have three people indicating they wish to make further comments in this area. Can I implore you to make them very brief. I have one issue I want to raise flowing from

Mr Davis's point about common ground in the priorities area and then hopefully move, again seamlessly, into the discussion of delivery.

Mr Curtotti—I wanted to add to the comments that Patrick Earle has already made in response to the issue that Senator Gibbs raised about cultural diversity and particularly the example of women. Rather than looking at it in a negative conditionality sense, as other speakers have commented, a human rights approach really integrates some of these questions so, in that kind of gender context, a key question in the delivery of aid would be the inclusion of women in decision making about the aid that is to be given and also about whether the aid is reaching women as key people who are poor in our community. In setting priorities in the aid program, a human rights based approach would emphasise the role of the recipients of aid in decision making about the aid that they receive. To an extent, the human rights based approach also takes out some of the angst about western arrogance about rights, because it is based on integrating all human rights and recognising the priorities that developing countries and developing communities place on eradication or achievement of economic, social cultural rights, which is often the message that representatives of developing countries are giving in international rights forums.

Mr Hobbs—Just a brief comment: Mr Davis has made a lot of comments we would agree with in terms of the importance of good governance programs and so on. I think that highlights the fact that approaches to poverty reduction are not laid down in stone. In fact, that is work in progress as well, and we are learning how to do that together. If you look at the way AusAID has reframed its program over the last five years, it is arguable that we are learning increasingly from our mistakes and the failures of aid that Senator Harradine alluded to. In fact, the discussion of human rights should not be seen as a dichotomy with that but actually as part of that debate about what is good development. It seems to us illogical that the government does not go the extra mile in adopting within the programs what it has already adopted legally.

Dr Pace—I do not believe there is any question in regard to what we understand by a rights based approach to development. A rights based approach to development is the process by which development is used for the purpose of realisation of human rights which are enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. What we discuss about where the problem lies is how to bring it home. In the last two years at least, the agencies have been focusing heavily on trying to find the best way of making this happen in reality. That is why we talk about progressive engagement, in some cases involving very delicate decisions, and that is why we talk about negative conditionality and positive conditionality. But that is part of the discourse on the delivery as distinct from the definition.

CHAIR—We seem to have vigorous agreement on concepts like the importance of good governance but perhaps movement around the edges as to the roles of both government and private sector in enabling that good governance to foster economic growth. I wonder if anyone has a comment to make in that regard.

Mr Hobbs—We have been doing quite a lot of work in the private sector on incorporation of human rights standards into the way in which particularly the mining industry works—there have been clashes between commercial imperative in situations such as Ok Tedi, Freeport and

the Tapakan mine, which in the end did not go ahead. We believe the mining industry has actually come to the realisation that human rights are an important part of how they have to operate to meet their social obligations. They are at the point of working out how to do that. I think they find it a difficult clash between wanting to be good corporate citizens and, to use their jargon, to meet the triple bottom line but also to be profitable. It is a fascinating discussion that is occurring between NGOs and the private sector. It is happening in a number of different areas. But people are being realistic because their employees, the public and their shareholders expect acknowledgment of human rights standards.

CHAIR—Any other comments in that area?

Mr Yallop—Maybe one other comment there, which relates back to Senator Harradine's question and observation previously. It is true that the primary engine for development today across the world is actually private sector investment and is related to capital flows. Certainly it is a far larger engine for development in most developing nations than any form of official development assistance or, for that matter, NGO programs and so on. However, it is also true that such private sector investment and private capital flows will not result ultimately in equity in terms of development and will not result ultimately in the reduction in poverty, particularly amongst the most vulnerable in some of the most marginalised groups. That is the critical function that official development assistance and assistance by non-government organisations as well have to play—that is, looking at targeting that assistance to those who remain marginalised and who remain vulnerable in spite of corporate flows, private sector investment flows and other forms of capital flows into developing countries.

The kinds of environments that ultimately result in the disintegration of nations, such as has occurred in Africa, are contributing to the increase in number of lesser developed countries over the last decade. That increase is significantly related to the resulting inequities that occur, whether those inequities are as a result of official flows or of private sector flows. We have to be conscious of the importance of official aid flows and non-governmental contributions to development being that which can promote equity and address vulnerability where private flows and capital flows are not going to address those issues.

Mr Tupper—I will be very brief—the observation being that markets cannot guarantee the protection of human rights. That is the role of the state. A large part of the good governance agenda has been disproportionately focused on economic growth where in fact the human rights agenda is one the markets cannot guarantee. One of the key concepts in a rights based approach is accountability: accountability in terms of both government in country and also accountability of donors through the aid program. They are the observations.

CHAIR—Accountability does take us in an effective way into the consideration of the question of delivery. But I wondered if AusAID had any final comments they wish to make in that general area in relation to private sector, good governance and those issues. It is not compulsory; it is optional.

Mr Tapp—A very quick comment, because I am aware of your pleading. Even in that last section, the rights based approach has been highlighted again as a means for effectively addressing those issues. A couple of observers have said there is a common understanding on

what a rights based approach means. In our engagement with other donors, civil society and also host governments, it is extremely clear that there is not a common understanding of exactly what it means.

If one looks at some of the donors—other bilateral agencies who define their programs in a rights based manner—they have different definitions of what that means. They also have different definitions of what the approach then means. It could be from one level; for example, for DFID it means the empowerment of poor people to tackle poverty and ensure that citizens can hold governments to account for their human rights obligations; for the Swedish International Development Agency it means supporting the struggle against poverty from the perspective of democracy and human rights; for UNDP it means the full realisation of the right to development with emphasis upon freedom from poverty; UNICEF and others define it within the context of the CROC and CEDAW; for ILO it means a declaration on fundamental principles and rights at work. I could carry on.

There is a significant difference in terms of interpretation of this and, as we have said, it is worthwhile continuing to explore this issue. From our perspective, the point just made by ACFOA in terms of the issue of accountability is one that is clearly embodied within the government's overall aid policy, within the poverty alleviation framework, very clearly within the principles provided by the minister, and within the government's framework under which we work. So we could not agree more upon the importance of the issue of accountability. One could suggest that there is a lot of commonality here, but there is still a significant amount of discussion which is needed under this topic.

Mr Davis—It will be particularly important for there to be an acknowledgment of the importance of keeping a high sense of coherence about the way we go about the development and delivery of the program. I think the coherence has come from having one clear objective for the program, and that being then seen in the context of a framework for addressing poverty alleviation. That sense of coherence is particularly important and I think we are quite well positioned on that with the program at this stage.

Senator FERGUSON—If we are going to start talking about the delivery of aid, I wonder whether we could have some comment from people present on the role of the IMF and the World Bank, because there has been significant criticism in recent times, particularly of the IMF's poor analysis and foresight in failing to predict or properly administer the Asian financial crisis of 1997, the movement of some funds provided under IMF packages to private offshore bank accounts, the excessive use of conditions, and the tendency for some places to experience a series of financial crises despite IMF intervention.

Similarly, the World Bank has received criticism that it is acting as a bank rather than as a development agency. Probably the most strident criticisms have been of the way that the IMF insists on conditions, described sometimes as negative conditions, for their assistance. Would you, as organisations involved in aid delivery, like to comment on those criticisms of the IMF and the World Bank?

Dr Pace—In 1993 at the Vienna World Conference on Human Rights, the World Bank made a statement saying that it had sympathies with the conference but that its articles of agreement

excluded it from being involved in the subject. In 1999, Mr Wolfensohn announced a comprehensive development framework, with the issue of addressing poverty alleviation as the basic objective of this approach. It was a total turnaround. The IMF followed much later. I am told that there is a development committee that bridges the two institutions, which for many years was considered as being a kind of place where developing countries or debtor countries had a kind of placebo place, as it were.

This apparently is now being taken more seriously. The role of the IMF and the World Bank, which had in fact spun off serious human rights problems as a direct result of their policies of structural adjustment and so forth, is now much more constructive, but it is still young. I dare say the comprehensive development framework is a classic prototype of a rights based approach to human rights, because it brings in the work of the non-government institutions, civil society and intergovernmental organisations.

In our experience, the World Bank has taken a very bold step in terms of delivery of projects related to strengthening of those structures traditionally related to the realisation of civil and political rights. ADB still a little bit in principle wishes to get there but in practice—in our experience at least—it has fallen seriously short of giving this aspect the seriousness and the resources that it requires. There is indeed a change in climate towards a more positive, more constructive approach towards our type of work. We still have a long way to go, especially with regard to the ADB, for instance, but the news is not all bad.

Mr Earle—First of all I would like to welcome Bruce Davis's recitation of the varying approaches towards the human rights approach to development by a whole range of different agencies. I particularly welcome his willingness to continue to explore the rights based approach with NGOs here. The problems of different definitions particularly afflict notions of governance too. Certainly that has not prevented it being taken up as a very major part of many development programs, but there is no common definition of governance that is used. It is used as a grab bag to describe many different things, including some of the programs that the World Bank and the IMF have pushed, around structural adjustment, structural reform and privatisation. These have been put under the broad issue of governance on occasions. The variety of definitions in some ways should not be an impediment to exploring the practical implications.

In relation to the World Bank and the ADB and the regional development banks, there has been a real shift, based on a sense that aid has not delivered what it should have done and what it is meant to do in terms of poverty eradication in many societies. The World Bank has made some very interesting shifts. It has not yet gone as far as the UN in terms of discussing human rights or the human rights approaches explicitly and in fact it has not gone as far as our own government and our own aid agency in terms of being explicit in terms of the six principles. One area that the committee could explore is looking at how Australia's own exploration of linking human rights and aid could be taken into those forums of which it is a member and is on the directors' board. So the ADB could be expected to more effectively look at the rights principles linked between human rights and aid, as could the World Bank. Now is very much the right time for those discussions, because of processes like the Comprehensive Development Framework and the poverty reduction strategy plans, or papers, which are being put together by

the poorest countries in a participatory way. Now is a very good time for Australia to begin encouraging those debates at the international level.

CHAIR—Thank you. I wonder whether Treasury can add any information for the committee and those present on what sort of focus is given by the organisations that we are talking about—the World Bank, the IMF and so on—in relation to the issues that we are discussing today.

Ms Mrakovcic—I might make a few comments picking up some of the things that I have heard from the last few speakers. The first point is that the international financial institutions, or the MDBs—the labels that people are discussing—are not homogenous products. Each of these institutions has different mandates and different objectives. It is important to keep that in mind when one is talking about their progress or the success they make towards the achievement of different aspirations that in some cases are not necessarily directly linked to their mandates.

Most of those mandates—for instance, the case of the IMF—go towards promoting international monetary stability, towards external viability and, related to that, sustainable growth, and towards increasing real incomes and high employment. Certainly, there has been an interpretation that sustainable growth does rely or is linked with poverty reduction. That has been the reason that the IMF has gotten into this area of providing debt relief under HIPC and also into the poverty and reduction growth facility. The World Bank is focused on economic and social development. That is its mandate. The interpretation of that, in recent years, has been a focus on poverty reduction.

The point is that they focus on what is necessary to achieve—in my mind, at least—their ultimate objectives. In some cases, in achieving their ultimate objectives, they can and do advance human rights. In fact, advancement in human rights can be an important by-product or outcome of the involvement of these institutions in the achievement of their major objectives. Sometimes they can even be a means—if you like—of achieving those ultimate objectives. I think it is important to realise that advancing human rights as an end in itself, for its own intrinsic worth, is not something that is the focus of those development institutions and of the International Monetary Fund. It is the objective of the UN, and it is important that those other institutions collaborate with the UN and certainly do nothing to harm human rights. I think that that acknowledgment is something we have seen in the comments made by the World Bank and others on the importance that they place on human rights and the ways in which they believe their own programs have advanced human rights.

