Submission No 39

Review of Australia's Relationship with the Countries of Africa

Name: Serena Lillywhite

Organisation: Oxfam Australia

Joint Standing Committee on Foreign Affairs, Defence and Trade

Inquiry into Australia's Relationship with the Countries of Africa

Submission to the Parliament of Australia

Joint Standing Committee on Foreign Affairs, Defence and Trade

Cabangile Myeni is a single mother of three, from Jozini, South Africa and now cares for her sister's two orphaned children. Oxfam Australia and local partner Sibambisene supports the family with food parcels and seeds to grow a home garden. Photo: Matthew Willman/Oxfam

Oxfam Australia
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1 Acronyms

ACFID	Australian Council for International Development
AFP-IDG	Australian Federal Police International Deployment Group
AMIS	African Union Mission in Sudan
ATT	Arms Trade Treaty
AU	African Union
AusAID	Australian Agency for International Development
AWPCD	African Women's Committee on Peace and Development
DFAT	Department of Foreign Affairs and Trade
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
EFIC	Export Finance and Insurance Corporation
EITI	Extractive Industry Transparency Initiative
FPIC	Free, Prior and Informed Consent
GoSS	Government of Southern Sudan
ICMM	International Council on Mining and Metals
IDP	Internally Displaced Persons
IHL	International Humanitarian Law
NCP	National Contact Point
NGO	Non-Government Organisation
OECD	Organisation of Economic Co-operation and Development
PoC	Protection of Civilians
PSC	African Union Peace and Security Council
R2P	Responsibility to Protect
SCR	Security Council Resolution
TOR	Terms of Reference
UNAMID	United Nations/African Union Mission in Darfur
UNMIS	United Nations Mission in Sudan
WILPF	Women's International League for Peace and Freedom

2   Introduction

2.1   Oxfam Australia is an independent, not-for-profit, secular international development agency. We are a member of Oxfam International, a global confederation of 15 Oxfams that work with others to overcome poverty and injustice in more than 100 countries around the world. Oxfam Australia's vision is of a fair world in which people control their own lives, their basic rights are achieved, and the environment is sustained.

2.2   We have worked with local communities around the world to combat poverty and injustice for over 50 years. We support more than 400 long-term development projects in 30 countries across Africa, Asia, the Pacific and Indigenous Australia. Oxfam Australia undertakes long-term development projects, provides emergency response during disaster and conflict, and undertakes research, advocacy and campaigning for policy and practice changes which promote human rights and justice.

2.3   Our approach to bringing about change is guided by our central commitments to active citizenship and accountability, and a rights-based approach to development. Our work is guided by our four external change goals: economic justice, essential services, rights in crisis and gender justice.

2.4   Oxfam Australia believes that private sector investment can be a driver of economic growth and poverty reduction, provided appropriate regulations and controls exist. Our work in the mining sector clearly demonstrates the need for greater transparency and accountability by Australian mining companies operating offshore, and particularly when doing business in weak governance and conflict zones.

2.5   Oxfam Australia recognises the key role and responsibility of the Australian Government to foster sustainable development and business integrity among both Australian companies and the government departments and diplomatic missions that support and strengthen trade and investment.

2.6   Our work encompasses private sector engagement and political influence at a national and international level, including working through multilateral organisations such as the World Bank, the Asian Development Bank and the OECD Investment Committee.

2.7   Oxfam Australia holds full accreditation status with AusAID, the Australian Government's Agency for International Development, and is a signatory to numerous industry codes of practice including the Australian Council for International Development (ACFID) Code.

3   Submission context

3.1   Oxfam Australia acknowledges and commends the Government's commitment to strengthening Australia's engagement with countries in Africa and the identified three priority areas:

   I.   To support Africa's efforts to promote economic growth and investment through investment and trade;
  II.   To accelerate Africa's progress towards the achievement of its Millennium Development Goals; and
 III.   To address Africa's peace and security challenges[1].

3.2   This submission provides constructive advice to the Australian Government to strengthen Australia's relationships with the countries of Africa to improve the lives of people in poor communities. The submission is based on our in-country program experience and evidence based advocacy and policy work.

3.3   This submission responds to the following Terms of Reference (TOR):

   • Economic issues, including trade and investment;
   • Defense cooperation, regional security and strategic issues; and
   • Development assistance co-operation and capacity building.

3.4   Oxfam Australia is a member of the Australia Council for International Development (ACFID). This submission supports and complements the submission made by ACFID.

3.5   Oxfam Australia is well placed to respond to this inquiry. Our submission draws on the experience and expertise of our work in:

   • Mining advocacy;
   • Africa country programs; and
   • Humanitarian advocacy.

3.6   Oxfam Australia has been actively involved in mining advocacy, policy and capacity building among mine affected communities for 10 years with a focus on the overseas operations of Australian companies. Our work demonstrates that Australian mining companies that fail to respect and uphold human rights through good policy and practice can cause harm to the communities living around their operations. Our emphasis is on ensuring Australian mining companies have policies and practices in place which respect and protect human rights. This is particularly important when Australian companies do business in resource rich countries characterised by weak governance and conflict.

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[1] Speech by The Hon. Stephen Smith MP, Australian Minister for Foreign Affairs, Africa Down Under Conference, 3 September 2009, Perth
 < http://www.foreignminister.gov.au/speeches/2009/090903_africa_down_under_conference_en.html>
Accessed 28 December, 2009.

3.7   Oxfam Australia also works in Mozambique, Malawi, South Africa and Zimbabwe to improve the lives of people in poor communities and tackling the ongoing threat of HIV and AIDS. Our work includes:

- Working with local organisations in Malawi to support farmers in agricultural production and resource management, undertake advocacy on agricultural input subsidies, ensure access to markets, support enterprise groups, campaign on climate change, improve access to HIV and AIDS prevention, provide support for people affected by HIV and AIDS, ensure education for Orphans and Vulnerable Children, build humanitarian preparedness, advocate for better social protection policy, and support women's rights and policy change.
- Working with people in Mozambique to reduce the impact of HIVAIDS, develop sustainable food production and livelihoods. We are also helping communities to better plan for, and respond to, the impacts of natural disasters.
- Supporting vulnerable people in South Africa including children orphaned by AIDS, the elderly and sick by ensuring they have access to food and the means to support themselves.
- Working with organisations in Zimbabwe to assist people affected by HIV and AIDS to develop better livelihood strategies, particularly by focusing on gender justice.[2]

3.8   Oxfam Australia also advocates on humanitarian issues in Africa. Our analysis and policy recommendations are based on the field experience of our staff and affiliates working in conflict, disaster and fragile contexts in several African states. Oxfam International's humanitarian advocacy strategy is delivered through our Rights in Crisis campaign, currently prioritising the Democratic Republic of the Congo, Sudan, Chad and Somalia. We also advocate on thematic issues including the Arms Trade Treaty, the Responsibility to Protect and the Humanitarian Reform agenda.

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[2] For further information see the Oxfam Australia website < http://www.oxfam.org.au/about-us/countries-where-we-work/zimbabwe>, accessed 28 December 2009.

4   Summary of recommendations

4.1   The key recommendation to the Joint Standing Committee on Foreign Affairs, Defence and Trade is to actively involve non government organisations (NGOs) and civil society in formal and regular forums for consultation, policy development, and program delivery to strengthen Australia's engagement with Africa.

4.2   Increased engagement with NGOs, civil society, community leaders and citizens will reinforce Australia's technical and capacity building expertise. NGOs, local churches and community organisations are often the only actors able to deliver services to remote rural communities, and HIV and AIDS affected individuals and their families. NGOs are also well placed to contribute to good corporate community relationships among mine affected communities.

4.3   Opportunities exist for NGOs to work with mining companies to promote responsible business conduct and support for human rights through their operations and processes of engaging with communities. Establishing mutually beneficial corporate community relationships in the extractives sector is recognised as being critical for ensuring an ongoing social licence to operate, conflict management and sustainable development.

4.4   Similarly, broad engagement with, and support for, NGOs engaged in humanitarian and development assistance will actively contribute to the Millennium Development Goals. It will also ensure humanitarian issues, including conflict and disaster management, and food security, and development assistance via NGO HIV and Aids programs, are complementary to multilateral initiatives and assist in ensuring that the programs of the large institutions are both effective and sustainable.

4.5   Finally, development assistance cooperation and capacity building through support for NGO and local community program initiatives can build capacity in key priority areas including public sector management, local government administration, and public works and infrastructure management.

4.6   This submission draws on Oxfam Australia's expertise in Mining Advocacy, Africa Country Programs and Humanitarian Advocacy. Specific recommendations call for Australian Government attention across a range of issues relevant to the TOR of this inquiry.

4.7   Following is a list of recommendations relevant to each of the three TOR this submission responds to. These recommendations are drawn from the submission. Committee members are encouraged to read the full submission to provide context for these recommendations.

Economic issues, including trade and investment

Business and Human Rights

Recommendation 1: Foster a corporate culture and investment environment that values protection of, and respect for, human rights as an integral part of doing business. Ensuring all Austrade staff receives training in business and human rights, and doing business in conflict zones will assist

Recommendation 2: Link company access to government services, such as trade and investment advice and export finance and insurance, to companies who can demonstrate compliance with international human rights standards, voluntary initiatives and best practice, including access to remedy and redress and active participation in human rights impact assessments.

Accountability and Grievance Mechanisms

Recommendation 3: Foster and promote best practice by Australian mining companies through support for a company based complaints mechanism.

Recommendation 4: Ensure that an effective national level complaints mechanism exists. This can be achieved through improved promotion of the OECD Guidelines for Multinational Enterprise and the effective functioning of the Australian National Contact Point. A review of the Australian National Contact Point structure is overdue. The UK and Dutch National Contact Point structures offer an alternative and better model.

Recommendation 5: Become an EITI implementing country.

Recommendation 6: Review and broaden the definition of 'conflict diamonds' to include diamonds mined in the context of serious and systematic human rights abuses, regardless of whether these human rights abuses are committed by rebel movements or legitimate governments, in an effort to ensure that the definition of 'conflict diamonds' matches the intent of the Kimberley Process Certification Scheme.

Recommendation 7: Actively support initiatives to improve practices within the Zimbabwe diamond industry including ensuring that diamond resources are legitimately and competently managed, human rights abuses stop and smuggling ceases by actively supporting the adoption of the recommendations in the Interim Report of the Kimberley Process Review Team.

Doing Business in Conflict Zones

Recommendation 8: Ensure Australian mining companies and the financial institutions that support their investments understand the impact of doing business in conflict zones and uphold corporate criminal accountability. Austrade, the Australian Federal Police and the Attorney General's department have responsibilities in this regard.

Recommendation 9: Actively promote and effectively implement the OECD Guidelines for Multinational Enterprises and related tools such as the OECD Risk Awareness Management Tool for Doing Business in Conflict Zones.

Recommendation 10: Promote revenue and payment transparency and full disclosure of mining licence terms, concessions and taxation arrangements.

Free, Prior and Informed Consent (FPIC)

Recommendation 11: Promote the rights of Indigenous Peoples to Free, Prior and Informed Consent (FPIC) and the principles for mine affected communities to Australian mining companies operating in Africa as part of a broader program that promotes responsible mining practices.

The Gender Impacts of Mining

Recommendation 12: Foster a corporate culture and investment environment that values protection of, and respect for, women's rights as an integral part of doing business in Africa.

Recommendation 13: Promote gender sensitive and responsible mining practices amongst Australian mining companies operating in Africa through the Australian National Contact Point and Austrade staff.

Recommendation 14: Link company access to Government services, such as trade and investment advice and export finance and insurance, to companies who can demonstrate best practice in mitigating the gender impacts of their operations.

The Role and Responsibility of Financial Institutions

Recommendation 15: Foster an enabling financial services environment that values, respects and protects the principles of responsible business conduct. The government can lead by example through the review, reform and strengthening of the EFIC safeguard policies including: due diligence, transparency, disclosure and monitoring.

