

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.