CHAIR—Thank you very much.

Mr Ensor—I draw the committee's attention to the recent report of the World Commission on Dams, which looked at a range of projects financed by multilateral institutions and bilateral donors. One of the findings of the World Commission on Dams was that there are widespread, limited and negative impacts of development projects, particularly in the area of infrastructure within water management projects, resulting from them being implemented over time without specific reference to human rights. The commission, which was a global two-year exercise, found that a traditional development approach, based on a cost-benefit analysis, and the tools that have been used, particularly by the multilateral institutions, have been inadequate for effective development planning and decision making. They recommend that that framework—

that sort of balance sheet framework of project implementation—be replaced with a different framework which respects rights and integrates basic human rights into project design and implementation. They say that:

Given the significance of rights related issues, as well as the nature and magnitude of potential risks for all parties concerned, we propose an approach based on the recognition of rights and the assessment of risks be developed as a tool for guiding future planning and decision making. This will also provide a more effective framework for integrating the economic, social and environmental dimensions for options assessments and planning of projects.

That was a very specific recommendation directed at donor governments and multilateral institutions in relation to infrastructure projects, particularly in the water management sector.

Mr Davis—Don't they feel that they have violated rights in terms of that particular project?

Mr Ensor—The sorts of issues that they looked at were, for example, large-scale hydro-power dam projects around the world that had been designed and implemented without adequate reference to the sustainable livelihoods of communities living downstream. So they looked at examples of water management projects in that field: where downstream water flows, as a result of the project, had been reduced by up to 90 per cent; where available fish resources had been reduced by an equivalent amount; and where, as a result of the project, communities were actually not able to fork out a sustainable living, whereas they previously had been. They looked at decision making processes that excluded marginalised people. They looked at around a dozen projects in particular detail to draw these sorts of conclusions.

CHAIR—Before I turn to Senator Harradine, I must thank Oxfam Community Aid Abroad for filling the gap in my knowledge on the World Commission on Dams, which your submission did very helpfully. It was not something I had previously turned my mind to.

Senator HARRADINE—What contribution does the federal government make in the areas of human rights and human security when considerations at the IMF, the World Bank or the ADB are being given to certain programs for certain countries? Does AusAID have a role to play there? Does it implement some sort of checklist and what about Treasury and the representatives on the particular boards? Could that detail be given to us, please?

Ms Mrakovcic—Senator, I might try and answer that, and I will need to be corrected by my AusAID colleagues and DFAT colleagues.

Mr Tapp—Never!

CHAIR—We might hold you to that, Mr Tapp.

Ms Mrakovcic—Essentially, Treasury does take responsibility, for the most part, in providing comments to our executive directors who represent Australia within constituencies at the IMF, World Bank and Asian Development Bank. I might just throw in a slight red herring and note that the executive director who is representing Australia at the IMF, the World Bank, the ADB and the EBRD also represents other countries in the constituency. Therefore, the views that they put to the board will often require a consensual approach between the different countries within that constituency. However, having said that, in terms of the Australian advice

or position that is put to the executive director as one input into his own processes, Treasury would seek to involve both AusAID and DFAT in developing a whole of government approach to developing views on the individual merits of projects or programs that go to the board. I think I can say that, in general, the most important point for all of us when looking at the projects or programs that go to the board for approval is, essentially, to examine them on their economic and technical merits and whether we believe that they will achieve the objectives as stated in the actual program or project.

Mr BAIRD—How does that relate to comments Mr Ensor made about consideration of applications for communities on particular projects?

Ms Mrakovcic—Let me talk about the MDBs, because I think most of the comments made by Mr Ensor do perhaps relate specifically to—and I hope I am not presuming too much—the IBRD and the ADB. Each of those institutions is required to take into account various environmental and social aspects, and they also look into issues such as resettlement and location, so these are issues that are formed as part of the cost-benefit analysis. To the extent that, at times, criticisms or allegations are made, there are actually vehicles within both of those institutions that provide for both internal and external assessments. In some cases, projects that are based on environmental and social cost-benefit analyses, incorporated in a fuller cost-benefit analysis, have come to the board and a decision may be taken by that board. Where there are concerns raised about that process, it will actually be reviewed, both through internal and external assessments. At times the boards have indicated a willingness to actually stop funding for a project where that has been the case.

I would simply like to reiterate that, yes, there are concerns and allegations that have been raised, but there are internal governance mechanisms that are designed to try and address those. Certainly Australia has been very strongly supportive and at the forefront in emphasising the importance we place on accountability and transparency in the governance of these institutions themselves when it comes to these internal and external assessments.

Senator HARRADINE—Perhaps AusAID could add to that. Specifically in respect of the fundamental rights which are enunciated in the universal declaration—which include individual social rights and the fundamental group unit of society, the family, and so forth—do they get a guernsey there? These are very fundamental issues that affect fundamental rights. I am thinking of one dam project—

CHAIR—There is no ‘n’ on your ‘dam’, I am assuming, Senator Harradine.

Senator HARRADINE—that displaced millions of people and the individual families are being sustained now by donations from charitable groups, and no doubt by many people around this room.

CHAIR—Mr Hobbs wants to add something there. Is there any response to any of those specific questions from Senator Harradine that AusAID would like to make?

Mr Tapp—Just to add very briefly to what my colleague from Treasury has just outlined: I think it is important to recognise that there have been significant developments in the ways that

the World Bank and the Asian Development Bank are now beginning to look at their broader program engagement in countries. I am not commenting specifically at the board level; that is for colleagues in Treasury.

Returning to a point that was highlighted earlier that the engagement, particularly by the World Bank—in terms of engagement with civil society and various stakeholders within countries through the development of the comprehensive development framework, and also looking at poverty reduction strategy papers within countries—is a very significant development and one that Australia has been supportive of. We have also been clear to encourage both the World Bank and the Asian Development Bank to ensure that there is adequate consultation with civil society. We consider that to be important and we are pleased to see that there has been progress on that front in both institutions. I am sure people at this table may have different perspectives of how much further that should go. I merely point out that we have encouraged that to happen.

Certainly it is also clear that there are significant safeguards which are being introduced by the World Bank and the Asian Development Bank in a number of the sectors that they are involved in. Regarding environmental safeguards, we recently heard from the vice-president of the World Bank who has responsibility for, amongst other things, the environmental and rural development sector in Washington, of the very significant work that has been done by the World Bank in relation to various safeguards in these areas. All I really wanted to add is the fact that the broader basis of the work being done by the World Bank, and increasingly we hope by the Asian Development Bank, in this area is very much a background to some of the specific considerations which would be going on in the board when it comes to approval of specific projects. I will leave it at that for the moment.

Mr Hobbs—I think it is worth pointing out that the ADB does not have a formal checklist on human rights. Its current commitment to inspection panel has really come about as a result of pressure from NGOs and the Australian government which has been quite critical of the ADB. I think it is very early days to say that ADB is operating on a basis that we would all be happy with. It certainly highlights the point, Mr Baird, that there is not, I think, a tradition and an understanding of how you actually look at large-scale projects against the rights of people who may be affected by them. I think it is also true to say that with the World Bank—who are ahead on this—the rhetoric is ahead of the practice. One can see reasonably self-critical analysis about that.

I think the problem for Australia is that if it does not itself adopt a consistent approach to rights it is rather hard to argue for it elsewhere. We would suggest that adoption of a rights based approach, which includes things like a check list approach to large-scale infrastructure projects, would not be onerous. I can understand the political difficulties in negotiating that, and one would not expect that to happen quickly, given the attitudes of other donor governments on the boards of both institutions, but I think it is the right thing to do, and we should be encouraging the government to adopt that approach.

Mr Tupper—To reinforce the point there, the focus and language of wellbeing can be shifted, but the jury is still out in relation to the practice. One of the other key concepts of a rights based approach is participation. There is some current very useful dialogue about what

authentic participation actually means. As distinct from cursory consultation or informing people about what is going to happen to them, this is about people actually having some valid say over the types of aid interventions that affect their lives. One of the key points of learning over the many years of aid delivery has been about unintended consequences. What happens to those people who are displaced? What happens to those people who are more marginalised as a result of an aid intervention? It is more than just words; it is about how we can shift from the consultative and very cursory processes of participation into meaningful participation.

Mr Doan—On the topic of the ADB and other multilateral organisations, I think there is general agreement around the table that some activities of those organisations can have an impact on human rights, and clearly one way to address that is for the Australian government to be active in promoting to these organisations the importance of taking into account human rights in their work. That is one of our recommendations. This matter relates to another issue that Mr Davis mentioned before. He was promoting the clarity of Australia's aid program in having a single purpose, as per the Simons review—that is, poverty reduction. If we take that as given, clearly it is not our role to go and talk to the multilateral organisations. So I think there is some disconnection there.

In relation to that, I think in practice it is not quite true that Australia's aid program currently only looks at poverty reduction, because currently we are also saying that our aid program should promote gender equality. One of the outcomes of that is that about 50 per cent of students coming from Vietnam are female. Already in our current objective we are looking at protecting human rights, so really our current aid program is not just about poverty reduction. Therefore, in regard to our general point earlier about including human rights as part of the overall aid program, I think there is room for that to be adopted.

Mr Ensor—Just to clarify a point made by Treasury earlier in relation to the multilaterals' handling of grievances brought to them by communities negatively impacted by projects, it is worth pointing out for the record that the ADB board throughout its history has never once initiated a formal inspection of a project as a result of such a grievance. It is now in the process—I think in the next week or two—of making a decision in relation to a particular project in Thailand, but it does not have a history of acting on those grievances that are brought to it.

Mr BAIRD—Let us talk about the ADB and our involvement with the ADB. Do we have representation on the board? To what extent are Mr Ensor's claims right? Do we see any conflict between our own aid programs and that initiated by the Asian Development Bank? Are they unaccountable, do they do their own thing, and are they responsible only to their board? Do we have a separate organisation doing their own thing, and doing it strictly on straight economic criteria that may be aimed at poverty reduction but without the human rights perspective?

Ms Mrakovic—Australia is a member of the Asian Development Bank. We have a voting power of roughly five per cent in total. We are the fifth largest shareholder in the ADB. We hold both the executive director and alternate executive director positions. The executive director is Mr John Lockhart at the moment, and the alternate is Miranda Rawlinson, an AusAID officer of many years standing. Basically, the positions that we adopt in the Asian Development Bank

reflect AusAID's and the Australian government's specific views on the importance of poverty reduction. The Asian Development Bank has recently moved towards having an overarching objective of poverty reduction, which fits in quite nicely with Australia's own views and the objectives of its aid program. Yes, we have strong views on transparency, accountability and the need to strengthen the internal governance mechanisms of these institutions. Australia has been quite strong in putting forward that position.

I take Mr Ensor's point, and I would not disagree with what he said, but it is important to note that many of the changes to the internal governance mechanisms have been very recent. Future years will be a good indication of how effective recent reforms have been. Certainly, it is an evolutionary process, and we are working across all institutions to try to improve their transparency and accountability. All I can say is that mechanisms are now in place and we hope that they prove to be effective in future years, and we stand ready to complement them.

Mr BAIRD—What is our annual contribution to the ADB?

Ms Mrakovcic—In terms of capital contributions?

Mr BAIRD—Yes.

Ms Mrakovcic—I am not sure whether we have the figures here.

CHAIR—You can take that question on notice.

Ms Mrakovcic—We will take it on notice.

Mr BAIRD—Also, does it represent part of our aid program as a total? I presume that it does.

CHAIR—Mr March, I think this is your area, isn't it?