Defence cooperation, regional security and strategic issues

Australia's interest and responsibility

Recommendation 16: Demonstrate international leadership by the Australian Government by applying "responsible sovereignty" to all aspects of foreign policy and practice, particularly: the aid program; defence; and, diplomatic functions relating to peace and security.

Arms control

Recommendation 17: Increase human resources and investment within AusAID and DFAT on this highly complex and challenging but ultimately rewarding portfolio of work.

Recommendation 18: Establish a whole-of-government working group charged with developing Australia's detailed policy positions and analysis on the ATT, drawing on

expertise from within DFAT, AusAID, the Attorney-General's Department, Home Affairs and Department of Defence, as well as seeking advice from NGOs, civil-society and the Asia-Pacific Civil Military Centre of Excellence.

Recommendation 19: Drive a process amongst other supportive states to develop common general principles for an ATT and agreed redlines. Australia could provide leadership for supportive countries by focusing policy and legal development work in one or more specific or contentious areas – for example, ensuring that sustainable development concerns or ammunition controls are included within the ATT.

Recommendation 20: Contribute much needed financial resources towards establishing intercessional(s) between formal ATT preparatory committee meetings, for supportive states to come together to develop these common positions.

Women's role in building peace and security

Recommendation 21: Take concrete steps to implement SCR 1325 by developing and implementing a National Action Plan, aimed at increasing whole-of-government comprehensiveness, coordination and accountability of Australia's implementation of the landmark resolution[3]. The National Action Plan should outline how Australia's aid program will support women's participation in peace building activity, particularly in regions at-risk of conflict and high levels of armed violence.

Recommendation 22: Commit the ADF and AFP-IDG to setting gender balance targets for peacekeeping forces and making a sustained investment recruiting and retaining women in peacekeeping roles and at all levels of decision-making relating to peacekeeping operations.

Recommendation 23: Actively prioritise the deployment of women ADF and AFP-IDG personnel into missions where they are likely to encounter high levels of sexual and gender-based violence.

Recommendation 24: Actively recruit gender advisors to be available for ADF and AFP IDG deployments to advise on gender issues and requirements, champion gender mainstreaming into the mission, and monitor and report on impact.

Recommendation 25: Ensure all ADF and AFP IDG personnel have received thorough gender training prior to being deployed into any civilian protection context.

Recommendation 26: Maintain harsh penalties for Australian peacekeepers engaging in sexual exploitation of any kind during peacekeeping or other civilian protection operations.

Recommendation 27: DFAT report on whole-of-government implementation of SCR 1325 in its annual reporting, in line with the recommendations of the Peacekeeping Inquiry Commission into 2007.

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[3] Note this recommendation was supported by WILPF consolations summarised in Prof Elisabeth Porter, *Final Report: Developing a National Action Plan on United Nations Security Council Resolution 1325,* Women's International League for Peace and Freedom (Australian Section), 2009, p5. http://www.1325australia.org.au/textdocuments/FinalReportJuly2009.pdf (accessed 20 January 2010).

In order to increase engagement with African countries on SCR 1325 Oxfam Australia calls on the Australian Government to:

Recommendation 28: As part of increased development assistance, increase support for grass-roots community initiated peace-building and conflict mediation work with a focus on enhancing participation of women.

Recommendation 29: Invest in initiatives to build the professional development of African women peace negotiators and mediators, through supporting civil-society training as well as encouraging African Union investment in this area.

Recommendation 30: Take steps to celebrate publicly within international forums positive examples of women's work towards building peace in Africa, whether it be through civil-society action, peacekeeping, mediating or implementing positive state policies and practices. Celebration of women's peace work is one way of raising its profile, debunking misconceptions and inspiring future women leaders for peace.

Diplomacy with the African Union

Recommendation 31: Increasing the involvement of civil-society actors and NGOs in efforts to build the protection of civilians capacity of the African Union.

Recommendation 32: Increasing diplomatic presence in Africa and ensuring Australian diplomats in Africa are well equipped to conduct diplomatic functions around peace and security issues.

Recommendation 33: Ensuring the Australian Defence Attaché to Africa, when instated, monitors UNMIS and UNAMID closely and reports to the Australian Government capacity gaps and requests for additional training support, equipment, personnel and funds.

Recommendation 34: Further enhancing Australia's relationship with the African Union by contributing, through financial contributions and capacity building support, to AU conflict prevention and peace building endeavours, including support to the Continental Early Warning System and the advancement of women in peacebuilding.

Recommendation 35: Monitoring new and ongoing conflicts in Africa through DFAT and raises international alarm bells when there are concerns about potential mass atrocities unfolding

Recommendation 36: We further support World Vision's recommendation to this inquiry that the Australian Government use its enhanced diplomatic channels in Africa to encourage African leaders to ratify the new Convention for the Protection and Assistance of Internally Displaced Persons (IDPs), signed in 2009. This landmark legally-binding convention goes a long way towards increasing the protection of IDPs in Africa, but it will require 15 African Union members to ratify before it can take effect.

Direct engagement in peacekeeping operations

Recommendation 37: Continue to champion the PoC agenda in multilateral forums and work to build non-traditional alliances in this endeavour, to reinforce the alliance between PoC and responsible sovereignty to potentially sceptical states.

Recommendation 38: Use its position as a troop and police contributing country with personnel deployed to UNMIS and UNAMID to build the capacity of these missions to adequately implement their protection mandates.

Recommendation 39: Call on the UN Security Council members to fully implement SCR 1894 and ensure peacekeeping mandates have strong, unambiguous protection mandates where they are required.

Recommendation 40: Respond publicly to the range of recommendations made by the 2007 Peacekeeping Inquiry Commission regarding improvements to Australia's peacekeeping performance.

Recommendation 41: Prioritise the resourcing of peace support operations within the DFAT and the ADF-IDG so that Australia has greater capacity to deploy peacekeeping personnel to UN missions in Africa.

Recommendation 42: The Department of Defence investigate the ADF's policies and practices that inhibit Australia's capacity to lease much needed equipment into UN mandated peace support operations.

Recommendation 43: Invest in further research and analysis on the barriers to UN mandated peace support operations meeting their protection mandates.

Development assistance co-operation and HIV and AIDS

Supporting specific NGO programs on HIV and AIDS

Recommendation 44: Include HIV and AIDS as a thematic area or dedicated sector/MDG6. It should not rely on integration into other programs, or be viewed simply as a cross cutting issue.

Recommendation 45: In planning of future aid programming in relation to HIV and AIDS, AusAID recognise the particular proven effectiveness of NGO and community led programs in responding to the complex and multifaceted impacts of HIV and AIDS.

Recommendation 46: Continue to build on the benefits gained from its previous investment in NGOs in developing Australia's technical expertise and identity in HIV and AIDS. 34% of Australian NGO activities and resources are committed to African programs, and a high percentage of this is invested in responses to HIV and AIDS.

Recommendation 47: Support the Paris Declaration by carefully targeted increases in aid by AusAID, to maximize efficiency and effectiveness, and in particular avoid unnecessary duplication with other donors.

Capacity Building

Role of the Australian Civilian Corps (ACC)

Recommendation 48: Ensure the ACC training packages include detailed training on human rights, protection, gender, civil-police-military coordination and relevant cultural sensitivity training.

Recommendation 49: Ensure ACC experts deployed understand their protection responsibilities.

Recommendation 50: Pre-deployment briefings engage with NGOs that are on the ground, to build both trust and coordination potential.

Recommendation 51: ACC is used to build government capacity to prevent crisis, as well as rebuild if it has occurred. Partnerships should be long-term rather than one off.

Recommendation 52: During the emergency response phase of the crisis it will usually be more appropriate for Australia to be supporting existing emergency response actors and mechanisms rather than deploying its own people into the disaster zone.

5   Economic issues, including trade and investment

5.1   The following section considers relevant economic, trade and investment issues relating to Australia's interests in the extractive industry in Africa.

Background - Global Trends in the Mining Sector

5.2   Research conducted by Oxfam Australia confirms the political, economic and social context in which mining companies, governments, multilateral agencies, financial institutions and activists operate is constantly changing.[4]

5.3   The global economic crisis has had a profound impact on the mining, oil and gas sectors. Prices of all commodities have been volatile. With the exception of gold, commodity values slumped. Traditional credit markets tightened significantly and the combination of these factors has led to an increase in defensive merger and acquisition activity in the sector.

5.4   There has been a trend towards debt laden companies seeking alternative non-bank finance from cashed up state owned enterprises, the International Finance Corporation and export credit agencies. Increased pressure is being brought to bear on financial institutions, including export credit agencies, to demonstrate responsible business conduct, due diligence, and effective safeguards policies in the provision of loans and other financial services.

5.5   Australian companies remain amongst the most significant players in the global mining, oil and gas industries. BHP Billiton remains the world's largest extractives company by market capitalisation and Rio Tinto remains in the top four.[5]

5.6   Australian companies have been looking to Chinese state owned companies as joint venture partners and strategic investors. It is clear that Chinese mining companies are becoming increasingly dominant players and will continue to form strategic partnerships with Western mining companies in order to secure resources and expertise when operating outside of China, and particularly in Africa.

5.7   The growth of Australian investment in Africa's minerals and petroleum resources sector has been significant. According to Australia's Minister for Foreign Affairs 'there are now over 300 Australian companies active across Africa, with current and prospective investment estimated at approximately US$20 billion'.[6] Australian mining companies have exploration or mining licences across the continent, from gold in the Democratic Republic of Congo to platinum in South Africa, from copper in Zambia to

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[4] Hill, C and Phillips, P, Oxfam Australia Extractive Industries Evaluation: Context Evaluation, November 2009 <not for publication>.

[5] *Ibid*

[6] Speech by The Hon. Stephen Smith MP, Australian Minister for Foreign Affairs, Africa Down Under Conference, 3 September 2009, Perth
 < http://www.foreignminister.gov.au/speeches/2009/090903_africa_down_under_conference_en.html>
Accessed 28 December, 2009.

mineral sands in Senegal. Oxfam Australia's analysis confirms the Australian mining industry's expansion into Africa by large, mid-tier and junior companies.

5.8 While some companies – typically larger companies – have begun the process of developing corporate accountability policies including in relation to respect for human rights, the same can not be said for the junior and mid-tier companies – of which are the most active in Africa.

5.9 While large Australian companies operating in Africa may enjoy a better reputation than some of their competitors, significant governance gaps remain. The effective implementation and monitoring of policies and practice through decentralised management structures, among suppliers, sub-contractors and joint venture partners rarely occurs.[7] As such, critical issues such as respect for and protection of human rights, corporate conduct in conflict zones, and accountability, grievance and redress mechanisms for corporate misconduct are frequently overlooked by Australian mining companies operating in Africa.

Critical Issues for the Australian Mining Sector in Africa

5.10 The Australian Governments support for a resource led engagement strategy with countries of Africa must recognise and respond to the potential negative impact mining can have on communities, individuals and the natural environment if accountability and governance is inadequate.

5.11 Oxfam Australia has identified critical issues for the mining sector as trade and investment increases into Africa. Australia's trade and investment strategy with African countries must address the following:

- Business and human rights
- Accountability and grievance mechanisms
- Doing business in conflict zones
- Free Prior and Informed Consent
- The gender impacts of mining
- The role and responsibility of financial institutions

Business and Human Rights

5.12 The United Nations Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Professor John Ruggie has developed a framework for business and human rights, based on:

- The state duty to protect against human rights abuses by third parties, including business
- The corporate responsibility to respect human rights

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[7] Information provided by local NGOs working in 15 African countries at the OECD Watch capacity building program and community consultation during field visits, Ghana, 2006.

- Greater access by victims to effective remedy and redress, both judicial and non-judicial

5.13 Professor John Ruggie's mandate is receiving widespread endorsement and support among diverse interest groups including governments, civil society and business. His report, *Protect, Respect and Remedy: a Framework for Business and Human Rights*[8] is influencing global thinking and policy development among some leading mining companies. However, implementing the framework remains patchy at best and almost non-existent among small enterprises.