Ms Mrakovcic—But in fact the contributions that Australia makes to the ADB would cover general capital provided to the Asian Development Bank itself as well as contributions by Australia towards replenishments of the Asian Development Fund. As at 31 December 1999, we held 204,740 shares, and they were valued at around \$A4.3 billion. That represented just under six per cent of the total capital subscribed to the ADB.

Mr Legg—A significant part of that capital would be on call. We pay only a small part of it in cash that is held here for the hopefully never happening occurrence when they need the capital.

Mr BAIRD—Are the people who sit on the board drawn from countries that may not have a particularly impressive record on human rights?

Ms Mrakovcic—They incorporate the entire membership of the institutions in respect of countries that seek to be members of the institutions.

Mr Legg—In each of these multilateral institutions about which we are talking, including the World Bank and the ADB, there is a constituency arrangement. I am more familiar with the World Bank than with the ADB, but the principle is the same. We have 24 chairs and the five largest chairs have a seat in their own right. The rest of us share a chair with other countries which together have enough votes to have one seat. The composition of those constituencies are, to some extent, accidents of geography and history.

CHAIR—I would like to ask Mr March to add to this discussion from the AusAID perspective.

Mr March—I am happy to do that. Clearly, the ADB is the only multilateral donor working exclusively in the Asia Pacific region. It is therefore of particular importance to Australia. It is worth noting that the ADB has a guaranteed funding window for the Pacific of \$US150 million a year. Given the focus of the Australian aid program on the Pacific and Asia, there is a high degree of complementarity between what the ADB seeks to do in its poverty reduction approach in a region of particular importance to the government, and the Australian aid program. We value products that the ADB provides in terms of concessional loans and technical assistance. It provides some limited grants, although that is not a major component. It carries out important sector analysis and it gives countries in the region access to economic and development policies that the bank and its members advocate. Annual loan programs of the ADB are about \$A10 billion per annum, so it is a significant player.

We see intrinsic benefits from us engaging with the bank to access the products and opportunities that the bank produces that we can take up in our own aid program efforts. Some of the advocacy work on good governance and anticorruption would be particularly relevant. It would also enable us to enter co-financing activities where, for example, the bank might be working in the health sector strengthening the administration of that sector and we might pick up a parallel component. That might also apply to the education sector. We see complementarity with our own activities. I am not sure how much time I have to talk about the poverty reduction strategy.

CHAIR—I will tell you, Mr March.

Mr BAIRD—Bear in mind, Mr March, that we are the human rights subcommittee; we are not the economics committee. Our focus is on to what extent the ADB looks at human rights aspects of the projects in which it is involved. Do they have a focus? Is it part of its criteria? Is it part of their stated objectives? If we are giving a significant amount of funds each year, we are looking now at the delivery. That is one part and we are also considering the macro aspect. This is interesting.

Mr March—Thank you. Poverty is not just an economic problem. It also limits personal opportunities and freedoms. Therefore, the multilateral development banks, including the ADB in our region, are of particular interest to us. They can assist developing countries through the pursuit of poverty reduction to define and advance their human rights.

The ADB replenishment process, which puts funding into a pool of assistance to which Australia contributes—and for the record, Australia's contribution to the Asian Development

Fund was \$A120 million last financial year—is put together following an analysis of how the ADF exercise went over the preceding four years. It looks at the effectiveness of that and at the challenges being faced. It agrees on a sum of money that donors will contribute for the following period. Noticeably in the last ADF replenishment there was also a consensus among the borrowing countries, the donor countries and ADB management to a series of reforms which go to the points made by some of our colleagues. The reforms considered strengthening the internal governance of the ADB and its consultation and participation with civil society, and also strengthening its safeguard policies. I hope that answers the questions from my colleagues.

CHAIR—Thank you, Mr March. I think Mr Moore wants to add something to that.

Mr Moore—On behalf of AusAID, I attended one of these replenishment meetings last year. To give you an example of the process, Australia took very strong positions to the Chang Mai meeting, arguing in particular, that the ADB had to overhaul its evaluation processes to give us all much better information about its performance on a range of fronts, not just economic, but in terms of participation and broad outcomes. We also had very vigorous debates at that meeting, and over the whole replenishment process, about governance issues and about how the ADB, as an institution, should handle them. Human rights issues were considered within the whole governance framework. At times it was quite difficult, but Australia was certainly a strong advocate for continual improvement of those processes.

Mr BAIRD—Was it that the resolutions were adopted by everyone at that stage or—

Mr Moore—As several people have noted this morning, things are not perfect but they are improving, both in terms of the internal governance arrangements of the bank and in terms of its own policies and how it pursues them.

Mr BAIRD—So it is not just tokenistic?

Mr Moore—I do not believe so.

CHAIR—There has been significant concentration on these issues at this end of the room, and I would like to further involve other participants. The second part of the committee's terms of reference, in terms of delivery, includes:

Project aid, for example for schools, hospitals and basic infrastructure;

Microcredit, particularly through institutions such as the Grameen and Women's Bank, as a means of advancing the human rights of women;

Debt reduction of Heavily Indebted Poor Countries (HIPC).

Are there any comments in that regard?

Mr Scott-Murphy—We have been talking about a human rights way to development, not the human rights way to development. There are many ways of incorporating human rights into development programs at all levels, and it does not require a great deal of work or imagination

to actually establish ways of doing it. Our organisation operates at a community level so our way of doing it is different from the way AusAID does it.

Let me give you some flavour of programs that are run in places like Bangladesh and Indonesia. Our partners in Bangladesh and India run a large series of what they call animation programs, which essentially are targeted at low-level rural villages where people are living in a feudal situation. Through a long process of coming to understand the nature of their situation, they develop the idea that their fate is not permanent, that they can change their situation and that perhaps the landlord who owns the land they have farmed for generations is abusing their rights in some way. Many of these programs come into conflict with landowners in their area, and the people are not protected by the state. The landowner will typically get a group of militia together to intimidate people who raise these sorts of questions.

That process starts at the grassroots level and, at that level, human rights start to play their part in the development process. There are further steps to that issue that relate to the way the landowner relates to his tenants and the way he relates to the governmental structures. There are steps all the way up the process at which the official aid programs can play a role. It only requires looking at the situation, having a perspective of rights and doing it. You may not look at those people as an economic unit or as needing a particular change of agricultural practice or whatever but if you look at it in terms of their rights and their capacity to assert those rights you come up with a different sort of program. We are suggesting that there many ways of doing human rights and perhaps we need an AusAID way of doing that.

CHAIR—That is an interesting comment.

Mr Earle—I want to go back to the issue of transparency and to the concerns over transparency that were raised. There have been some concerns with the way the World Bank is moving. Those have been voiced by Human Rights Watch—I think—among others, and through Article 19, in terms of the information disclosure policies of the World Bank and how they affect people's ability to participate. One of our recommendations is that AusAID increase its efforts to publicise its country strategies—its country programs—in order to facilitate the involvement of people in those processes. We urge that that sort of initiative should be taken through to its membership at the World Bank level and at the ADB. In fact, the World Bank has taken some steps forward in that way.

The issue of human rights is core to the issue of accountability in that the World Bank and the ADB do not accept their accountability, at this stage, to the Universal Declaration of Human Rights and to those mechanisms. One positive contribution Australia could make would be to explore with them how they can in effect become more accountable to those declarations and how the commitments entered into by the governments they are dealing with can be factored into the development programs. Again, there is much policy development to be done here, both at the World Bank level and the ADB level. We would like to see the increased emphasis that AusAID is giving to human rights reflected in those organisations and in policy discussions that involve civil society, in the spirit of openness, transparency and accountability.

Mr Hobbs—Very briefly, it should be said that we believe that both the minister and AusAID have been extremely proactive and positive in urging reform of the ADB. To me that highlights

the potential for leverage that the Australian government has. Obviously, the ADB is a very strategic place for that to happen because of our role on the board, size of shareholding and so on. We have found that working with AusAID and a number of other actors recently on this issue has been a highly effective way of promoting change. I think it highlights the potential for looking at these issues, as John Scott-Murphy says, in a way that is appropriate for AusAID.

Mr BAIRD—Audits for government organisations is unusual.

CHAIR—Thank you, Mr Baird. As indicated in the program, we will adjourn the seminar for a lunch period. I want to thank everybody for their input this morning. It has been broad ranging at the very least and very valuable for the committee's consideration of the issues at hand.

Proceedings suspended from 12.57 p.m. to 2.04 p.m

CHAIR—We begin the fourth of our sessions. According to the program, in this part of the seminar we will discuss concepts of the effectiveness of programs and effectiveness of delivery. We all appreciate that those are often difficult things to measure, whether we are talking about the length of time it takes for processes to be completed or the problems of quantifying qualitative issues. As has been said this morning, that is often the case when dealing with issues of governance or awareness campaigns and things like that. It also obviously applies, as we were mentioning at the end of the last session, to the utility of activities referred to in the last of our terms of reference—those activities that are supported under the human rights program, the APF, the CDI and the Office of the UN Commissioner for Human Rights. I thought it may be useful to ask APF or HREOC if they were interested or prepared to make a comment in this area in particular, and then we might move around the table more broadly, and hopefully also consider some issues of evaluation which were raised by a number of speakers this morning.

Mr Fitzpatrick—I would be happy to respond on behalf of the Asia Pacific Forum. In terms of the effectiveness of our aid programs, I think we are in a unique position in that we work with a very narrow range of actors, and that is our membership: national human rights institutions that have been created by nation-states and given a particular mandate by their respective parliaments to promote and protect human rights within their own nations. For us, the delivery of aid is about the Asia Pacific Forum working in partnership with those institutions to better enable them to meet their own mandates. We can deal with this problem on a practitioner level, and we find that it takes some of the heat out of human rights assistance projects when we get practitioners working with practitioners in various countries. As well, the nature of these institutions is that they are generally relatively small. We are not talking about large institutions: within the Asia-Pacific probably the largest is the Philippines commission, which would have a staff complement of about 750 employees. Generally we are talking in the order of 100 to 200 employees, meaning that the types of institutional strengthening projects that we run are also relatively small. For us, then, the narrowness of the type of work that we do and the types of interventions we can make mean that we can produce fairly effective outcomes, and ones that are relatively easy to measure, in terms of institutional strengthening.

You will note that in our submission we make a number of broader comments about the difficulties associated with measuring effectiveness in terms of human rights aid related projects. It comes back to a comment Mr Baird made earlier this morning about the measure of effectiveness in countries where large-scale and sometimes quite significant human rights

violations are occurring, and what impact that may have on the sustainability of the aid that AusAID may wish to direct towards those countries. In our submission we argue that in that type of environment it is particularly hard to measure effectiveness: we find a situation where we take many steps forward but many steps back, in terms of human rights protection and promotion. The major thrust of our argument is that you need a longer term view of the delivery of aid in those situations.

Mr Kennedy—I might add that the programs we are involved in tend to be about the introduction of concepts and ideas. Sustainability and effectiveness really lie in the life of those ideas and those concepts. While, as Mr Fitzpatrick has just said, we do work at a very practical level and we put practitioners in touch with practitioners; and while those sorts of programs can be measured, we think that the long-term outcome is really the life of the idea. So we believe it is the concept of human rights and the concept of protecting human rights, and the practical outcomes that the protection of human rights can deliver, that represent the effectiveness and sustainability of these sorts of programs. Of course it is very subjective when you try to measure those sorts of things.

CHAIR—Thank you. Are there further comments or contributions in this initial part of the discussion?

Dr Pace—I just wanted to share a reflection to help our discussion. I speak in the light of the somewhat limited experience I have had in the last couple of years with regard to capacity building in the administration of justice field. It is a sector in which you can detect only a limited amount of progress, if anything because you are relating more to a culture than to a specific situation. When, for instance, you are undertaking a series of workshops on legal drafting, let us say on anti-corruption laws or on money laundering laws, you need to train people to draft in an environment which you are not sure is going to plug into what the result will be. That is because the culture outside the law once it is done—and it may be a very good law—will still not be ready to receive it on a more mundane level.

It is like when we try to train police law enforcement officers in international standards regarding law enforcement with no provision for enhancing their standard of living as far as wages, education, housing and health are concerned, which is what pushes us towards this integrated approach to the work we do. We would need other NGOs and other projects to help us in that stead. There is a certain 'iffiness', if you like, at this stage in the delivery of what we undertake because of the yet absent integrated approach to the way in which development is undertaken.

Mr Earle—One of the recommendations that council has made to this inquiry is that it is very important to have explicit human rights objectives if you are wanting to measure effectiveness. That is one of the concerns that we have about the lack of specificity in mentioning specific economic and social rights, such as the right to education or the right to health. So we believe that, unless you do put those specific objectives down, it is very hard to measure your progress towards realising that right and measuring the effectiveness of particular mechanisms of delivering. We would just reinforce, in support of the recommendation we have made, the importance of being quite explicit about having human rights objectives.

CHAIR—I guess that leads to a question out of the submission from Oxfam Community Aid Abroad. For example, in terms of the last two of the rights that you cite in your five points—the right to be heard and the right to an identity, gender and diversity—I am interested in how you measure the effective achievement of those ambitions, if you like, through the sorts of things you deliver.

Mr Ensor—That is a very good question. This framework is relatively new so it has not as yet generally been incorporated into formal evaluation processes, to my knowledge. We are starting to roll it out in terms of evaluation of some of our projects and programs.

I think the crux of being able to evaluate it is in clearly setting targets within our development programs consistent with these rights and then measuring progress against those targets. That is more easily quantifiable in some areas than in others. In terms of rights to a voice, that is talking about such things as civil and political rights in particular: how your partner organisations believe that they have had opportunities for input into decision making processes and that their voices have been represented in formal government processes. That is something we will be grappling with over the next couple of years.

Mr Hobbs—There is a specific example that I could give you. We are running a citizens education program in East Timor prior to the ballot, and we focus particularly on women's groups and youth organisations. In a sense it is like any program framework: you have to develop indicators and work out whether you have reached enough groups and whether those groups are demonstrating the behaviours that would indicate they understand what the processes that will be involved in the ballot are. So that is a situation where we have focused on a particular group within the community, particularly women and young people, and we have designed a program to try to address their capacity to participate in the upcoming ballot.

CHAIR—So do you expect to make a formal evaluation of that program after the ballot? For example, would that include something like page 8 of your submission, where it refers to individuals gaining the 'skills and moral support to exercise their rights effectively'? I am very interested in how you measure whether an individual has gained the 'skills and moral support to exercise their rights effectively'.

Mr Hobbs—That will be built into the evaluation process in the program design. It is a bit like when you attend a village meeting for a women's credit group. One of the indicators is the confidence of people to speak freely in the meeting, and people who are skilled community development workers can make assessments about the progress that that group has made and the kinds of issues that they raise in discussion. A lot of this stuff is qualitative. An issue that most development organisations are grappling with is: how do you really evaluate impact long term? To the extent that we can correlate that with rights, I think that is the challenge ahead of us.

CHAIR—That comes back largely to the point that Mr Kennedy made very early in this morning's proceedings on evaluation, if you are looking at a rights approach versus any other: that it is often—and I am paraphrasing Mr Kennedy, so if I misquote you, Mr Kennedy, please tell me—a long-term process that does not really lend itself to short-term assessment in that way.

Ms Simpson—I think that is true of most development work, and I do not think it is unique to human rights. There are examples from southern Africa in relation to our HIV programming around measurement of people accessing their rights, and some of it is quantitative: the increase in the number of people who are seeking legal advice in terms of employment, for example, or the number of questions raised in parliament about rights in relation to HIV. So there are some more quantitative indicators that we have developed.

What we found in shifting to a rights based approach was that it certainly broadened our understanding of appropriate responses, so with HIV that was a health based approach. What that has meant is that people are very focused on treatment and care only, and in developing countries treatment is a very difficult and unlikely option. Care is also complex, whereas if you take a rights based approach you look not just at treatment and care but at protecting people from discrimination, so that an HIV positive person is not going to lose their job or their house on disclosure of their status. You look at protection of children. You create an environment that allows people to actually engage in a way that reduces stigma and opens up an environment for constructive response. HIV is a very clear example of where not taking a rights based approach has created serious problems and 15 years of work in many southern African countries has not been effective.

Senator FERGUSON—I wish to ask ACFOA this question. When we talk about assessing the effectiveness of human rights activities, you suggest that we use existing benchmarks. You quote in your submission the development assistance committee of the OECD, which propose the reduction by one-half of the number of people in extreme poverty by 2015, universal primary education by 2012 and the reduction by two-thirds of mortality rates for infants under five. If I remember rightly, in response to Kofi Annan's 'We the peoples' statement after the millennium summit, they reiterated two of those goals: the reduction by one-half of the number of those in extreme poverty, and I think they changed the universal primary education to 2015 as well. I think there were two proposals. I do not remember—and I may be wrong—seeing anything about the reduction in the mortality of infants under five. I simply cannot remember.

I heard a comment this morning by somebody that these goals may be unachievable. I am trying to remember who, but I think somebody said that. Are goals such as these used by the policy makers within the NGOs in your planning strategies? Do you still seek a target or do you use that? Those targets were officially announced by Kofi Annan at the end of the Millennium Summit, so what is your reaction to those targets? Do you think they are possible or believable? Am I right in saying that the infant mortality dropped off the list somewhere in the statement made by Kofi Annan? I cannot remember.

Mr Tupper—I am sure it has not dropped off the list.

Senator FERGUSON—I think in his specific statement it did.

Mr Tupper—In the statement it may have, but it is still there. It definitely is an international development goal and that is what they should be regarded as: international development goals. If you do not set goals and benchmarks then how are we going to plan programs and assess progress towards those goals? In the NGO community, goals are set by various NGOs according to their own areas of expertise and the programming they are in. This comes back to one of the

core issues—about the rights based approach being accountability—and one of the issues that has just been raised: how do you measure progress in hard to quantify social indicators of people's participation? It is interesting to see in the AusAID poverty reduction strategy, under the heading of 'accountability', a very clear goal or purpose, which is:

...to engage with governments and civil society to remove barriers to the participation of the poor, including participation in decision-making.

If we talk about the effectiveness of programs, one of the key ways we can measure effectiveness is through sustainability: is the intervention that we have funded or supported sustainable or are the benefits of that intervention sustainable? If we have these broader goals of education and so on, after the aid intervention, if that benefit ceased then that would not be a very effective use of those funds.

What we are looking at here in terms of the rights based approach is being very clear about the process goals as well as the outputs. That is one of the strengths of the Sphere project, which started out as a very rights based approach to emergency assistance and humanitarian disasters. It draws from the international covenants and so on and sets out what are very clear output goals under water, health, sanitation and so on. The whole program is still in the process of being implemented and a lot of training activity is going on, and AusAID have been cooperating with the NGO community to do that. But what is not so well understood is that there are also some very clear process goals there about participation. We want to highlight that if we are going to be effective we need to be sustainable and if we are going to be sustainable we need to remove those barriers of participation of the poor and we have to start to engage in more dialogue about how do we then measure progress towards those goals.

Senator FERGUSON—I distinctly remember that the UN Secretary-General made this announcement at the end of the Millennium Summit and said, 'We are not going to set targets that are unachievable. That is why we are saying we are only going to try and halve the level of extreme poverty by the year 2015, and we are only going to try and get a primary education for all children by the year 2015.' Is there anyone here who thinks those targets are achievable?

Mr Ensor—The analysis that Oxfam has done says that these sorts of targets are definitely achievable. The difficulty at the moment is that we are off track in terms of being able to deliver on them. If you take basic education—

Senator FERGUSON—What do you mean by off track?

Mr Ensor—Take basic education: the calculation that we have made is that to achieve the 2015 target of universal primary education will cost something in the order of about \$US8 billion per year for the next decade. In comparison, that equates to around four days global military expenditure. That is an amount that we believe is highly possible for the international community to deliver, but what is lacking is the political will to do so and also the frameworks to do it within. The poverty reduction strategy paper process, the establishment of global funds and those sorts of things that we have been advocating for some time are steps in the positive direction, but it will require considerable political will to deliver on these targets.

Senator FERGUSON—It is very simplistic to say that it is four days of military activity or something like that because in fact you know that the money that is going to have to be spent is going to be in spite of the money that is spent on military activity, not replacing it. It is highly unlikely that in the near future it is going to be replaced.

Mr Ensor—In many instances it is not in addition; it is a reallocation of resources within developing countries for a start—many countries with appalling basic education records. One of the aims of the poverty reduction strategy paper process is to see an effective reallocation of government expenditure, from the funds that are freed up from debt relief, into poverty reduction areas and out of inappropriate expenditure areas.

Senator FERGUSON—Does anybody else think we can reach those targets?

Mr Tupper—Those broader goals are a macro picture of what are, in day-to-day aid programs, micro goals or particular objectives of projects and programs. If there is an ambitious objective or goal set and it is not achieved then the purpose is to step back and ask why it was not achieved, what it was that we didn't consider, what was an obstacle or what was the resource that was missing from the equation. That is the purpose of a goal—to be able to step back and say, 'That was our expectation but we didn't achieve it.'

I am not sure whether you are getting at the point where we should not set goals in this fashion. At the time the goals were set, the OECD DAC said from the evidence they had that they were achievable—and that is how they presented them. If those goals are not achieved then the obligation is to look at that and say, 'Why was that the case?'

Senator FERGUSON—I am not suggesting we don't have goals. I specifically remember the Secretary-General's words. He said, 'We're not going to set an unrealistic target'. Those might not be the exact words but that is the essence of what he was saying. In many cases, unrealistic targets are set hoping you get at least some of the way. In this case, he made a point of saying that he did not think it was an unrealistic target—'unrealistic' might not have been the word; 'achievable' might have been the word—rather than just a target that you hope to get some way towards achieving because every increment at least is doing some good. You hope that you eventually get there but, realistically speaking, you probably will not. In this case, I got the feeling that he was saying, 'Realistically, we should be able to do it, and yet very few people seem to think that that is a realistic proposition.'

Mr Tapp—I note, with a certain concern, that in some of the conversation we have had on 'effectiveness' there has been a certain lack of precision in terms of effectiveness of programs, and that there is still a lot of work to be done. I share the view that there is a lot of work to be done. However, I think within the Australian aid program we are clearly accountable for achieving certain outcomes within the aid program and it can be helpful if we frame it in those terms—that one is actually accountable for outcomes. It means that it is very important to actually frame what you want to achieve in a way that you can actually then assess it. Doing it in terms of process is not sufficient to enable you to do that.

The agency has put a significant amount of effort into looking at this accountability and the effectiveness of the Australia aid program, as recognised very specifically by the recent DAC

peer review of the Australian aid program. We continue to see this as an absolutely core priority in what we are doing. The framework through which we tend to operate works at a number of different levels.

When framing program strategies, be they strategies for bilateral programs or even for multilateral programs, we would be looking to, within that, have a very clear definition of what we are actually looking to achieve. That may be over a longer time frame, but with a very specific evaluation framework that we can tie to that to measure our progress. That is often then broken down into looking at sectors within a particular program.