5.14 Professor Ruggie has noted that "28 % of all reported business and human rights violations occur in the extractive sector. Some of the most serious human rights abuses, including those related to corporations occur in conflict zones".[9]

5.15 An analysis by Oxfam Australia suggests that Australian listed companies increasingly operate in regions in which allegations of human rights abuse arise, and in conflict and weak governance zones.[10]

5.16 The corporate responsibility to respect human rights means acting with due diligence to avoid infringing on the rights of others. Core elements of such a process include: having a human rights policy, undertaking human rights impact assessments with community participation, integrating human rights throughout a company and tracking as well as reporting performance- both good and bad.

5.17 Australian mining companies, large and small, have a responsibility to respect human rights standards, regardless of where they do business, throughout their supply chain, and particularly in conflict zones and weak regulatory environments. However, a scan of the websites, annual reports and sustainability reports of thirty Australian mining companies by Oxfam Australia could only identify five companies that had stated policies relating to human rights.

5.18 Failure to respect human rights standards through poor business conduct can result in loss of housing, land and livelihood, environmental degradation, social unrest and poor health outcomes. Women, children and Indigenous Peoples are frequently the most severely affected.

5.19 The Australian Government has an important role to play in protecting human rights through strengthening market pressures on companies to respect rights; and upholding corporate criminal accountability. The State duty to protect has both legal and policy implications, and as such both judicial (corporate criminal accountability) and non-judicial responses must be enforced and supported. Governments need to: encourage corporate cultures respectful of human rights at home and abroad; consider the human rights impacts of trade and investment agreements; and work with

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[8] Ruggie J, Human Rights Council, Protect, Respect and remedy: A Framework for Business and Human Rights, 7 April 2008, <http://www.business-humanrights.org/Documents/RuggieHRC2008>

[9] Corporations and human rights: a survey of the scope and patterns of alleged corporate-related human rights abuse, http://www.business-humanrights.org/Links/Repository/594789

[10] Hill ,C and Phillips P, Oxfam Australia Extractive Industries Evaluation: Context Evaluation, November 2009 <not for publication>.

other states and international institutions on business and human rights challenges, especially in conflict affected areas.

Oxfam calls on the Australian government to:

Recommendation 1: Foster a corporate culture and investment environment that values protection of, and respect for, human rights as an integral part of doing business. Ensuring all Austrade staff receive training in business and human rights and doing business in conflict zones will assist

Recommendation 2: Link company access to government services, such as trade and investment advice and export finance and insurance, to companies who can demonstrate compliance with international human rights standards, voluntary initiatives and best practice, including access to remedy and redress and active participation in human rights impact assessments.

Accountability and Grievance Mechanisms

5.20 Increased accountability, transparency and effective, accessible grievance mechanisms are a critical aspect of responsible business conduct. A two tiered system is required:

5.21 Firstly, Australian mining companies must be accountable to the communities where they work. This requires a formal and ongoing mechanism for stakeholder engagement and a grievance mechanism through which complaints can be raised and resolved.

5.22 Secondly, the Australian government must provide an independent, effective and accessible complaint mechanism to investigate allegations of poor conduct when company grievance mechanisms are inadequate or fail to resolve the concerns of communities and civil society.

5.23 The global framework to promote responsible business conduct has developed significantly at a company, national and multilateral level. Mechanisms such as the OECD Guidelines for Multinational Enterprise, the UN Global Compact, the Equator Principles, and the UN Principles for Responsible Investment, among others, are influencing corporate policy and practice.

5.24 Governance, accountability and risk management failure contributed significantly to the global economic crisis. Further, the inadequacy of voluntary corporate accountability mechanisms suggests a need for strengthened national and extra-territorial laws and implementation with regard to corporate practice.

5.25 In the absence of binding corporate accountability mechanisms, the OECD Guidelines for Multinational Enterprises are perhaps the most comprehensive non-judicial voluntary tool that exists. They have the support of business, trade unions and many non-government organisations. They are one of the few voluntary mechanisms that have a complaint mechanism. The government has a responsibility to promote the Guidelines to business and investigate grievances and complaints through the

National Contact Point (NCP) structure. The effective functioning of NCPs is the most significant barrier to the Guidelines reaching their full potential.

5.26   2010 will see the review of the OECD Guidelines for Multinational Enterprises by the OECD Investment Committee. This provides a unique opportunity to not only strengthen the principles of the Guidelines, but more importantly, to review and improve the functioning of the Australian National Contact Point. To date one extractives case has been raised in Australia with regards to the operations of BHP Billiton and Cerrajon Coal in Columbia. Given the significant increase in Australian mining activity in high risk countries in Africa, the likelihood of further cases being brought for non-compliance with the Guidelines is significant. The interdepartmental and independent expert panel structures of the UK and Dutch NCPs provide a useful model. The Australian NCP should also do more outreach and promotion of the Guidelines to the mining sector – something that is not currently occurring, partly because of limited resources available to the NCP.

5.27   Extractive sector initiatives such as the International Council on Mining and Metals (ICMM) Sustainable Development Framework[11], the Extractive Industry Transparency Initiative (EITI)[12] and the Kimberley Process Certification Scheme[13] are welcome developments.

5.28   These initiatives have 'raised the bar' in extractive sector practices, but are not without their shortcomings and limited reach. For example, while Australia supports the EITI ($1.45 million to the World Bank Administered Multi-Donor Trust Fund[14]), the government is unwilling to become an EITI implementing country, but is requesting other countries in the region (Papua New Guinea) to do so.

5.29   Similarly the Kimberley Process—an initiative designed to stem the flow of 'conflict diamonds'—has faced challenges since its inception. The trade in these illicit stones has fuelled decades of devastating conflicts in countries such as Angola, Cote d'Ivoire, the DRC and Sierra Leone. More action is needed by participant governments, particularly Australia, to ensure the scheme's effectiveness through strengthened internal controls and improved monitoring systems in producing countries, and in trading and cutting centres. Cases of serious non-compliance (smuggling, money laundering and human rights violations) by some members, particularly Zimbabwe, must be addressed to restore the schemes integrity and effectiveness.

5.30   As a member of the Kimberley Process Certification Scheme, the Australian Government is in a strong position to call for reform of Zimbabwe's diamond industry, ensuring that the industry is not the cause of continued human rights abuses and that it positively contributes to the Zimbabwean economy in the future.

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[11] See http://www.icmm.com/our-work/sustainable-development-framework, (accessed 30 December 2009)

[12] See http://eitransparency.org/, (accessed 30 December 2009)

[13] See http://www.kimberleyprocess.com, (accessed 30 December 2009)

[14] Speech by The Hon. Stephen Smith MP, Australian Minister for Foreign Affairs, Africa Down Under Conference, 3 September 2009, Perth, http://www.foreignminister.gov.au/speeches/2009/090903_africa_down_under_conference_en.html, (accessed 28 December 2009).

Improved accountability and effective, accessible grievance mechanisms are critical for Australia's extractive sector as it increasing invests in Africa.

Oxfam Australia calls on the Australian Government to:

Recommendation 3: Foster and promote best practice by Australian mining companies through support for company based complaints mechanism.

Recommendation 4: Ensure that an effective national level complaints mechanism exists. This can be achieved through improved promotion of the OECD Guidelines for Multinational Enterprise and the effective functioning of the Australian National Contact Point. A review of the Australian National Contact Point structure is overdue. The UK and Dutch National Contact Point structures offer an alternative and better model.

Recommendation 5: Become an EITI implementing country

Recommendation 6: Review and broaden the definition of 'conflict diamonds' to include diamonds mined in the context of serious and systematic human rights abuses, regardless of whether these human rights abuses are committed by rebel movements or legitimate governments, in an effort to ensure that the definition of 'conflict diamonds' matches the intent of the Kimberley Process Certification Scheme.

Recommendation 7: Actively support initiatives to improve practices within the Zimbabwe diamond industry including ensuring that diamond resources are legitimately and competently managed, human rights abuses stop and smuggling ceases by actively supporting the adoption of the recommendations in the Interim Report of the Kimberley Process Review Team.

Doing Business in Conflict Zones

5.31 The increased activity by Australian mining companies in countries characterised by conflict and weak or non-existent government raises risks and challenges companies may not have encountered in countries with a robust regulatory framework and well functioning civil society.

5.32 Doing business in conflict and post-conflict zones significantly increases the likelihood of real or complicit violation of human rights. This is further exacerbated by the presence of 'heavy handed' security personnel and militia. In 2003, the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo[15] identified companies from outside the region for being implicated in the conflict and violating international corporate accountability mechanisms and international law. In

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[15] RAID, Unanswered questions: companies, conflict and the DRC, http://oecdwatch.org/publications-en/Publication_3041/at_download/fullfile, (accessed 29 December 2009).

5.33 In 2005, allegations were made and aired on the ABC program Four Corners with regard to the Australian mining company Anvil's alleged complicity in a massacre in the DRC through the provision of transportation to militia forces.

5.34 There are increasing liability risks for companies operating in high-risk and conflict zones. The legal liabilities of a company operating internationally are not limited to the domestic laws in the countries where it operates. Laws at home and in third countries may also apply. As new international standards are incorporated into national laws, and as courts take a more expansive view of legal responsibility, the web of liability is expanding.[16]

5.35 The likelihood of company involvement (even unknowingly) in bribery and corruption in conflict zones is significant. Revenue transparency is critical. As such, full disclosure of all payments to host governments, contractors, and communities, and profits from offshore operations is necessary. Further, the full disclosure of mining licence terms, concessions and taxation arrangements and benefits will mitigate the risks of complicity in corrupt practices. It will contribute to sustainable development by maximising opportunities for resource income benefit sharing and thereby assisting developing and transition economies and accelerate progress towards the Millennium Development Goals.

5.36 However, the answer is not as simple as 'don't do business in conflict zones'. The report *Unanswered questions: companies, conflict and the Democratic Republic of Congo* states:

"The DRC is at a critical phase in its transition to the rule of law and desperately needs investment by responsible businesses to help repair the country's shattered infrastructure and regenerate its economy".[17]

5.37 The DRC is now one of the world's resource rich but poorest countries and social indicators are among the worst in Africa.[18] This suggests that as Australia strengthens its relationships with African countries and conducts business in conflict and post-conflict zones, there are, as the report suggests, broader questions to be addressed: What standards of corporate conduct are governments prepared to tolerate in conflict and post-conflict situations? Are the existing instruments and voluntary codes adequate? And are the available implementation procedures of, for example, the OECD Guidelines for Multinational Enterprises,[19] sufficient for monitoring and enforcing them?

5.38 Clearly companies need to develop and implement policies and due diligence procedures that give consideration to the risks of doing business in conflict zones, and develop strategies to mitigate risks and maximise the benefits to communities. The publication *Red Flags,[20]* provides a useful list of activities for companies of possible legal risks for companies operating in high risk zones.

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[16] Red Flags, 2008 < http://www.redflags.info/> accessed 30 December, 2009.
[17] *N. 19*
[18] *Ibid.*
[19] See OECD Guidelines for Multinational Enterprises < http://www.oecd.org/dataoecd/56/36/1922428.pdf> Accessed 30 December, 2009
[20] Red Flags, 2008 < http://www.redflags.info/> accessed 30 December, 2009.

5.39 The Australian government has an important role to play in this regard, and must pay closer attention to the practices of Australian companies operating overseas, and particularly in conflict zones.

Oxfam Australia calls on the Australian government to:

Recommendation 8: Ensure Australian mining companies and the financial institutions that support their investments understand the impact of doing business in conflict zones and uphold corporate criminal accountability. Austrade, the Australian Federal Police and the Attorney Generals department have responsibilities in this regard.

Recommendation 9: Actively promote and effectively implement the OECD Guidelines for Multinational Enterprises and related tools such as the OECD Risk Awareness Management Tool for Doing Business in Conflict Zones.

Recommendation 10: Promote revenue and payment transparency and full disclosure of mining licence terms, concessions and taxation arrangements.

Free, Prior and Informed Consent (FPIC)

5.40 Free, Prior and Informed consent (FPIC) confirms that in keeping with international law[21] Indigenous Peoples have a right to be informed about development projects in a timely manner and given the opportunity to approve (or reject) a project prior to the commencement of operations.[22] The principles of FPIC also apply to other mine affected community members.

5.41 It is Oxfam Australia's view that Australian mining companies must obtain the FPIC from both Indigenous Peoples and mine affected communities before they undertake activities on community or Indigenous Peoples' land. Gaining consent is fundamental to a rights-based approach to development and offers practical benefits to all stakeholders including government and industry.

5.42 Pursuing projects without obtaining the consent of local communities and Indigenous Peoples is not financially sustainable. Conflict prevention is a key outcome from obtaining support for projects…gaining consent for exploration and operations from the outset can establish positive relationships between mining operators and communities, preventing projects from being plagued with ongoing problems and conflict.[23]

5.43 The right of Indigenous Peoples to FPIC is recognised in the *United Nations Declaration on the Rights of Indigenous Peoples* which Australia and the vast majority of African States have endorsed. The Australian Government has an important role to

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[21] *United Nations Declaration on the Rights of Indigenous Peoples*
[22] Environmental law Institute, Oxfam America and Sociedad Peruana de Derecho Ambiental, Prior Informed Consent and Mining: Promoting the Sustainable Development of Local communities (2004) Washington, pvii.
[23] Oxfam Australia 2007, Free, Prior and Informed Consent: The role of mining companies.
http://www.oxfam.org.au/resources/filestore/originals/OAus-FreePriorInformedConsentMining-1007.pdf
Accessed 30 December, 2009.

play by recognising the rights and principles of FPIC, and promotion among Australia's mining companies operating, and planning to do business in Africa.

Oxfam Australia calls on the Australian Government to:

Recommendation 11: Promote the rights of Indigenous Peoples to Free, Prior and Informed Consent (FPIC) and the principles for mine affected communities to Australian mining companies operating in Africa as part of a broader program that promotes responsible mining practices.

The Gender Impacts of Mining

5.44 The impacts of mining operations are not gender neutral. Women can experience the direct and indirect consequences of mining operations in different, and often more pronounced ways than men. The particular experiences of women in mine affected communities have been documented by Oxfam Australia and others.[24] They include:

- Failure to include women when negotiating community consent to develop a mine and access to land
- The payment of compensation and royalties goes to men 'on behalf of families' which denies women access to the financial benefits of mining
- Loss of land and displacement can lead to loss of livelihoods and increased work burdens for women
- Displacement and the shift to a cash-based economy can diminish women's traditional status in society
- The effects of environmental degradation can undermine women's capacity to provide food and clean water for their families
- The employment of men in mines results in a withdrawal of labour from traditional subsistence activities and increases the work burden for women
- The influx of a transient male workforce can result in social and health problems including increased alcohol use, domestic violence, sexual violence, sexually transmitted infections, HIV and AIDS and prostitution
- Discrimination in the mine workplace

5.45 The grievances – including those with a human rights dimension – identify particular areas of concern that need to be addressed in the planning and implementation of mining projects. These grievances can be mitigated through gender sensitive and responsible mining practices.

5.46 Mining companies must become aware of, prevent, and address the potential gendered impacts of their activities by including a stronger gender focus in recommendations around human rights impact assessments, inclusion of gender impacts in guidance on human rights policy development and better corporate reporting on gender issues. It is also essential that mining companies conduct a

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[24] Oxfam Australia, Women communities and mining: The gender impacts of mining and the role of gender impact assessment < http://www.oxfam.org.au/resources/filestore/originals/OAus-MiningAndGender-1209.pdf> accessed 30 December 2009

gender impact assessment as a starting point – this is particularly important when operating in weak governance and conflict zones.

5.47 The Australian Government has an important role to play in minimising the gender impacts of mining in Africa by encouraging good practice by the Australian mining industry in this regard.

Oxfam Australia calls on the Australian Government to:

Recommendation 12: Foster a corporate culture and investment environment that values protection of, and respect for, women's rights as an integral part of doing business in Africa

Recommendation 13: Promote gender sensitive and responsible mining practices amongst Australian mining companies operating in Africa through the Australian National Contact Point and Austrade staff.

Recommendation 14: Link company access to Government services, such as trade and investment advice and export finance and insurance, to companies who can demonstrate best practice in mitigating the gender impacts of their operations.

The Role and Responsibility of Financial Institutions

5.48 Australia's expansion and strengthened engagement with Africa through the extractives sector is made possible with the assistance of financial institutions. Private sector banks, superannuation and pension funds, export credit agencies and multilateral financial institutions support extractive investments through loans and the provision of financial services.

5.49 Issues of responsible business conduct apply equally to the financial sector via their business decisions and operations[25]. The critical issues are similar and include, *inter alia*, protection of the natural environment, human rights, decent work, doing business in conflict zones, gender impact, transparency, accountability and remedy.

5.50 Financial institutions are in an influential position to contribute to responsible business practice. Being an Equator Principle bank is not necessarily adequate, particularly for investments below the Equator Principle threshold. Financial institutions must ensure their due diligence goes beyond fiscal imperatives, particularly when funding large infrastructure projects in developing countries, conflict zones and when there is a likely impact on communities including on women and Indigenous Peoples.

5.51 Global trends in the extractives sector suggest mining companies are increasingly seeking alternative non-bank finance. Multilateral financial institutions— such as the World Bank International Finance Corporation, and the Asian Development Bank—are more focused on responsible business conduct and due diligence, including social and environmental impact assessments, as criteria for funding. However, significant

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[25] OECD Watch, 2009. OECD Guidelines for Multinational Enterprises and the Financial Sector http://oecdwatch.org/publications-en/Publication_3051/at_download/fullfile, (accessed 30 December 2009)

concerns remain as to the effective implementation of safeguard policies and capacity to address issues such as FPIC.

5.52 Increased pressure is being brought to bear on financial institutions, including export credit agencies, to demonstrate responsible business conduct. Australia's export credit agency, EFIC, is not without its critics.

5.53 Recent research by Jubilee Australia —Risky Business[26]— demonstrates the current safeguard policies of the EFIC are inadequate and must be addressed through strengthened due diligence, transparency, and disclosure and monitoring of safeguards policy. Oxfam Australia supports this position.

5.54 Significant opportunities exist for the Australian government to strengthen relationships with Africa through enhanced corporate accountability among Australia's financial institutions and multilateral mechanisms the government supports.

Oxfam Australia calls on the Australian government to:

Recommendation 15: Foster an enabling financial services environment that values, respects and protects the principles of responsible business conduct. The government can lead by example through the review, reform and strengthening of the EFIC safeguard policies including: due diligence, transparency, disclosure and monitoring.

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[26]Jubilee Australia, 2009, Risky Business: Shining a spotlight on Australia's Export Credit Agency <http://www.jubileeaustralia.org/> Accessed 28 December 2009

6   Defence cooperation, regional security and strategic issues

6.1   This section examines defence, security, strategic and humanitarian issues pertaining to Africa, with a particular focus on how Australia can support efforts within Africa to address pervasive complex human security challenges.

Background to peace and security challenges in Africa

6.2   It is well known that Africa has been home to some of the most conscious shocking mass atrocities and conflicts the modern world has seen. In 2009 the number of conflicts in Africa rose from 79 to 85, accounting for twenty-three per cent of the world's armed conflicts and nearly thirty per cent of all high intensity conflicts.[27] Africa also accounted for 24% of all conflict related deaths between 2004-2007.[28] Over 1.4 million people have been forced to flee their homes in 2009 due to violence in DRC, Sudan and Somalia alone.[29]

6.3   African people suffer enormously as a consequence, both in terms of the human tragedy and financial burden. The widespread use of rape and sexual violence in current African conflicts illustrates the differing natures of threats faced by women and by men. In 2007 Oxfam asked people in 17 communities in eastern Democratic Republic of Congo (DRC) about the threats they faced; 15 communities identified sexual violence as key among them.[30] Figures like these demonstrate why human rights groups in DRC dubbed the conflict a "war on women". Men and boys are also vulnerable to sexual violence, particularly when they are subjected to torture and/or detention. Nevertheless, the majority of survivors of sexual violence are female.[31]

> **War on women**
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> After a rebel ambush in Mutunba, Burundi, government soldiers attacked local women. Chantal Manani was one of them:
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> *The soldier led me to a bush and demanded that I lie down and get undressed, or he would shoot me and my husband. With great force, he tore off my underwear, and kicked me. I fell naked to the ground. A few seconds later he was on top of me.[4]*

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[27] *Conflict Barometer 2009,* Heidelberg Institute for International Conflict Research, 18th Annual Conflict Analysis, Department of Political Science, University of Heidelberg, 2009, p3.

[28] *Global Burden of Armed Violence,* Geneva Declaration Secretariat, Geneva, 2008, p16. http://www.genevadeclaration.org/fileadmin/docs/Global-Burden-of-Armed-Violence-full-report.pdf (accessed 20 January 2010).

[29] Oxfam International, "African crises escalate as AU leaders meet in Libya", 1 July 2009, http://www.oxfam.org/en/pressroom/pressrelease/2009-07-01/african-crises-escalate-au-leaders-meet-libya (accessed 22 January 2010).

[30] Oxfam GB (2007) 'Evidence and Reflections from Protection Assessments in North Kivu and Ituri, February 2007', internal paper, 30 April 2007.

[31] IASC (2005) 'Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention and Response to Sexual Violence in Emergencies', Geneva: IASC

6.4 Like women and girls, men and boys can face specific threats because of their gender; their role as protectors can drive them to be fighters and to be killed, or targeted precisely because their male identity makes any man a potential fighter.

6.5 Armed conflict costs Africa around US$18bn per year, seriously derailing development.[33] Compared to peaceful countries, African countries in conflict have, on average:

- 50 per cent more infant deaths;[34]
- 15 per cent more undernourished people;[35]
- Life expectancy reduced by five years;[36]
- 20 per cent more adult illiteracy;[37]
- 2.5 times fewer doctors per patient;[38] and
- 12.4 per cent less food per person.[39]

6.6 It is not surprising then that at least 22 of the 34 countries least likely to achieve the Millennium Development Goals are in the midst of – or emerging from – conflict.[40]

6.7 Through our extensive programming work across Africa, Oxfam has developed first hand an understanding of the complex causes and escalating factors contributing to conflict. These factors are common to conflicts around the world and include, but are not limited to, poverty and underdevelopment, poor policies relating to natural resource management, unequal access to land rights, marginalisation of minority groups, migration fuelled by climate changes, drought and desertification and an insufficiently regulated arms trade.

6.8 Traditional conflict is not, however, the only peace and security challenge facing African countries. The nature of armed violence in Africa and around the world is changing, and we are seeing a significant blurring of the lines between political and non-political violence, conflict and post-conflict violence, and conflict and criminal gang violence. Interpersonal violence and violence against women is also strongly linked to conflict and post-conflict violence, utilised both as a weapon of war and as a consequence of militarisation of society and aggressive masculinity.

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[32] C. Manani (2006) 'Ambush in Burundi', in 'Survivors: women affected by gun violence speak out', London: IANSA, p. 1.

[33] Debbie Hillier, *Africa's missing billions,* IANSA, Oxfam, and Saferworld, October 2007.

[34] Average of IMR as infant deaths per 1,000 live births: 105.5 for conflict countries, 68 for non-conflict countries. Source: World Bank (2007) 'World Development Indicators 2007', http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:21298138~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html (accessed 20 January 2010) cited in Debbie Hillier, *op cit.*

[35] Average of undernourishment as a percentage of population: 35.5 per cent for conflict countries, 21.8 per cent for non-conflict countries. Source: World Bank (2007b) 'Health, Nutrition and Population Data', cited in Debbie Hillier, *op cit.*

[36] Average life expectancy: 48.31 for conflict countries, 53.19 for non-conflict countries. Source: World Bank (2007) World Development Indicators 2007, op. cit.