Under our treaty arrangement we actually have specific milestones that are to be achieved under our development cooperation program with Papua New Guinea at the moment. We and the Papua New Guinean government have made very specific commitments to be able to achieve those. They go across various sectors—health, education, infrastructure and what have you. The cooperation program, at one level, is measured against the achievement of those benchmarks, which are very specific. We then move down to a project level and it is quite clear, at that and at the activity level, that it is very important to be clear about what one is seeking to achieve. We have internal monitoring systems and evaluation systems which are continually looking at that, and it is a requirement of all our desk officers and all our partners, be they contractors or NGOs, that they are actually providing information in this regard. We have recently been working quite specifically on collaboratively trying to look at the development of a quality assessment framework that we may use for some of the NGO programs. On that basis, we would then look to be making appropriate management decisions. If we see that there are some areas where we are not achieving against some of the specific objectives we have outlined, we would obviously want to make appropriate adjustments and improvements in what we are doing.

That framework applies to our human rights activities as much as it would to any other activity that we were engaged in. I would be happy, if the committee would like, to provide you with more detail on the way that this is approached. We have a framework that operates for multilateral agencies as well. I just reiterate that we are trying very much to focus on the outcomes, in terms of what we are actually achieving, rather than look just at outputs, or indeed the process—which is all-important in terms of achieving outcomes. Mr Dawson might like to give a very specific example which may be of interest to the committee in looking at this particular point.

Mr Dawson—I wanted to talk principally about our program of human rights technical cooperation with China. There is one other example as well, from another country. That program has now been operating for about four years. One of the things we have learnt in looking at the impact of the program, in evaluating the program, is that it is important to take a fairly long-term view about this issue of impact. Many of the impacts are not immediately obvious. They are not immediately measurable or quantifiable, but they are there and they are part of a process which is, we believe, slowly leading to more substantive institutional and behavioural changes in some of the organisations that we are working with.

Many of the activities of a cooperative nature have been with agencies that have had little previous experience of international cooperation of any sort. So it is perhaps not surprising that

progress has initially been slow, because it has been important to spend time building up relationships of trust with these organisations. I think we are now getting to the point where it is possible to start to work with them on real issues and practical problems. This year we have begun to prepare an evaluation framework for that program and to see some of the results of that. After introductory and basic awareness raising activities with many of the staff of these organisations, we are now starting to see a much more genuine enthusiasm on the part of our partners to identify areas of cooperation themselves and to put their own resources into working cooperatively in these areas.

I have some specific examples of what we have started to see coming through in our evaluation work on those programs. We have been working with the procuratorial organs in China—the public prosecutors—and we are starting to see the adoption of a public complaints processing system which has been based on discussions they have had with the New South Wales Police Integrity Commission and the Independent Commission Against Corruption, involving the establishment of oversight committees at the provincial level which oversee the receipt, registration and processing of complaints against those organisations. We are beginning to see the introduction of caution cards, which are handed to suspects who are taken into police custody and which set out their rights. Through some of the work we have done on domestic violence, particularly in minority areas, we are starting to see changes in the way the organisations of the state that deal with these issues, consult with each other, deal with the community and work out arrangements to identify, minimise and reduce the incidence of domestic violence. In a very practical sense it does take time but, when there is the opportunity to build those relations of trust with those organisations and for our partners to see that there are practical areas in which we have experience to offer that they can adopt, we are starting to see impacts come through from that.

I want to mention one issue that came across my desk the other day which I thought was particularly interesting. It involves our work in the Philippines. Part of our program in the Philippines deals with governance activities. One of the first activities we conducted under that program was to prepare a bench book for the judiciary. In its hard copy form it is about four or five centimetres thick, and it brings together all of the articles on civil and criminal procedure, rules of evidence and guidance on judicial ethics. It is circulated widely to the judiciary and to the legal profession. I have a CD copy of it here which people might be interested in seeing. One of the interesting things was that, almost as soon as the CD was released, it began to be copied. Those copies were really taken up very strongly by civil society organisations which clearly see that bench book as a very powerful tool in their hands to hold legal institutions of the state accountable for following a set of clear rules and procedures in the way in which they operate. Through these sorts of programs we can see that there are impacts and that they are practical impacts and real ones in terms of improving human rights conditions.

Mr Scott-Murphy—One of the keys to effectiveness in our experience is to ensure that your program is something that is actually needed and requested by the local people. If you go to a community with the objective of looking for appropriate human development projects in that area, you need an ear for rights and rights language. If you do not have an ear for the language or what is being said to you, you will identify different sets of needs, because there is a huge range of needs. If, though, you have an understanding of rights and their impact on their level, you will pick up what people are saying to you much more easily. An example is a tribal

community from the southern area of Irian Jaya in Indonesia—this is particularly true with minorities and indigenous peoples—who have lived in their area for many years and whose land is gradually being encroached upon by government programs and commercial interests. They have no way of proving where their land is—they have no title. The law enables them to have ownership of that land, but they cannot show where the boundaries are. We funded a land mapping project that enabled the oral traditions of that community to come together over a period and establish a surveyed map on paper. Sometimes a three-dimensional map is made, so that they can keep it in their own central place to refer to later. That map enables them to negotiate with incoming commercial interests who want to set up on their land or governmental interests, and sometimes there is a combination of both. Without that map, their rights to land are virtually non-existent. It requires you, when you visit a community like that, to have an ear for rights. Many consultants and development specialists who go out into developing countries have not come up through a rights framework. If there is a rights framework, you have a different way of approaching sometimes the same issue to which you might see a different solution from a different tradition.

Mr Doan—I would like to address one particular aspect of effectiveness, and that is aid money being used for the purpose for which it is meant to be used. For example, a recent survey by Transparency International, or by PERC, of countries where corruption is a problem shows that there is quite a bit of overlap at the bottom of the heap in countries to which we are giving bilateral aid. That indicates a potential for our aid to be made ineffective by leakage through corruption in recipient countries. One solution to that which Australia has been taking is to give our money not to the recipient countries directly but through mainly Australian companies. But that only pushes the problem one step away—it does not actually address the problem—because those companies will still have to deal with corruption when they apply for permits or when they deal with state owned enterprises in recipient countries. The potential for leakage of our money can still occur, either directly or indirectly.

Apart from that aspect of effectiveness, there is also a question of law. As you know, the Criminal Code was modified a few years ago to include an OECD convention to make it illegal for Australian companies to bribe overseas government officials. There is that legal aspect as well. The third aspect in terms of fighting corruption is to increase the public's trust of and support for the overall aid program. Those are three reasons why we should attack the problem.

I understand that AusAID runs evaluation studies to see whether particular projects successfully meet their objectives. I applaud AusAID for doing that. But trying to find on the web site information such as what kinds of studies have been done and what outcomes those studies have found has been, as far as I am concerned, virtually impossible. I have not been able to do it.

CHAIR—From the AusAID web site?

Mr Doan—That is right. Again, it is difficult to find other information like what company has what aid project. If AusAID not only makes sure that aid money is used effectively but also is seen to be doing that, it will improve public support for the overall aid program.

Mr Moore—I want to respond to some of those comments, starting from the misconception that is sometimes abroad in the community—that, by and large, Australian aid money is distributed to countries that disperse it according to the means that they see fit to disperse it through. As has been recognised, that is not the case. With the exception of Papua New Guinea post independence, it has never been the case in the Australian aid program.

After we jointly decide on the best strategic interventions we can make we go out to the marketplace and seek bids to implement those activities. That is the primary way in which we deliver our major activities. But in doing that we do not simply arrive at a figure and give the money to the company which is then responsible for spending it as it sees fit; we will have contracted that company for a range of very specific outputs and we will have negotiated a price based on what we believe are the necessary inputs to do that job. At each step of the way we will check against the delivery of the product. The capacity for leakage is very carefully guarded against. We are well aware of the potential for that but we take a lot of measures to make sure that it does not occur.

As for evaluations, we have put a lot of material onto the web site. If you are having trouble with that then we can talk to you further because we have actually worked very hard to make sure that that information is accessible. Not only do we run evaluations across, say, country programs or across the health sector or whatever but also every single activity that we deliver is evaluated against its own objectives. There are numerous ways in which that occurs, from annual reviews to mid-term reviews. Every step of the way we are actually monitoring. It is not a sporadic thing which is done intermittently; it is part of every single activity.

Mr BAIRD—I was going to ask about benchmarking, and you have been addressing that to a fair extent. In relation to that, I want to go back to the question that was asked in regard to the published data. You have said that you set out the benchmarks you want to achieve through your programs. Are these published? Who sees them? Or is it only you who decides whether it has been a success or a failure in terms of delivery of programs?

Mr Tapp—How long have we got?

Mr BAIRD—This should not be hard—either you publish it or you do not. Can we go through a series of questions? You have been doing your own spiel, and I want to be more focused. You have had a fairly good rap to date from the committee, so let me turn the tables a bit. I have never seen anything from your group that sets out what you have achieved in terms of the program. You spend a lot of money. How do we know how effective it is? What measures do we see? What measures do these various NGOs see in terms of your assistance? If I cannot see this on the web site—I have never seen the publication—then how do we measure it? Where is the human rights aspect? Can we have a few simple answers to some of those things? First of all, are they published?

Mr Davis—Yes.

Mr Tapp—Yes.

Mr BAIRD—In what? In the programs?

Mr Davis—We can provide you with a full set of evaluation reports.

Mr BAIRD—On each of them?

Mr Davis—We can provide you with material on the—

Mr BAIRD—Have you, the NGOs, seen them? Are you aware of these assessments of each program?

Mr Tapp—We submit them to the estimates committee. We have our annual report, which we submit also to parliament, and that provides more of a general overview. There are, some claim, too many documents and levels of information which we can provide. We can definitely provide—

Mr BAIRD—I want to know the answers in terms of this committee, which is our focus. There is a blurring of the edges, and it is very hard to measure human rights outcomes. You may not see outcomes for a number of years, so it depends on what your aims are overall. So there is a way of sliding off a level of accountability. In terms of setting it out, you say what the objectives were with the program, and what was achieved in terms of poverty reduction, et cetera. Is that right?

Mr Davis—Yes.

Mr BAIRD—In terms of the human rights aspect, which is what we as a committee are set up for, do you have a similar assessment that sets out the targets that you want to achieve through that?

Mr Tapp—For all activities in the aid program we set out what it is we are looking to achieve.

Mr BAIRD—Each typical program you go into has a human rights objective?

Mr Tapp—Under the human rights program.

Mr BAIRD—You do not have a separate one under the general programs? For example, you are giving aid to the Philippines—and I have found the outline very interesting in terms of Mr Dawson and in terms of those objectives in China and the Philippines—but you have your objectives there in terms of pure human rights programs. Do you provide the same criteria in terms of how it has been going?

Mr Tapp—I mentioned that we will be developing strategies for each of the country programs that we are working in. The starting point for all of our programs, as was discussed this morning, is the fact that we are looking at poverty reduction and sustainable development. That is the basis around which we frame the activities of the aid program. Within the context of our strategies, which we develop for individual countries, there will be clearly defined objectives for what we will be looking to achieve in terms of the Australian aid program within that country over a period of time. In some of those country strategies there are very specific

activities and objectives for those activities defined within the governance sector, and specifically there will be activities through which we will be looking at addressing civil and political rights. We will be looking at all times at addressing what progress we have made against those stated objectives.

Mr BAIRD—How often does the human rights objective appear in terms of the general aid program that you undertake? How often does the human rights objective appear in the average program?

Mr Tapp—I do not understand what you mean by the ‘human rights objective’?

Mr BAIRD—It is not a trick question. You have an aid program, and you are going to assist the Philippines. You are given a bundle of money and you go out there.

Mr Davis—We do not give bundles of money.

Mr BAIRD—We are just simple backbenchers and we try to understand these things; you deal with it all the time. Tell us how it works through the average program that you have. It seems to me that you are saying that only in a few specific programs is it tied to human rights, and there you have some measures which you have produced. In the other programs in terms of poverty reduction do you include a specific human rights objective?

Mr Davis—In most programs we would have objectives that relate to economic improvements, social improvements, political improvements or civil rights improvements. In each case that is tied to human rights improvements. It is just elements of that broader range of human rights. In most, if not all, our objectives there would be a significant element that you could see quite clearly in those terms. The point that I think is quite important to register is that we have a set of objectives for each activity, and that is what we evaluate against.

Mr BAIRD—Yes, I understand that, and that is fine. I think it is great that you do that. But how often does human rights appear as part of your objectives?

Mr Davis—I am saying that it is virtually all the time.

Mr BAIRD—Every time that you develop a program—

Mr Davis—In terms of economic rights, social rights or whatever, every objective is working towards those sorts of ends.

Mr Dawson—The objectives may not be couched in terms which say specifically ‘human rights’; the objectives will be couched in terms of economic and social development.

Mr BAIRD—Aren’t you letting yourself off the hook? Aren’t there benchmarks that you can apply?

Mr Moore—I think the government has given us one objective of poverty reduction and sustainable development, and a number of key result areas, which includes governance. It has

given us a series of principles, including on human rights. But the way that government policy runs now is that we are measured against the capacity of our individual programs and activities to deliver against that poverty reduction/sustainable development objective.

Mr BAIRD—So that human rights aspect is more a by-product, is that right?

Mr Moore—Within our individual programs, it may well be judged that the best way to make progress against poverty and to get sustainable development is to undertake a series of, say, legal and judicial reform activities. They will clearly have human rights dimensions which are measurable and will be incorporated into the objectives which we will be measured against.

CHAIR—In the back of AusAID's submission there is an extensive list of, for example, Australian aid activities that are described as contributing to civil and political rights in a direct way. It may be of assistance to the committee if AusAID could select a couple of those and break them down on the basis of the questions that Mr Baird has asked. I do not mean all of those on the list by any means, because there are many of them, but perhaps provide the committee with some examples along the lines that Mr Baird is seeking information on. Would that be possible?

Mr Tapp—That would be fine.

CHAIR—I am sorry, Mr Tapp, I interrupted. Did you want to add something there?

Mr Tapp—Just in response to Mr Baird's question about how it works. As you mentioned, and as we have highlighted in our submission, we are looking here at civil and political rights. A very rapid example of how one works from an overall poverty analysis through a strategy development process is the case of Indonesia where a significant poverty analysis was done by the agency in collaboration with others. There were two principal objectives under the Indonesia strategy for our program there—to promote and improve governance and also to address the needs of vulnerable communities.

When one drills down a little further to priority activity areas under 'promote improved governance', there are some specific areas such as legal reform, human rights and empowerment of women and strengthening civil society. When you then drill further into that, you get into activities that very specifically contribute directly to the protection and promotion of civil and political rights in Indonesia. That is clearly articulated within our strategy in the context of Indonesia. Mr Dawson will be able to go into a great deal more detail on that if required.

CHAIR—If only we had the time.

Mr Tapp—If only we had the time. We could address how this works through a proper analysis then actually working down through different levels. The point is that we are looking to assess the effectiveness and the outcomes at all of those different levels. Perhaps that may be helpful in some way in answering Mr Baird's question.

Mr BAIRD—It seems that vaguely defined benchmarks in these areas may make it more difficult for us to assess the effectiveness. With respect to the heading ‘Support for a peaceful civil society in the Solomon Islands’, what benchmarks do you use for this?

Mr Tapp—We have some very specific ones that we would then be able to work through.

Mr BAIRD—So under each program you have specific benchmarks against which you measure?

Mr Tapp—Absolutely.

Mr BAIRD—Is how you have achieved those benchmarks provided publicly? You say you have released them and so on. Under the heading ‘Support for a peaceful civil society in the Solomon Islands’, in terms of your reporting, do you release publicly how you believe you have achieved benchmarks and how you have gone with that? Do you publish that so that we can know how you have gone? Is it the reduction in number of days of protest or whatever? I do not know.

Mr Tapp—In terms of the specifics of that particular program, I cannot answer as to whether or not those are on the web site at the moment. But I can say that area is one that is actually in a very wide public arena because it is one that we have worked on very closely with NGOs in terms of actually defining the program within the Solomon Islands.

Mr BAIRD—I think you guys do a terrific job, so do not get me wrong. I just want to find about the reporting of it. Do you actually release publicly how you have achieved each of these human rights objectives, the benchmarks that you have established and how you have gone against those benchmarks? According to Mr Doan, you do not. I just want to know whether you do or do not release the objective benchmarks and how you have achieved them.

Mr Tapp—Part of the answer to that is how you define releasing. We have information which is available and is passed on to people with interests in this. Not everything in those terms is necessarily put on the web site. The web site is always being renewed and improved, one would hope, so I cannot comment specifically on what we currently have on the web site. I can look into that and come back to you with some specific information.

In terms of this information being available, yes, but some of that may be released in reports that are available to colleague organisations and to NGOs. They are produced in various fora. As I say, I will look very specifically at this and come back to you on what is available on the web site at the moment.

Mr BAIRD—The reason I am pursuing this is that we are actually discussing the effectiveness of our program, and this is the human rights aspect of our aid program. If we are measuring effectiveness, I am sure these guys would be able to tell you very specifically of the measures where they give straight aid in terms of the Asian Development Bank, et cetera. With the human rights one we are interested in benchmarks, particularly whether they are established so that we can know what the progress is, even though it is on a long-term basis.

CHAIR—We have canvassed most of the issues that I can certainly see in that area unless, Mr Davis, you have issues that I cannot see.

Mr Davis—To conclude this—in broad summary terms—it is in our annual report in more detail. There is particularly information available about the more major activities. If there is an interest in any specific activity of the thousand—it probably is about a thousand at any time but more if you count the individual activities where we support NGOs—that we are involved in that information can be made available.

CHAIR—I have noted that there are still two people who wish to make contributions. In fact, Dr Pace's wish was some time ago—hopefully we are still on the point—and then there is Mr Doan. I will then talk about what we might do in the last period of the seminar.

Dr Pace—On the question of assessment of benchmarks, a rights based approach, in our view, would assist the process of assessing efficiency of our delivery, because this very process, if anything, has been gone through in the last two years at the international level already in the process of integrating human rights in the United Nations Development Program. The whole debate on assessing, quantifying and measuring results is on record. One cannot but benefit by joining that process, which has two years of experience behind it and has still a long way to go.

In essence, what it presents is a macro and a micro level of assessment. The macro level is very clear. It is contained in the relevant parts of the two international covenants. That is, the long-term objective is the realisation of those substantive rights. The micro objective, the short-term objective, is the realisation of the immediate purpose of the exercise you undertake. For that purpose—and I would like to concur with and totally support what AusAID has said—it is a matter of developing matrixes and developing techniques for assessment.

Once again, when we speak of realisation of human rights, we are speaking of a pattern of progressive and regressive developments. It never goes in one direction, forward. You go one step forward and two steps back, or maybe three. You have to constantly keep in touch with the realities that you are trying to assist. Moreover, your data are changing as you go along: your police become more efficient, perhaps, your economy becomes stronger or weaker, or your private sector changes. So your givens are constantly shifting as well. Therefore there is a constant need to verify your progress against the direct experience being made by the recipients. For that purpose, the concept of so-called country teams—which are made up of civil society, government and inter-governmental organisations on the ground—and the feedback that they deliver to the central agencies that are responsible for coordinating aid gives you a reasonably close idea of where you stand with the delivery of what you are doing.

In other words, it is not a scientific matrix table that you check points against, which is good in the long run, but a finger on the pulse approach that takes advantage of the presence of a usually considerable international presence in a country—not only at the inter-governmental level but even more so at the non-governmental level—that enables the donor agency to relate to the recipient communities in assessing the efficiency and in converting those experiences into lessons learned. We are under no illusion with regard to the complexity of this issue—the experience is being made. We stand to learn.

When it comes to civil and political rights, it becomes a bit more difficult because, for instance, you do not speak of progress in human rights if you have less summary executions. It does not work that way. But certainly, you can say that you have some progress in administration of justice if more people are using the court system and the decisions of the court are being followed up. That, you can compare. There are as you go along benchmarks that you can develop. What we are saying is that a temperature taking process is necessary within the Australian community of civil society and government, on one hand, and with the recipient communities on the other. A lot of it exists already at the organisational level—it has to.

Mr Doan—I want to clarify the central point I made before, which seems as though it might have been misunderstood. It is not that we have not seen an evaluation report—we have. But we have not seen the answer to this specific question of how we know that the companies who deliver Australian aid do not face the problem of leakage of their funds through corruption in the recipient country. The AusAID officer acknowledged that there was potential for leakage through corruption in the recipient country. By giving money to the aid deliverer we have transferred the problem from AusAID to those companies. So the question is: how do we know that that company is not faced with that problem? It is the answer to that question which I have not seen.

CHAIR—I am not sure that that is what AusAID said, Mr Doan. We will give them an opportunity to respond.

Mr BAIRD—That is a separate issue as well: one is the leakage and the other is benchmarks. You were indicating that you did not have benchmarks before, and now you are saying that you have had them.

CHAIR—I think we have both the views on the record, in terms of the *Hansard*, and if we need to follow up on that we can. But Mr Doan was coming from a slightly different direction to you, I think, Mr Baird.

Mr BAIRD—Yes. Senator Gibson and I—without wishing to verbal her—had a bit of a side exchange, and it sounded a bit of a cop-out when you said, ‘My business is different and you can’t actually measure it.’ You are actually saying that you need to take the temperature, and taking the temperature in itself is a measurement stick. It might be imprecise, but there are still some measures that we need to fill. The progress has been made. Is that right?

Mr Pace—Yes, that is right.

CHAIR—I have indicated to Ms Piper that I would take her contribution. Senator Harradine, did you wish to speak?

Senator HARRADINE—Just on that point—probably I am confusing the thing in my mind—about direct violations of human rights. As I understand it the department is saying that the aid program and the projects are principally aimed at poverty alleviation and sustainable development, but that the projects would not of themselves violate human rights—presumably you have mechanisms for that—nor would they be involved with or be complicit in human rights violations in recipient countries. Is that a summary of it?

CHAIR—I think we now have a third point in this discussion. That is not a problem; it is just a new point. I do not know whether AusAID wish to respond to that. I did indicate that I would take Ms Piper's contribution, and then I want to move into the summing up process.

Mr Tapp—Do you want us to respond to that point?

CHAIR—I think you probably do want to respond to it, don't you?

Mr Tapp—Suffice it to say that, yes, the activities that we are supporting clearly would not be in any way abusing human rights. As we and a number of other colleagues commented today, we are often working in environments which are very difficult and in countries where we may be of the view that there are human rights abuses occurring. That is one of the difficulties that we face as a government development agency, as NGOs, et cetera.

Ms Piper—I have a brief reflection on a comment made some time ago by Mr Dawson. While it is very commendable that Australia is engaging in activities such as assisting China with the legal framework and with the process of advising people deprived of their liberty and their rights, I suppose my concern is that Australia runs the risk of undermining any activity it might be engaging in in this respect by the fact that we have a policy of not advising people who are deprived of their liberty and their rights when they seek asylum in this country and of not advising them of their right to seek access to a lawyer. This does rather compromise our activities in our region and internationally. This is just one example. I think we have to be very careful, when we are talking about human rights initiatives overseas and the promotion of human rights internationally, that we have to look to our own back yard and also look to the links that can very easily be drawn by the countries that we are hoping to influence.