[37] Average adult literacy: 48 per cent for conflict countries, 68 per cent for non-conflict countries. *Ibid.*

[38] Average of physicians per 1,000 people: 0.14 for conflict countries, 0.37 for non-conflict countries. *Ibid.*

[39] This data was not calculated by Oxfam. It applies to sub-Saharan Africa during 1970–93. Source: Messer, E., M. J. Cohen, and J. D'Costa (1998) 'Food from peace: Breaking the links between conflict and hunger' http://www.ifpri.org/2020/briefs/number50.htm (accessed 20 January 2010).

[40] Katherine Nightingale, *Shooting down the MDGs,* Oxfam, October 2008.

6.9 In 2008 the *Global Burden of Armed Violence* report, the first comprehensive assessment of the scope of armed violence around the world, found that more than 740,000 people have died directly or indirectly from armed violence every year in recent years, but that:

- more than 540,000 of these deaths are violent, with the vast majority occurring in non-conflict settings;
- at least 200,000 people have died each year in conflict zones from non-violent causes resulting from the effects of war (i.e. malnutrition, dysentery);
- between 2004 and 2007, at least 208,300 violent deaths were recorded in armed conflicts (this is likely to be under-representative as this reflects only recorded deaths).[41]

6.10 The report found that Southern Africa has the highest homicide rates in the world with over 30 homicide deaths per 100,000 people per year, and Africa's overall homicide rates are just over 20 deaths per 100,000, compared to the global average of 7.6 per 100,000 population.[42] Particularly in countries like Liberia and South Africa violent crime waves in the aftermath of war and violent repression have accounted for significant increases in non-conflict deaths.[43] In Africa armed violence occurring inside and outside of conflict is now the ninth leading cause of death.[44]

Australia's interest and responsibility

6.11 Australia's recent strong commitment to assist African countries to address these peace and security challenges is both strategic and, in an era in which sovereignty is increasingly implying responsibilities as well as rights, an obligation. Responsible sovereignty is of course not a new concept. Article 1 of the 1949 Geneva Conventions and 1977 Additional Protocol makes it an obligation for states to "respect and ensure respect" for international humanitarian law (IHL),[45] which seeks to limit the methods and means of warfare so as to protect civilians and others no longer taking part in hostilities. Thus states are obliged to ensure universal application of IHL, and where states fail to respect IHL their international counterparts have an obligation to act to rectify this breach.

6.12 Oxfam warmly welcomed the agreement at the UN World Summit in 2005 that all governments have the Responsibility to Protect civilian populations from genocide, ethnic cleansing, war crimes and crimes against humanity. The Responsibility to Protect (R2P) makes it clear that governments have the responsibility to act not only to halt crimes that are already taking place, but also to prevent them, and help rebuild societies to prevent future atrocities.

6.13 The concept of sovereignty as responsibility has wider applications than addressing armed conflict and mass atrocity crimes. Notions of responsible sovereignty are also contributing to current debates around more stringent international arms controls and

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[41] *Ibid.*
[42] *Global Burden of Armed Violence,* op. cit., p71.
[43] *Ibid.,* p55.
[44] *Ibid.*
[45] Common Article 3, see
http://www.icrc.org/ihl.nsf/c525816bde96b7fd41256739003e636a/fd45570c37b1c517c12563cd0051b98b

armed violence survivor assistance. Application of the concept in this way implies that the right to trade in arms is a fundamental expression of sovereignty, but it should not be decoupled from the responsibilities that underpin that sovereignty – including responsibilities to regulate the manufacture, trade and use of weapons to limit their destructive potential and to properly care for survivors of armed violence.

6.14 So too responsible sovereignty underpins emerging calls for the full recognition of the right to social protection, underpinned by the International Covenant on Economic, Social and Political Rights. Social protection is defined by Oxfam as, "*a basic right of all people, that is realized through public or publicly mandated actions that enable people to deal with risk and vulnerability, that provide support in cases of extreme and chronic poverty and that enhance the social status and rights of marginalised groups".[46]* Social protection goes beyond safety nets, to encompass a broader goal of tackling poverty and vulnerability with greater emphasis on protection as a basic right and government responsibility. Social protection is primarily the responsibility of national governments but where governments lack capacity civil society, donors and the international community have an important role to play.

6.15 These developments are making it increasingly untenable for foreign policy approaches to be couched only in the national interest. Responsible sovereignty implies that Australia should act to address peace, security and protection challenges in Africa and elsewhere not only because we have strategic foreign policy interests to do so, but also because we are obliged to use our full capacity to ensure respect for IHL, uphold R2P and conduct ourselves in the spirit of responsible sovereignty.

6.16 The spirit of responsible sovereignty has not yet taken root in Australia's foreign policy approach to international security. The rationale for Australia's aid program is both charitable; "because we want to help those less fortunate than ourselves" and self-interested; "because it improves our regional security".[47] Our most recent Defence White Paper commits to deploy Australian Defence Forces beyond our region "when it is in Australia's clear strategic interests to do so" and "in support of achieving our policy ends".[48]

6.17 Tackling peace and security challenges in Africa will require a global commitment based on responsible sovereignty and legal obligation rather than charity or strategic interest. Australia could be far better positioned to assist countries in Africa with their security challenges if we championed this approach.

Oxfam Australia calls on the Australian Government to:

Recommendation 16: Demonstrate international leadership by the Australian Government by applying "responsible sovereignty" to all aspects of foreign policy and practice, particularly: the aid program; defence; and, diplomatic functions relating to peace and security.

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[46] Oxfam International, *Policy Compendium Note on Social Protection,* http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/oi_hum_policy_social_protection.pdf (accessed 20 January 2010).
[47] See "About Australia's Aid Program", http://www.ausaid.gov.au/makediff/default.cfm
[48] Australian Government Department of Defence, Defending Australia in the Asia Pacific Century: Force 2030, 2009, pt 2.21, p22. 21(pt 5.22, pg 44)

Specific measures to address peace and security challenges in Africa

6.18 Oxfam Australia welcomes the range of initiatives Australia is currently undertaking to increase cooperation with and assistance to the African Union to advance the protection of civilians and address broader peace and security challenges. Furthermore Oxfam Australia acknowledges that Australia has been actively championing peacekeeping reform, advocating for an Arms Trade Treaty (ATT) and contributing much needed financial resources towards research on the practical implementation of R2P – all processes that have direct and positive implications for people at risk of armed conflict and other forms of violence in Africa.

6.19 Oxfam Australia has been intimately involved in many of these international and regional processes and through our participation and analysis has identified several practical areas where Australia could be adding greater value. These relate to:

- Arms control;
- Enhancing women's role in building peace and security;
- Diplomacy with the African Union; and
- Engagement in peacekeeping operations.

Each of these areas is addressed in the following sections.

Arms control

6.20 One of the greatest gaps in the international system protecting people from violence is the lack of an effective mechanism to control the conventional arms trade. The under-regulated arms proliferation in many African countries has been a major driver of conflict, armed violence, human rights violations and poverty. The most common weapon across Africa is the Kalashnikov assault rifle, the most well-known type being the AK-47, almost none of which are made in Africa.

6.21 Oxfam's research suggests that at least 95 per cent of Africa's most commonly used weapons come from outside the continent.[49] Evidence also suggests that the vast majority of ammunition required to put these weapons to use are also imported from outside Africa.[50]

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[49] *Africa's missing billions*, Op. Cit., p3.
[50] *Ibid.*

6.22 Box 1 illustrates just a handful of examples of irresponsible arms transfers resulting from lax international arms controls.

Box 1: Irresponsible arms transfers involving African countries

- The FN303 semi-automatic weapons that Belgium's Walloon regional government approved for export to Libya in 2009 – at the same time as the UK and Serbia blocked exports of small arms to Libya on the basis that such a transfer might be diverted to another user.[51]

- Transfers of arms and ammunition to Chad by France, Israel, and Serbia since 2006, including the reported transfer from Serbia in 2006 of 48,610kg of cartridges worth around $900,000,[52] despite the substantial risk of diversion to armed groups. The risk of diversion was apparent at the time of the transfer: in January 2006 the UN Panel of Experts on Sudan reported that Darfuri armed opposition groups 'have continued to receive arms, ammunition and/or equipment from Chad',[53]and in 2007 the UN Panel proposed that the UN Security Council impose an arms embargo on eastern Chad.[54] Some of these Israeli and Serbian weapons were indeed diverted.[55]

- Irresponsible arms transfers to countries involved in the DRC war have been well documented. Rwanda imported millions of rounds of small arms ammunition, grenades, and rocket launchers from surplus stocks in Albania and there have been large flows of arms from Eastern Europe to the DRC transitional government and to Uganda. Until April 2005, only rebel groups within the DRC were under UN arms embargo, so it appears that these transfers did not breach any embargo. However, there is a strong possibility that at least some of these arms did ultimately reach rebel groups in the DRC.[56]

6.23 Often conflicts in Africa have been sustained despite successful disarmament campaigns because of the lax controls on importing new weapons. General Patrick Cammaert, former UN commander in the DRC, explained this dilemma to a press conference organised by the Control Arms coalition in 2007, 'You had the feeling that you were mopping the floor when the tap was open. One moment you disarm a group, and then a week later the same group has fresh arms and ammunition'.[57] Among the

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[51] Group for Research and Information on Peace and Security (2009), Arms sales to Libya would be an implicit support for repression and diversions, 2 June 2009: http://www.grip.org/en/siteweb/dev.asp?N=simple&O=715.

[52] UN Comtrade data (2006).

[53] UN Panel of Experts on Sudan (2006) 'Final Report of the Panel of Experts Submitted in Accordance with Resolution 1591 (2005)', S/2006/65, 30 January 2006, p.3.

[54] Due to the risk of diversion and the lack of due diligence on the part of the government and the failure to improve the quality of criminal investigations and prosecutions and its role in fostering a culture of impunity for killings. Amnesty International (2008) 'Blood at the Crossroads: Making the Case for the Arms Trade Treaty', September 2008, p.100, quoting UN Panel of Experts on Sudan (2007) 'Report of the Panel of Experts as Requested by the Security Council in Paragraph 2 of Resolution 1779', October 2007 (S/2007/584).

[55] UN Panel of Experts on Sudan (2008) 'Final Report of the Panel of Experts as Requested by the Security Council in Paragraph 2 of Resolution 1779 (2007), p.62; UN Panel of Experts on Sudan (2007) 'Final Report of the Panel of Experts as Requested by the Security Council in Paragraph 2 of Resolution 1713 (2006), (S/2007/584), 3 October 2007, p.28. For details of the original Serbian export licence, see Republic of Serbia (Belgrade, 2007) Annual Report on the Realization of Foreign Trade Transfers of Controlled Goods for 2005 and 2006, p.88, http://www.seesac.org/uploads/armsexport/Export_Report_Serbia_2005-_2006.pdf (accessed 28 January 2010).

[56] Amnesty International (2005) 'Democratic Republic of Congo: Arming the East,' AI Index AFR 62/006/2005.

[57] Oxfam International, *For a Safer Tomorrow: Protecting civilians in a multipolar world,* September 2008, p63.

DRC's armed groups, arms have been recovered that are believed to have come from Germany, France, the UK, Belgium, South Africa, the USA, Russia, China, Egypt, Romania, Bulgaria, and Serbia.[58]

6.24 International transfers of conventional arms impair poverty reduction and socio-economic development when they contribute to armed crime, conflict, or serious violations of human rights, when they undermine post-conflict peacebuilding, or when they involve excessive unaccountable spending or corrupt practices. In different circumstances however, international arms transfers can provide the right environment for development by strengthening the capacity of military, security, and police forces to protect citizens from conflict and crime.[59]

Arms Trade Treaty

6.25 Since 2006, most governments have been committed to filling the arms control gaps with a robust, legally binding ATT, based on their existing responsibilities under international law.

6.26 Australia has been significantly involved in the ATT development thus far, and has co-authored each of the three UN resolutions on the ATT to date, including the October 2009 resolution which gave UN member states a mandate to begin formal negotiations of the Treaty, to conclude in a negotiating conference in 2012. The ATT process has, however, been principally driven by the United Kingdom, and the US is now taking a much more central role since its October 2009 decision to support ATT negotiations .

6.27 It is notable that the permanent five members of the UN Security Council, the US and UK among them, together account for 73 per cent of the world's conventional arms exports; and these exports contribute regularly to gross abuses of human rights.[60]

6.28 It is concerning that in the 2009 resolution on the ATT states agreed to negotiate the Treaty on the basis of consensus. Consensus often results in lowest common denominator outcomes in multilateral negotiations thus it could be extremely difficult to ensure that the Treaty text is robust enough to address the critical weapons control issues facing Africa and elsewhere. In order to be effective, we believe the ATT must meet the minimum standards laid out in box 2 overleaf.

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[58] Control Arms (2006) 'The Call for Tough Arms Controls: Voices from the DRC', Oxford: Oxfam GB, p. 11.
[59] Oxfam International, *Practical Guide: Applying Sustainable Development to Arms-Transfer Decisions,* Oxfam International Technical Brief, April 2009.
[60] This is calculated from Table 36, arms deliveries 2001-2008 in *Conventional Arms Transfers to Developing Nations*, 2001-2008, Richard F. Grimmett, Congressional Research Service, September 4, 2009.

> **Box 2: What an *effective* Arms Trade Treaty would look like**
>
> It would ensure that no transfer is permitted if there is substantial risk that it is likely to:
> - Be used in serious violations of international human rights or humanitarian law, or acts of genocide or crimes against humanity;
> - Facilitate terrorist attacks, a pattern of gender-based violence, violent crime or organised crime;
> - Violate UN Charter obligations, including UN arms embargoes;
> - Be diverted from its stated recipient;
> - Adversely affect regional security; or
> - Seriously impair poverty reduction or socioeconomic development.
>
> It must have no loopholes. It must include:
> - All weapons – including all military, security and police arms, related equipment and ammunition, components, expertise, and production equipment;
> - All types of transfer – including import, export, re-export, temporary transfer and transhipment, in the state-sanctioned and commercial trade, plus transfers of technology, loans, gifts and aid; and
> - All transactions – including those by dealers and brokers, and those providing technical assistance, training, transport, storage, finance and security.
>
> It must be workable and enforceable. It must:
> - Provide guidelines for the treaty's full, clear implementation;
> - Ensure transparency – including full annual reports of national arms transfers;
> - Have an effective mechanism to monitor compliance;
> - Ensure accountability – with provisions for adjudication, dispute settlement and sanctions;
>
> Reinforce state responsibilities to assist victims of armed violence
>
> Include a comprehensive framework for international cooperation and assistance.[61]

6.29 Oxfam Australia believes it is critical that the ATT process is driven not only by the major arms exporters but also by states, such as Australia, who have a responsible and pragmatic approach to arms control and a proven track record of implementing stringent national controls on arms imports and exports. Australia is well positioned to contribute financial, legal and practical expertise to the ATT negotiating process.

6.30 Australia's leadership on this key humanitarian issue would have lasting impacts on the protection of civilians in Africa and elsewhere for years to come and fundamentally shape Australia's influence over international relations in this strategic area.

6.31 At present, however, the Australian Government has not committed sufficient human or financial resources from the public sector, or invested enough politically or diplomatically to assume this leadership role. At present Oxfam is aware of only a small handful of staff from the Department of Foreign Affairs and Trade (DFAT),

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[61] This is not an exhaustive list of what an effective treaty would include. For further details, please see: Control Arms (2009), *Global Principles for the Parameters of an Arms Trade Treaty*, http://www.controlarms.org/en/resources-and-reports/ngo-arms-trade-treaty-steering-committee-position (accessed 10 December 2010).

AusAID and Australia's Geneva and New York missions who are tracking the Treaty making process. There is little evidence that that the Australian Government has resourced a team to develop concrete policy positions or legal and technical analysis on the Treaty or that there is capacity within the various arms of the Australian Government to consolidate whole-of-government and stakeholder input into the process.

6.32 Oxfam's analysis is that a weak Treaty would actually be worse than worthless, it would actually cause significant harm by potentially legitimating conventional weapons transfers that would currently be considered part of the grey market. Upon completion of negotiations we would hope that Australia would not want to be associated with a Treaty that is ineffective and harmful, and we would recommend in order to avoid this situation Australia will need to work hard to ensure the Treaty contains minimum standards and principles required to ensure effectiveness.

In order to enhance Australia's leadership in ATT negotiations Oxfam Australia calls on the Government to:

Recommendation 17: Increase human resources and investment within AusAID and DFAT on this highly complex and challenging but ultimately rewarding portfolio of work.

Recommendation 18: Establish a whole-of-government working group charged with developing Australia's detailed policy positions and analysis on the ATT, drawing on expertise from within DFAT, AusAID, the Attorney-General's Department, Home Affairs and Department of Defence, as well as seeking advice from NGOs, civil-society and the Asia-Pacific Civil Military Centre of Excellence.

Recommendation 19: Drive a process amongst other supportive states to develop common general principles for an ATT and agreed redlines. Australia could provide leadership for supportive countries by focusing policy and legal development work in one or more specific or contentious areas – for example, ensuring that sustainable development concerns or ammunition controls are included within the ATT.

Recommendation 20: Contribute much needed financial resources towards establishing intercessional(s) between formal ATT preparatory committee meetings, for supportive states to come together to develop these common positions.

6.33 No single Treaty, however, can tackle all the problems caused by the proliferation of conventional weapons in Africa or anywhere else. There must be far greater support to local communities, national governments, and regional organisations taking their own action to get existing arms out of circulation, and to do what they can to curb the flow of new arms and ammunition. By tackling the arms that fuel violence on multiple fronts Australia will be significantly contributing to the achievement of long-term peace and security in Africa, as well as other parts of the world where arms control gaps are painfully prevalent.

Women's role in building peace and security

6.34 As discussed in paragraph 6.3 sexual and gender based violence as a consequence of conflict and where high levels of armed violence persist is horrifically common. The UN Security Council has recognised this issue in two recent resolutions; 1820 (2008) which establishes a strong link between addressing sexual and gender based violence and building peace and security; and SCR 1888 (2009) which sets out concrete steps to address the issue by appointing a Special Representative to the UN Secretary-General on sexual violence in conflict, providing gender advisors in peacekeeping missions, strengthening monitoring and reporting of sexual violence and retraining peacekeepers, national forces and police.

6.35 Of equal importance to addressing peace and security *of* women is advancing peace and security *by* women. Women have an interest and an extremely important role to play in calling for, mediating, making and enforcing peace. In peacekeeping, greater participation of women increases the likelihood that victims of sexual assault will come forward and seek assistance and reduces risks of prostitution, trafficking and abuse sometimes associated with peacekeeping.[62] As mediators, women have demonstrated they can bring exceptional skills and unique communication methods to the peace table. While there is no essential male or female negotiation style the very presence of women has been found to be both symbolically and practically beneficial in the 'complex arena of conflict mediation'.[63]

6.36 The vital importance of women's involvement in all levels of peace building and decision-making on conflict has been fully acknowledged by the UN Security Council in resolution 1325, calling for recognition of women's vital contribution to promoting peace processes throughout the world and steps to increase their participation. In October 2009 the Security Council passed resolution 1889 to address the exclusion of women from immediate post-conflict peacebuilding activity and commit the Security Council to monitor implementation of SCR 1325. The African Union also adopted in 2006 the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Framework for Post-Conflict Reconstruction and Development.

6.37 Yet despite these resolutions, the Protocol and the aspirations underpinning them, women are dramatically under-represented within the peace and security architecture of both the African Union (AU) and the United Nations. While there is a commitment for the Commission of the AU to have gender balance, the Peace and Security Council does not have any women representatives,[64] and the 2006 Protocol does not clearly indicate how gender will be mainstreamed into its structures and activities. The

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[62] See Paul Higate*, Gender and Peacekeeping: Case studies: The Democratic Republic of the Congo and Sierra Leone,* Monograph No 91 March 2004, http://www.iss.org.za/pubs/Monographs/No91/Contents.html (accessed 20 January 2010); and Latin American Security and Defense Network *(*RESDAL), *Challenges and Opportunities in Peace Operations: The Incorporation of Women,* http://www.peacewomen.org/resources/Peacekeeping/Resdal_brochure_eng.pdf (accessed 20 January 2010).

[63] Antonia Potter *We the Women: Why conflict mediation is not just a job for men*, Centre for Humanitarian Dialogue, October 2005, p14.

[64] Antonia Potter, *Ibid.,* p5.

AU has created an African Women's Committee on Peace and Development (AWCPD) to advance women's rights, although it has an advisory and advocacy function only. Nevertheless the AWCPD has made inroads by elevating the priority of women's participation and gender issues in the AU.[65] There also remains much planning work to be done to mainstream gender into the actions and structures of the Continental Early Warning System and the African Standby Force.

6.38 Women are also under-represented in the UN peace and security architecture, despite the numerous Security Council resolutions and efforts by the Department of Peacekeeping Operations (DPKO) to develop a Global Action Plan for SCR 1325 in 2006 to prioritise increased participation of women in peacekeeping.[66] Of the 32 Special and Personal Representatives and Envoys of the Secretary-General to Africa, only four are women, and only two are African women. This is, however, a vast improvement over 2000 when SCR 1325 was first passed and there were no women at all in these positions.[67] Women make up only 1.9 per cent of military personnel in peacekeeping operations and 7.3% of UN police. No forces are led by a woman and women make up a clear minority of international civilian peacekeeping staff (29.8 per cent) and nationally recruited staff (19.6 per cent).[68]

6.39 Despite being under-represented within the UN and AU peace functions, from the grass-roots to the top echelons of power African women have demonstrated incredible capacities to build peace and act to protect civilians. In Burundi, both Tutsi and Hutu women formed the *Habamahoro* group to confront the violence from young men of both communities. In Uganda, women 'peace animators' trained others to manage conflict between and within communities.[69] Africa has many examples that should be celebrated by leaders and used as models for future peace endeavours.

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[65] Prof. Maria Nzomo, Kenya High Commissioner, Zimbabwe, *From OAU to AU and NEPAD: Regional integration processes in Africa and African women,* keynote address made at Regional Strategy Meeting on Women's Political Participation and Gender Mainstreaming in AU and NEPAD, Nairobi, 27- 31 October 2003, http://www.sarpn.org.za/documents/d0000608/page1.php (accessed 20 January 2010).

[66] Camille Pampell Conaway and Jolynn Shoemaker, *Women in United Nations Peace Operations: Increasing Leadership Opportunities*, Women In International Security Georgetown University, with support of the Compton Foundation, July 2008, p22 http://www.peacewomen.org/resources/Peacekeeping/WIISreport.pdf (accessed 20 January 2010).

[67] Antonia Potter, *Ibid.,* p23.

[68] Camille Pampell Conaway and Jolynn Shoemaker, *Op. Cit.,* p

[69] For both examples see Oxfam International, *For a safer tomorrow: Protecting civilians in a multipolar world,* September 2008, p9.