CHAIR—Ms Piper, in terms of the DIMA policy, I am not sure there is anyone here who would be in a position to comment on that, and I will not be seeking that, but I note your view. Senator Harradine, did you wish to pursue that subject you raised?

Senator HARRADINE—I do not know what people in the other organisations do. For the committee's sake, I just wanted to get it clear from the department that their projects are primarily poverty alleviation and sustainable development projects and that there are two aspects of human rights—firstly, that the projects, of themselves, would not violate human rights and, secondly, that the projects would not be involved with or complicit in human rights violations in the recipient countries.

CHAIR—Are you seeking a response from anyone in particular, Senator Harradine?

Senator HARRADINE—No.

CHAIR—We will start with Treasury.

Ms Mrakovic—To add another perspective on that, we would agree with you, Senator Harradine; we would add one additional nuance. In fact, I cannot speak for AusAID here. I am speaking in terms of interpretation in regard to the MDBs. It would also go to incorporating activities that would have the effect of advancing human rights as a means by which the

ultimate objectives of economic development would be achieved but not because they are human rights in themselves. It is because the attainment of those human rights is seen as fundamental to the achievement of economic and social development and poverty alleviation—if that makes sense.

Senator HARRADINE—It does.

CHAIR—Is there anything further on Senator Harradine's point? Did you wish to say something, Dr Pace?

Dr Pace—In regard to projects themselves resulting in negative human rights situations per se, clearly those would not be consistent with acceptable development policies, so those would be out. However, with regard to working in negative human rights environments, especially in regard to civil and political rights, the negation of some or many civil and political rights is the very *raison d'être* for projects in those areas. In other words, there would be no point in operating on civil and political rights in a situation where civil and political rights already are realisable or in a state of stability. So there is a need to intervene when there is a problem.

What determines whether you intervene or not, apart from the debate that we had earlier today on conditionality, is the assessment of the political will at the national level and the receptivity to plugging in. The case of Indonesia has been mentioned. It presents in technical terms a very interesting example where you have a shift in national policy towards decentralisation, with the accompanying threat of disintegration that that would accelerate or imply, in an environment which has inherited the culture of corruption and the culture of imbalance of distribution of wealth that would presuppose a human rights development program of a major entity in terms of addressing the entire range of human rights.

In regard to civil and political rights in particular, you have to work in an environment which is essentially negative in order to try to overcome it. Our experience in Palestine—with the Palestinian authority—has been very similar for instance, where we have this problem of a certain type of negative culture prevailing which we are working to try to reverse from within.

CHAIR—I see that both Mr Tupper and Mr Earle wish to make a contribution at this point. Let me give you some indication of what I had hoped we would do by the time we concluded at 4 p.m. We must conclude at 4 p.m., because I know members of the committee in particular have flights and I am sure members of the groups of participants also have commitments. I had hoped to seek a very brief final statement, from any participant here today who wished to make one, on what in particular you might like to see come out of this discussion. As I said before the lunch break, the discussion has been extremely broad ranging so we have covered an enormous amount of ground—some of it within the terms of the reference, some of it without—and we are now required, in fact, to try to narrow that down to a point where the committee can make a useful contribution to this debate.

As a very general summary, on balance we have strong proponents for a strong rights based approach to the delivery of aid and a less strong view on that point, and a view that the way Australia currently delivers aid produces the same sorts of results and is effective. I am not sure that we are in a position to resolve the gap there. However, we are in a position to pick some

positive points out of today's discussion. For example, I note that a number of speakers referred in very favourable terms to their consultation and interaction with AusAID, and to how well they regard the two-way processes historically and currently. I think it was Mr Earle who referred to a seminar post the Simons report.

Mr Earle—Post the Downer principles.

CHAIR—I am sorry, post the Downer principles, and how beneficial that was and the view towards having more than one sum of those. We can explore that further. I would like to take some final comments from Mr Tupper and Mr Earle. Perhaps you could wrap your final comments into your responses now, see if there are any other points you want to make and then draw matters to a close.

Mr Tupper—I would like to refer back to a question that Senator Ferguson asked this morning on assumptions about aid programs advancing human rights. An assumption is being made there. Without benchmarks or clear reference to the various universally agreed human rights instruments, how do we assess those assumptions? We are really advocating that a rights based approach should use those benchmarks as its reference point. Why can't we use them more explicitly? This is not a debate about one set of rights over another. We all agree about the indivisibility of human rights. This is about having a reference point and more clarity about what we are achieving through the aid program to advance all human rights. To return to the key words I used this morning in the opening address, this is about our participation—and there is a lot of dialogue about how effective that is—accountability and equity. If we have these universally agreed instruments, why not use them to make our aid program clearer in terms of its objectives?

Mr Earle—I would like to table two further documents, one of which has just become available since the committee began its inquiry. That is a statement on poverty and the International Covenant on Economic, Social and Cultural Rights. It addresses issues of benchmarking, which the committee might find interesting. It was adopted in May of this year.

CHAIR—What is its genesis?

Mr Earle—The UN Committee on Economic, Social and Cultural Rights and the relationship with poverty. It looks specifically at the poverty approaches being taken by international development institutions and the relationship of the international covenant to those approaches, and how to apply the covenant in practice. I think that would be useful.

CHAIR—Thank you.

Mr Earle—The other document I wanted to table for the committee's consideration was the outcome of the discussions of the workshop that NGOs held with AusAID in February 1999. I wanted the committee to see that there were some fruitful avenues which the committee might be interested in pursuing. And we, as NGOs, would be very interested in pursuing some of those. AusAID has taken up some of those and others need further work.

In terms of a final statement, we say that the human rights approach to development and the potential for aid to further the promotion and protection of human rights is out there. It is a very alive debate in international development circles at the moment. It is being taken very seriously by a number of international development agencies. As an NGO in Australia, we would be delighted to have a dialogue with AusAID on this. We would also be very pleased to see AusAID taking a more active role in these discussions at an international level and, if possible, taking a lead in those discussions, including at the OECD development assistance committee and within the ADB, of which it is a board member and significant shareholder, and at the World Bank. We would also like to see some commitment in terms of resources going into the current joint program between UNDP and the Office of the United Nations High Commissioner for Human Rights, called Hurist, which is specifically looking at how the UN system can be strengthened to develop the human rights approach to development. We think that AusAID could derive some benefit from that piloting process. We look forward very much to your report and recommendations as the beginning of this dialogue.

CHAIR—Let me just move around the room, perhaps starting where we began this morning, to see if there are any comments or final points that participants wish to make.

Mr Kennedy—I would first of all like to take the opportunity to mention the human rights commission's view of evaluation in relation to the comments that AusAID has made. Our view is that AusAID is very clearly focussed on setting benchmarks and evaluation criteria for human rights projects to the extent that we sometimes think it is a bit of a fetish. So if there is any criticism of AusAID in that respect we certainly would not agree with it.

In closing, our belief is that AusAID has made great progress over the last few years in incorporating human rights regards into all of the aid programs and that it is not really necessary to identify a program as a human rights program in order for it to have a positive impact on human rights. Insofar as we are talking about specifically human rights programs, our belief is that there are two types of programs which are somewhat different. The first is a program that seeks to introduce the concept of human rights—the ideas and the practices. There we can see progress in the sorts of things that Mr Dawson was talking about, with the introduction of caution cards, complaint systems and these sorts of things. But those are only indicators of the fact that the concepts have been taken on board; it is really the human rights based approach that is the achievement, not the introduction of the cards per se. Those are simply an indicator. That is one sort of program.

The other sort of program is one which can be implemented in a country where there already is a national human rights institution, and that is a program that can seek to strengthen the capacity of that institution to promote and protect human rights. Even in countries where there are not those purpose specific institutions—the institutions that come into contact with the average person—there can be projects that seek to ensure that that contact between the administrative organs and the individual takes into account the rights of the individual. Our view would be that in both of these sorts of projects the work being undertaken by the Australian government through AusAID is quite fruitful, quite well based and quite well designed, and is achieving things.

Mr Yallop—After listening to much of the conversation today, I really commend the subcommittee on this format. I found it very beneficial to be able to participate in a dialogue of this nature. I think that there are many tools that aid organisations bring to bear in looking for impact and effectiveness in their programs. I could probably sit here for hours and run through lists of do no harm principles, environmental impacts, gender and diversity, et cetera. There is no doubt about the fact that in recent times most aid organisations, whether they be non-governmental or governmental, have begun to ask questions about the validity and the usefulness of tools that look at questions of rights, and how addressing issues related to rights can, in fact, enable organisations to meet their mandates. As an NGO, we are very fortunate in that our board and staff can determine what our mandate is. At this point in time, as I mentioned before, we have focused that on enabling vulnerable and marginalised people to access resources and to participate in decisions that affect their lives. Some may talk about that as a rights based approach; we do not. We prefer at this point in time not simply to grab a phrase that is being bandied about but rather to try and understand what it is we are doing fundamentally.

I guess for AusAID then that situation is more a matter of responding to the policy that the government has established within the framework of Simons and so on—that policy being one of poverty reduction and sustainable development. From our standpoint as CARE Australia we see the intersection of that government policy and our mandate as defined as an organisation being areas where we can cooperate, where we can continue the dialogue and, hopefully, where we can work together to have positive impacts and outcomes. But simply because our mandate goes in a certain direction, we do not necessarily believe that we ought to demand that that mandate be the mandate of every other NGO or every other development or aid organisation. Certainly we are encouraging a dialogue, as we undertake a dialogue ourselves looking towards the future, but we would guard against pat answers or pat solutions that are simply moving towards flavour of the month.

Mr Heutter—CDI do not have any comments to add to our submission. I would like to take the opportunity to thank the committee for their useful forum.

Mr Doan—In closing I would like to return to the two key points that we raised in our introductory remarks. The first one was about making the promotion and advocacy of human rights a formal objective of the aid program. I realise that that is a pretty ambitious goal because it may involve a review of the Simon review, but I think the rights based approach—the terminology that we have been using throughout the day—is another way of achieving the same objective. I think we are moving in the right direction with the discussions so far today. Sure, I hope that we can formalise that into the aid program. That would be the best and surest way to institutionalise our human rights goal in the aid program, if that is achievable. I do not think it is impossible. If there is a will, I think there is a way to achieve that.

The second point is that we have heard some suggestions from a number of organisations about what could be done in the future to promote human rights using the foreign aid program. Those are very good ideas, but you need people to carry them out. That is a very fundamental fact of life. Everyone is busy with their own jobs. As I think Mr Dawson said before, AusAID meets a number of difficulties in carrying out its job because many of the countries it operates in are countries where human rights are not respected. So with a difficult job like that it is very easy for AusAID and DFAT to leave human rights issues behind as low priority issues, because

they have to focus on their own jobs. Therefore, there is a strong need for a structure to be set up under which people are employed to actually promote human rights.

Mr Scott-Murphy—Caritas Australia would be very pleased to have the opportunity to participate in further dialogue with AusAID and other NGOs on the further integration of human rights standards and principles into our overseas aid program. We can bring a lot of field experience to bear on this, a lot of information and understandings gained in the field. I am always impressed on field trips that, no matter how remote a location you are in—be it the mountains of Kalimantan—people ask you about human rights. They have not been to a workshop, they have not been to university and they have not got a law degree, but they ask you about human rights.