Box 3: Tackling sexual violence in Liberia

Liberia used to have the worst record of sexual violence in the world; 74 per cent of women and girls were raped in the conflict that ended in 2003.[70] As in many post-conflict settings, some of that violence goes on. In 2007, Liberia's Association of Female Lawyers still received reports of up to six rapes a day.[71] But under a new president, Africa's first elected woman leader Ellen Johnson Sirleaf, Liberia's government is now taking action to crack down on sexual violence, with a new law on rape, and a National Action Plan on gender-based violence that includes reforms to the legal and health systems, psychosocial support for survivors, and economic and social programmes for women and girls.[72]

An Oxfam survey in 2007 found that 60 per cent of those displaced thought life had become more peaceful since the ceasefire. One woman in Madi Opei camp told Oxfam: *It is getting better now. We can go to the fields and send our children to the wells to collect water. And there are no abductions.*[73]

Source: Oxfam International, *For a safer tomorrow: Protecting civilians in a multipolar world,* September 2008.

6.40 For its part the Australian Government has, as yet, taken little concrete action to implement SCR 1325 other than by funding the Women's International League for Peace and Freedom (WILPF) to conduct research and NGO consultations and provide advice to the Australian Government about possible next steps for a National Action Plan on 1325. Unlike fourteen other nations Australia has not developed a National Action Plan to implement the resolution. AusAID's Peace Conflict and Development policy (2002) repeatedly notes a commitment to support women's involvement in peace-building, and indeed programmatically AusAID has implemented measures in support of 1325.[74] There is, however, little evidence that Australia's programmatic investment in this area extends beyond the Pacific region.

6.41 Australia's 2007 Peacekeeping Inquiry found that neither DFAT nor the ADF were able to provide information on the practical training and recruitment measures it was undertaking to raise awareness of Resolution 1325 or to increase women's participation in peacekeeping operations.[75] The Australian Defence White Paper released in 2009 does not once mention the words "gender" or "women", nor does it expressly refer to Australia's obligations under SCR 1325 to ensure greater participation of women in Australia's peacekeeping activities. Women are greatly under-represented in ADF personnel and while they have higher representation in the

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[70] M. C. Omanyondo (2004) 'Sexual Gender-Based Violence And Health Facility Needs Assessment', Liberia: World Health Organization.

[71] L. Bruthus (2007) 'Zero tolerance for Liberian rapists', Forced Migration Review 27: 35.

[72] E. Johnson Sirleaf (2007) 'Liberia's Gender-Based Violence National Action Plan', Forced Migration Review 27: 34

[73] Oxfam International (2007) 'The Building Blocks of Sustainable Peace: the Views of Internally Displaced People in Northern Uganda' Oxford: Oxfam International, p. 9.

[74] AusAID, *Peace Conflict and Development Policy,* 2002, http://www.ausaid.gov.au/publications/pdf/conflict_policy.pdf

[75] *Committee Hansard*, 25 July 2007, p. 64, cited in The Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations,* August 2008, p260, http://www.aph.gov.au/SENATE/COMMITTEE/FADT_CTTE/peacekeeping/report/report.pdf (accessed 20 January 2010).

Australian Federal Police International Deployment Group (AFP-IDG), women still only account for approximately one fifth (17.5 per cent) of AFP personnel on IDG missions overseas.[76]

6.42 The Peacekeeping Inquiry Commission in its report urged Australian Government departments and agencies to, "further advocate the role of women and to lead by example to encourage other peacekeeping partner countries to increase women's participation and leadership in peacekeeping missions".[77] Further the Commission recommended that DFAT provide information about whole-of-government performance implementing SCR 1325 in its annual reports. Oxfam Australia supports both of these recommendations, but notes that to date they have not been implemented.

6.43 Oxfam Australia believes there are a range of initiatives the Australian Government can adopt, in addition to those recommended by the Commission, to better implement SCR 1325 and advance women's participation in addressing peace and security challenges in Africa.

In order to implement SCR 1325 in Australia, Oxfam Australia calls on the Australian Government to:

Recommendation 21: Take concrete steps to implement SCR 1325 by developing and implementing a National Action Plan, aimed at increasing whole-of-government comprehensiveness, coordination and accountability of Australia's implementation of the landmark resolution[78]. The National Action Plan should outline how Australia's aid program will support women's participation in peace building activity, particularly in regions at-risk of conflict and high levels of armed violence.

Recommendation 22: Commit the ADF and AFP-IDG to setting gender balance targets for peacekeeping forces and making a sustained investment recruiting and retaining women in peacekeeping roles and at all levels of decision-making relating to peacekeeping operations.

Recommendation 23: Actively prioritise the deployment of women ADF and AFP-IDG personnel into missions where they are likely to encounter high levels of sexual and gender-based violence.

Recommendation 24: Actively recruit gender advisors to be available for ADF and AFP IDG deployments to advise on gender issues and requirements, champion gender mainstreaming into the mission and monitor and report on impact.

Recommendation 25: Ensure all ADF and AFP IDG personnel have received thorough gender training prior to being deployed into any civilian protection context.

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[76] AFP, answer to question on notice 10, 25 July 2007, cited in *Ibid.*
[77] The Senate Standing Committee on Foreign Affairs, Defence and Trade*, Ibid.,* p262
[78] Note this recommendation was supported by WILPF consolations summarised in Prof Elisabeth Porter, *Final Report: Developing a National Action Plan on United Nations Security Council Resolution 1325,* Women's International League for Peace and Freedom (Australian Section), 2009, p5. http://www.1325australia.org.au/textdocuments/FinalReportJuly2009.pdf (accessed 20 January 2010).

Recommendation 26: Maintain harsh penalties for Australian peacekeepers engaging in sexual exploitation of any kind during peacekeeping or other civilian protection operations.

Recommendation 27: DFAT report on whole-of-government implementation of SCR 1325 in its annual reporting, in line with the recommendations of the Peacekeeping Inquiry Commission into 2007.

In order to increase engagement with African countries on SCR 1325 Oxfam Australia calls on the Australian Government to:

Recommendation 28: As part of increased development assistance, increase support for grass-roots community initiated peace-building and conflict mediation work with a focus on enhancing participation of women.

Recommendation 29: Invest in initiatives to build the professional development of African women peace negotiators and mediators, through supporting civil-society training as well as encouraging African Union investment in this area.

Recommendation 30: Take steps to celebrate publicly within international forums positive examples of women's work towards building peace in Africa, whether it be through civil-society action, peacekeeping, mediating or implementing positive state policies and practices. Celebration of women's peace work is one way of raising its profile, debunking misconception and inspiring future women leaders for peace.

Diplomacy with the African Union

6.44 It is encouraging to see that Australia is increasing its engagement with the African Union around protection of civilians capacity building. It is also encouraging to see Australia plans to establish a defence attaché in Africa (based in Addis Ababa). We feel these initiatives will give Australia greater ability to encourage effective action on the part of the AU to prevent conflict and R2P crimes. They will also give Australia greater capacity to monitor and track implementation of UN and AU peacekeeping mandates and develop appropriate policy responses as required to protect civilians.

6.45 Given the common interconnections between civil-society, NGOs, government actors and military actors engaged in peace processes and protection work in many African states, we believe it would be advantageous to see increased engagement with civil-society and African based NGO/INGOs in these processes. Increased engagement would help us to share knowledge and approaches and enhance relationship building and coordination.

6.46 In addition, Oxfam Australia believes the Australian Government needs to increase investment in its diplomatic functions and ties in Africa. We understand that while Australia has now established formal diplomatic relations with 45 of the 53 countries in Africa, we only have six posts on the continent and of these four are small posts.[79]

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[79] Jillian Broadbent AO Professor William Maley AM Brad Orgill Professor Peter Shergold AC Ric Smith AO PSM Allan Gyngell (Chairman), *Australia's Diplomatic Deficit: Reinvesting in our instruments of international policy,* Blue Ribbon Panel Report, March 2009. Lowy Institute for International Policy, p.21, http://www.lowyinstitute.org/Publication.asp?pid=996, accessed 22 January 2010.

6.47 It is notable that unlike the aid program and defence spending, which are steadily increasing, there is no growth plan for DFAT's budget, limiting Australia's capacity to develop the diplomatic ties necessary to carry influence over approaches to resolving African peace and security challenges, as well as other areas of interest. Australia budgeted over $22 billion for the Department of Defence in 2008/09 but less than $1.2 billion for DFAT.[80] Oxfam Australia believes this investment does not adequately reflect the important role that diplomacy plays in fulfilling our international responsibilities.

6.48 Oxfam Australia believes that Australia can more effectively engage with the African Union on enhancing the protection of civilians.

Oxfam Australia calls on the Australian Government to:

Recommendation 31: Increasing the involvement of civil-society actors and NGOs in efforts to build the protection of civilians capacity of the African Union.

Recommendation 32: Increasing diplomatic presence in Africa and ensuring Australian diplomats in Africa are well equipped to conduct diplomatic functions around peace and security issues.

Recommendation 33: Ensuring the Australian Defence Attaché to Africa, when instated, monitors UNMIS and UNAMID closely and reports to the Australian Government capacity gaps and requests for additional training support, equipment, personnel and funds.

Recommendation 34: Further enhancing Australia's relationship with the African Union by contributing, through financial contributions and capacity building support, to AU conflict prevention and peace building endeavours, including support to the Continental Early Warning System and the advancement of women in peacebuilding.

Recommendation 35: Monitoring new and ongoing conflicts in Africa through DFAT and raises international alarm bells when there are concerns about potential mass atrocities unfolding.

Recommendation 36: We further support World Vision's recommendation to this inquiry that the Australian Government use its enhanced diplomatic channels in Africa to encourage African leaders to ratify the new Convention for the Protection and Assistance of Internally Displaced Persons (IDPs), signed in 2009. This landmark legally-binding convention goes a long way towards increasing the protection of IDPs in Africa, but it will require 15 African Union members to ratify before it can take effect.

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[80] *Ibid.*

Direct engagement in peacekeeping operations

6.49 One of global governments' greatest failures in upholding R2P in Africa has been to properly resource UN and UN-mandated (including African Union) peace support operations. Peacekeeping missions in Africa have increasingly struggled to implement increasingly complex mandates without their full contingents of troops and police, without essential equipment such as transport helicopters and vehicles, and often without the full support of the host government. That said, there is emerging consensus in the international community that peacekeepers must do better with the resources available to them, and as such peacekeeping reform is a critical area for international policy attention.

6.50 The UN is undergoing a process of peacekeeping reform to build the capacity of peace support operations to deliver protection in complex environments. Resolution 1894 on the protection of civilians demonstrates enhanced willingness by the UN Security Council to improve the protection of civilians through more effective and better resourced UN and other mandated peacekeeping missions; enhanced humanitarian access and accountability for violations.[81]

6.51 Oxfam recognises and applauds the Australian Governments strong support for this peacekeeping reform process. One example of this positive work is Australia's successful lobbying for the unprecedented inclusion of a sub-section on Protection of Civilians (PoC) in the annual report of the Special Committee on Peacekeeping Operations.[82] Given resistance from some states that still view the PoC agenda as a threat to state sovereignty, this is a great achievement. Australia's joint workshop on PoC with Uruguay in January 2009 was also highly successful at demystifying PoC for more than 100 diplomatic representatives who attended. Australia should continue to champion PoC in multilateral forums.

6.52 Australia's contribution to peacekeeping operations in Africa has been modest, with 15 ADF and 10 AFP-IDG in southern Sudan as part of UNMIS (UN Mission in Sudan) and prior to August 2009 Australia had a further 8 ADF officers in Darfur as part of UNAMID (UN/AU Hybrid Mission in Darfur).

6.53 Recent advisory on the ADF website states these positions have not been filled since August 2009, pending resolution of visas issues between the UN and Government of Sudan.[83] It is important to note, however, that in December 2009 the ADF website claimed there were still 8 officers deployed to UNAMID, and when Oxfam contacted the Defence Public Enquiry Line we were instructed that this information was accurate. This illustrates that there is insufficient transparency about the location of ADF personnel on peacekeeping missions, undermining the ability of organisations like Oxfam to hold government to account for their peacekeeping commitments.