Ms Piper—Like many of my colleagues sitting around the table, I stress that aid is and should be about the promotion and protection of human rights, not just about poverty alleviation. It is important to stress that, when we are talking about human rights in this context, we are talking not only about the rights contained in two covenants but also about the broad human rights framework, including the Convention on the Rights of the Child, CEDAW, CROC and, from my perspective, the Convention Relating to the Status of Refugees. Each of those instruments contains important guiding principles. It is also important for the committee to look to agencies that have entrenched a rights based approach in their work for guidance on how this can be incorporated into programs.

In closing, I reflect on some of the very fundamental connections between aid and rights that I have encountered in my work. I am thinking about things such as the right to education, and linking that to the education of children as a protection against exploitation and under-age conscription, people's right to food, making sure that women have access to appropriate levels of food for their children, which then protects them from having to engage in prostitution, which then protects them from exposure to HIV/AIDS, and so on. When you start looking at some fundamental rights, you can easily draw the links to prevention and protection.

CHAIR—I am assuming that ACFOA has made its comments.

Mr Tupper—It has.

CHAIR—I assume similarly in respect of the Human Rights Council.

Mr Curtotti—I thank the committee for the opportunity to contribute to this dialogue.

Mr Ensor—As we have highlighted in our submission, we believe that a body of evidence is emerging that a rights based approach enhances the impact and effectiveness of poverty reduction programs. In our submission we make a number of recommendations to the committee, and I shall highlight three of the most important in light of today's discussions. The first is that AusAID should investigate progress made by multilateral institutions and other national governments that have chosen to go down the track of implementing a human rights approach to their overseas development programs. The second is that it is important that the Australian government implement a whole of government approach to fully operationalise its commitment to human rights principles. In particular, the areas that we believe should be

focused on are our approach to negotiations and participation in debt relief, discussions at the World Bank and the fund, and our approach to trade issues. Those issues are critical to poverty reduction at this time, when we can play a very constructive role. The third recommendation in our submission is that there be an upgrading of AusAID's existing human rights section to a more specialist unit with responsibility for providing expert human rights advice to AusAID country program staff across the board.

Mr Davis—Thank you for the opportunity to participate in this seminar. Clearly, human rights considerations are a key priority for the aid program. I go back to my opening comments and stress the importance of coherence in approach and of ensuring that we have a clear objective for the program, with that objective centring on poverty alleviation. It is an area that has been discussed a lot during the course of the day, but it is important that we do not lose sight of the capacity to deliver against a clear objective, and that has been reflected in our comments at all stages during the day, whether they be on effectiveness or on program priorities. Thank you very much for the opportunity; I will leave it at that.

Mr Smith—I want to respond very briefly to a comment that Mr Doan made earlier about the importance of human rights advocacy and the importance of having in place structures and people to engage in that advocacy. It is really just to say that I agree absolutely with him, but I also, if I can, want to reassure him that we are doing that. In my branch of the Department of Foreign Affairs and Trade I have what is called the Human Rights and Indigenous Issues Section, which has five people in it. They work full-time on these issues. It is a job that involves advocacy on human rights. It is a job that involves working across the spectrum of our activities—bilateral, multilateral—and working with AusAID on the technical cooperation and development assistance side of it as a way of contributing to this coherent whole of government effort that Mr Davis referred to.

Ms Mrakovcic—I would like to also pick up some of the things that my colleagues in AusAID and DFAT have mentioned. One issue is that one does need to make a distinction as to, or understand, the different delivery mechanisms, specifically the channels of bilateral and multilateral delivery objectives. In moving towards an explicit incorporation of human rights into the objectives of the international financial institutions, it is important to understand the strengths and weaknesses of the international financial institutions and what you can sensibly achieve within those forums.

Even while accepting the importance of human rights, it is important to also understand that you need to think carefully about what number of objectives and targets you are going to impose upon these IFIs relative to the instruments that you have at your discretion. Specifically, what I have in mind is that, if you overload the international financial institutions with numerous objectives, then—like the concerns that we have already heard raised today about excessive conditionality, loss of ownership and countries feeling that there are too many conditions and that they are not particularly relevant to the ultimate aims of what the projects are—you can end up in a situation where, in effect, you fail to achieve any of the objectives, economic, social or human rights. In fact, you may very well find that many countries choose to walk away from the institutions themselves, so it is important to keep that element in mind.

The other point I would also note is that you have to think about the limitations of the MDB instruments. Incorporation of human rights into the objectives of the MDBs goes well beyond progressing human rights. The example that springs to my mind—and I am guilty of citing someone else here and I hope I do not misquote them, so to speak—is that, with many people, when we have been talking about the HIPC initiative and about the MDBs channelling financing into areas such as education, that is perhaps given as an example of progressing something that is seen as a human right. As for the alternative view, look at what the Human Rights Council of Australia have noted in their submission where they have said that ‘promoting and protecting the right to education is not simply a matter of increasing the national education budget’. So you can put money into increased education financing—and that may very well progress what is seen as a human right—but turning it into an actual objective of progressing the right to education will require nuances on the MDB activities that we will all need to carefully think about before going down that path.

CHAIR—Thank you very much. AusAID in particular took a couple of issues on notice in relation to providing further information to the committee on matters that we had under discussion, and we would appreciate your assistance with that whenever appropriate. If there are issues which participants today think that it would be helpful to provide more information to the committee on, by all means please do so. We would be very pleased to receive anything along those lines.

One imagines, when presented with a challenge of chairing a seminar that involves approximately 32 participants plus those sitting around the walls, that it can often be a very difficult process, particularly when people come to the table with very different views on the subject at hand. But I think that today has in fact been a very productive discussion and exchange of information and dialogue, because of the patience and forbearance, in many cases, of all of the participants—both NGOs and government agencies. I would like to thank each and every one of you for that—also of course for providing the submissions, which enabled us to begin this process in the first place. I hope that the committee produces a report which you find of interest and of value after you have spent the day here with us, and we look forward to providing that to you as soon as possible.

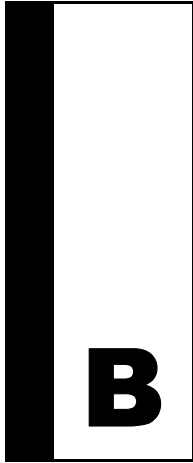
Senator FERGUSON—I think it would be remiss of me, as chair of the main Joint Standing Committee on Foreign Affairs, Defence and Trade, if I did not on your behalf compliment Senator Payne on the way she has conducted and chaired today’s meeting. It is her first public meeting as chair of the subcommittee on human rights, and she slipped into the role very easily. A roundtable forum is not always the easiest of meetings to conduct as your first. Senator Payne—and I am sure I speak on behalf of everybody—we do appreciate the way you have conducted today’s proceedings.

Resolved (on motion by **Senator Ferguson**):

That this subcommittee authorises publication of the proof transcript of the evidence given before it at this seminar today.

CHAIR—I thank everyone for their attendance and participation.

The Sub-Committee adjourned at 3.47 p.m.



Appendix B:-Submissions

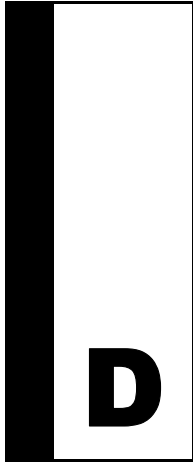
No	Organisation/Individual
1	Australian Public Political Advocacy Council
2	Transparency International Australia
3	Centre for Democratic Institutions
4	Refugee Council of Australia
5	Australian People for Health, Education and Development Abroad Inc
6	Opportunity International Australia
7	Attorney-General's Department
8	Vietnamese Community in Australia
8a	Vietnamese Community in Australia (Supplementary Submission)
9	Mr Garth Luke
10	Human Rights and Equal Opportunity Commission
11	Australian Federation of AIDS Organisations Inc
12	Amnesty International Australia
13	The Salvation Army, Eastern Australia Territory
14	Australian Red Cross
15	The Fred Hollows Foundation
16	United Nations Association of Australia Inc
17	Mr John Aird

- 18 Australian Lutheran World Service
- 19 CARE Australia
- 19a CARE Australia (Supplementary Submission)
- 20 Australian Agency for International Development (AusAID)
- 20a AusAID (Supplementary Submission)
- 21 Community Aid Abroad Oxfam Australia
- 22 Australian Legal Resources International
- 23 Human Rights Council of Australia Inc
- 24 Caritas Australia
- 25 UNICEF Australia
- 26 Australian Council for Overseas Aid (ACFOA)
- 27 International Women's Development Agency
- 28 Centre on Housing Rights and Evictions.



Appendix C:-Exhibits

No	Description
1.	In the National Interest: Australia's Foreign and Trade Policy , Department of Foreign Affairs and Trade, Canberra 1997.
2.	Better Aid for a Better Future: the Seventh Annual Report to Parliament on Australia's Development Cooperation Program and the Government's Response to the Committee of Review of Australia's Overseas Aid Program, 18 November 1997.
3.	Eighth Annual Statement to Parliament on Australia's Development Cooperation Program by the Hon Alexander Downer MP, Minister for Foreign Affairs, 2 December 1998.
4.	Human Rights Manual , Department of Foreign Affairs and Trade, Canberra, 1998.
5.	Working together: The Human Rights Based Approach to Development Cooperation , Stockholm Workshop, 16-19 October 2000. Part 1: Report of the NGO workshop, 16-17 October ; Part 2: Report of the donor workshop, 17-19 October .
6.	Manual for a Human Rights Approach to Development Assistance , Human Rights Council of Australia.



Appendix D:-Previous Committee reports

Reports on Australia's aid program

Australia's Foreign Aid (1973)

The Provision of Development Assistance and Humanitarian Aid to the Horn of Africa (1983)

The Jackson Report on Australia's Overseas Aid Program (1985)

A Review of the Australian International Development Assistance Bureau and Australia's Overseas Aid Program (1989)

The Australian Aid Program, Report on Proceedings of a Seminar (1996)

Sharpening the Focus: Report on a Seminar on the Simons Committee Report, 11 July 1997, Canberra (1997)

Related topics

Third World Debt :An Australian View (1989)

Review of the Australian Centre for international Agricultural Research (1992)

Australia, the World Bank and the International Monetary Fund (1993)

Australia and ASEAN: Managing Change (1998)

World Debt: Report on the proceedings of a seminar, 27 August 1999 (1999)

Reports on Human Rights issues

Human Rights in the Soviet Union (1979)

A Review of Australia's Efforts to Promote and Protect Human Rights (1992)

Australia's Efforts to Promote and Protect Human Rights (1994)

Human Rights and Progress towards Democracy in Burma (1995)

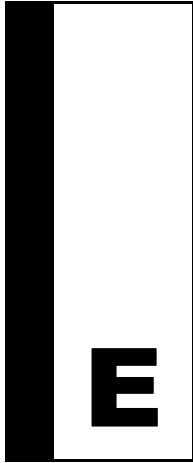
Improving but...Australia's regional dialogue on human rights (1998)

Related topics

The Human Rights and Equal Opportunity Commissioner and the Commonwealth Ombudsman: Report on Public Seminars 20 and 25 September 1996 (1997)

Conviction with Compassion: A Report on Freedom of Religion and Belief (2000)

A Report on Visits to Immigration Detention Centres (2001)



Appendix E:- Declaration on the *Right to Development*

Adopted by General Assembly resolution 41/128 of 4 December 1986

The General Assembly,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights,

Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and

social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of, human rights and fundamental freedoms, the maintenance of international peace and security and the further promotion of friendly relations and co-operation among States in accordance with the Charter,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Recalling also the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Concerned at the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, inter alia, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Considering that international peace and security are essential elements for the realization of the right to development,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the following Declaration on the Right to Development:

Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.

3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

3. States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.

Article 4

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

Article 6

1. All States should co-operate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.
2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.
3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role

in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Article 9

1. All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.

2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

Article 10

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.