6.54 Despite the modest contributions Australia has made to African peace support operations, Australian personnel are regarded as being highly trained and they

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[81] S/RES/1894 (2009), http://unispal.un.org/UNISPAL.NSF/0/A4E2352BFDF75FF08525766C00588264
[82] A/63/19, section 10 (paragraphs 125 - 128)
[83] See ADF website, Operation HEDGEROW http://www.defence.gov.au/opEx/global/ophedgerow/index.htm (accessed 22 January 2010)

perform high-level functions within the missions they are deployed. An increased prioritisation of peacekeeping functions in Africa would thus have exponentially positive impacts. Australian peacekeeping personnel are well placed to build the capacity of fellow troops and police regarding implementation of their protection mandates and a range of technical functions.

6.55 Australia could also seek to address policies and practices within the ADF that inhibit Australia's ability to deliver on UN requests for essential equipment. For example since 2007 Secretary-General Ban Ki-moon has been requesting that the international community provide helicopters to UNAMID to assist implementing peace support operations in Darfur. The absence of helicopters has seriously hampered the mission's ability to access vulnerable populations and protect civilians. Despite persistent requests the mission is still facing shortfalls of critical transport and aviation assets.[84]

6.56 Australia has suitable transport and aviation assets, but has been unwilling to provide them to the mission because Defence policy is not to "wet lease", meaning we will not lease assets without operations and maintenance personnel. There may be practical reasons why the ADF does not support wet leasing of equipment, but Oxfam believes that in the context of great humanitarian need any policy that restricts the ability of Australia to fulfil its international responsibilities should be reviewed.

6.57 Another area in which Australia could increase its contribution to peacekeeping in Africa is by financially supporting African Union mandated peace support operations. In October 2004 the mandate of the AU's mission in Darfur, AMIS, Page: 41 expanded from monitoring and reporting on peace agreements signed by the Government of Sudan and Darfur's rebel leaders to include the protection of civilians 'under imminent threat and in the immediate vicinity within its resources and capability'.[85]

6.58 While the mission was far from perfect, without its presence during the earlier stages of the Darfur conflict, the situation would have been even worse. Initially, AMIS had some success in mitigating civilian attacks in the areas of Darfur where it was present, offering some Internally Displaced Peoples (IDPs) what is referred to as 'protection through presence'. In some parts of the region in coordination with humanitarian actors, AU soldiers would conduct weekly or bi-weekly patrols in order to provide security for women who would leave the IDP camps to collect firewood to generate income. Gender-based violence was reported to have decreased in areas where such patrols were being conducted.[86]

6.59 But after two years without sufficient support from the international community, AMIS found itself under-resourced and its staff often unable to protect themselves against attacks targeting them directly, and its performance dropped considerably. Later,

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[84] UNAMID website, "UNAMID Background"
http://www.un.org/en/peacekeeping/missions/unamid/background.shtml (accessed 22 January 2010)
[85] Victoria Wheeler, *Politics and practice: the limits of humanitarian protection in Darfur,* Humanitarian Practice Network, http://www.odihpn.org/report.asp?id=2568 (accessed 27 January 2010).
[86] S. Pantuliano and S. O'Callaghan (2006) "The 'Protection Crisis": a Review of Field-based Protection Strategies in Darfur', London: Overseas Development Institute, p. 11.

Oxfam workers heard complaints from displaced men and women that some AU troops would run away from trouble, and fail to investigate attacks.[87]

6.60 Now in 2008 the AU peacekeeping force is developing more experience, as part of the hybrid United Nations–African Union Mission in Darfur, and, beyond Darfur, it is slowly developing the confidence and capacity to take more effective steps to reduce conflict and mitigate civilian attacks.

6.61 Key to the future potential of AU peacekeeping missions will be the willingness of donor government's like Australia to adequately support them to carry out their duties. Australia did not provide financial support to AMIS, and the international community is in many ways complicit in the mission's ultimate failure to protect civilians.

In order to strengthen peacekeeping operations in Africa, Oxfam Australia calls on the Australian Government to:

Recommendation 37: Continue to champion the PoC agenda in multilateral forums and work to build non-traditional alliances in this endeavour, to reinforce the alliance between PoC and responsible sovereignty to potentially sceptical states.

Recommendation 38: Use its position as a troop and police contributing country with personnel deployed to UNMIS and UNAMID to build the capacity of these missions to adequately implement their protection mandates.

Recommendation 39: Call on the UN Security Council members to fully implement SCR 1894 and ensure peacekeeping mandates have strong, unambiguous protection mandates where they are required.

Recommendation 40: Respond publicly to the range of recommendations made by the 2007 Peacekeeping Inquiry Commission regarding improvements to Australia's peacekeeping performance.

Recommendation 41: Prioritise the resourcing of peace support operations within the DFAT and the ADF-IDG so that Australia has greater capacity to deploy peacekeeping personnel to UN missions in Africa.

Recommendation 42: The Department of Defence investigate the ADF's policies and practices that inhibit Australia's capacity to lease much needed equipment into UN mandated peace support operations.

Recommendation 43: Invest in further research and analysis on the barriers to UN mandated peace support operations meeting their protection mandates.

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[87] Interview with Jane Beesley, Oxfam GB, May 2007, cited in *For a Safer Tomorrow,* Oxfam International, 2008.

7   Development assistance and HIV and AIDS

7.1   Oxfam Australia welcomes the Australian Governments increased aid investment in Africa. Our experience confirms that active monitoring and engagement with local NGOs, communities and international NGOs is the most effective and efficient approach to sustainable bilateral program delivery and capacity building.

7.2   This section provides rationale and recommendations for more effective development assistance to Africa, with a focus on HIV and AIDS. The analysis in this section is largely drawn from comments in the *ACFID Africa Working Group on AusAID's Framework for Development Assistance to Africa 2009-2016.*[88]

7.3   This section is deliberately brief as it supplements recommendations made by ACFID in its submission to the inquiry. We would like to refer the inquiry committee's attention particularly to sections and recommendations of the ACFID submission relating to the Paris Declaration on Aid Effectiveness, the Accra Agenda for Action, and food security and climate change. Implementation of these recommendations will advance Australia's aims of reaching Millennium Development Goals commitments.

Context and critical issues relating to HIV and AIDS in Africa

7.4   HIV prevalence in Sub-Saharan Africa remains far higher than anywhere else in the world, and the absolute number of people living with HIV is still increasing. Africans comprise 2/3 of all people currently living with HIV, and AIDS-related illnesses remain the leading cause of death in Sub-Saharan Africa. As highlighted by the Report of the Commission on HIV/AIDS and Governance in Africa (UN Economic Commission for Africa, 2008), despite some modest successes, serious challenges still remain for Africa and a response to HIV and AIDS must be at the centre of development strategies.

7.5   In its Discussion Paper: Framework for Development Assistance to Africa 2009-2016, noted that its earlier Framework for Development Cooperation to Africa 2003-2007 had specifically prioritised HIV/AIDS related interventions at the community level. It also noted that in accordance with that focus, Australian NGOs have traditionally been a major delivery partner for Australian development assistance to Africa.

7.6   However, the Discussion Paper then goes on to propose that in relation to HIV and AIDS Australia will increasingly work through "established and effective" African organisations and "given the substantial funds provided by other donors for HIV and AIDS in Africa (most notably, the Global Fund for AIDS, Tuberculosis and Malaria, to which Australia contributes significant core funding), Australia's support for HIV and AIDS will be integrated into other sectoral programs rather than stand-alone initiatives.

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[88] *ACFID Africa Working Group on AusAID's Framework for Development Assistance to Africa 2009-2016,* ACFID, 7 July 2009.

Future opportunities for development assistance

7.7 The AusAID *Discussion Paper: Framework for Development Assistance to Africa 2009-2016* notes that Australia can make a difference to Africa's development by capitalizing on its comparative advantages and achievements to date, responding to niche development requirements and building a distinct Australian identity. It also notes that while building relationships with African institutions is important, maximising Australian visibility and profile in Africa also remains a priority along with implementing programs that "capitalise on Australia's comparative advantage in niche areas."

7.8 Oxfam believes that opportunities exist beyond support for African institutions, and that by relying on integration into other sectoral programs, many of these opportunities will be missed for the very reasons offered by the AusAID discussion paper, that is, NGOs both "compliment" and indeed are essential to those programs.

7.9 To maximise these opportunities, Oxfam believes that Australian development assistance to Africa should include HIV and AIDS as a thematic area or dedicated sector/MDG6 beyond a narrow health perspective or cross cutting issue both in the Africa Framework document and within the future NGO program. This is consistent with the impact of the epidemic on development in the region.

Supporting specific NGO programs on HIV and AIDS

7.10 Supporting NGO and civil society programming on HIV and AIDS will contribute to effective and sustainable approaches. Through their HIV and AIDS programs, NGOs provide opportunities that recognise the complexity of impact of HIV and AIDS, and compliment and enhance the effectiveness of major institutions interventions, such as the Global Fund. The rationale which underpins this observation is as follows:

- HIV is a complex epidemic that has a "long wave" effect, with significant impacts on population and household structures, ability of households to provide for themselves and effects on community structures and government capacity to provide basic services.

- NGO programs mitigate the impact of HIV and AIDS on households and community structures, through developing food security and livelihoods of HIV-affected households, the development of community services and safety nets, and strategies that empower people to know their rights and facilitate equitable access to services.

- For example, "*HIV testing facilities only make a difference if they are used; antiretroviral drugs only work if taken at the right time in the right way and with sufficient food; and counselling services for victims of domestic violence can only protect if domestic violence is recognised as abuse. The [Australian Partnerships with African Communities] APAC programmes work on these issues through*

stigma and discrimination programmes, psycho-social support initiatives and through legal and community counselling services".[89]

- NGO programs are longer-term responses, which go beyond a focus only on the health of orphaned children or emergency food distribution to HIV affected people

- Lack of food security and poor nutrition may hasten progression to AIDS-related illnesses, undermine adherence and response to antiretroviral therapy and exacerbate socio-economic impacts of the virus.

- There are also strong links between HIV and AIDS, Sexual and Reproductive Maternal and Child Health, and Domestic Violence.

- HIV needs to be closely linked with broader poverty alleviation/ development agendas.

- Support is also needed for effective coordination and service delivery structures (for example local/ village/district AIDS councils, home-based care groups and community health workers) in order to strengthen ARV rollouts and care programs in East and Southern Africa.

7.11 AusAID has always given HIV and AIDS prominence in previous Africa Strategies and Africa regional NGO funding mechanisms (Australian Partnerships with African Communities and the previous AusAID Africa NGO program).This invaluable support has shaped the programming and expertise of Australian NGOs and this significant investment can continue to be capitalised on.

7.12 While large funding mechanisms such as the Global Fund can provide support for particular areas such as VCT services or drug supplies (which is clearly important), they rely on synergies with complementary programs such as those provided through NGOs to develop connections to the community, and to address issues fundamental to AIDS such as food security. Specific HIV and AIDS programs provide the opportunity to ensure that the programs of the large institutions are both effective and sustainable.

7.13 Working with and supporting the existing HIV and AIDS programs of NGOs will provide opportunities to reinforce Australia's technical expertise and identity. Australia (and AusAID) has a strong background in responding to drug use and HIV, an issue that is expanding in Africa.

7.14 The Australian public maintains a strong and enduring commitment to development work in Africa. According to ACFID 34% of Australian NGO activities and resources are committed to African programs, and a high percentage of this is invested in responses to HIV and AIDS.

7.15 Australia has considerable expertise domestically in addressing HIV. There are opportunities to build on the work already undertaken through the utilisation in program implementation of Australian HIV organisations. This includes organisations

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[89] ODI, Project Briefing No 19, April 2009, p 3

of People Living with HIV, other niche experience such as Sex Workers and Injecting Drug Users organisations, and Australian Development and faith-based organisations utilising their existing relationships with developing country partners in the awareness raising of HIV. Australian expertise is valuable through mentoring relationships and other capacity building partnerships in developing countries.

7.16 By continuing to support NGO programs, Oxfam believes that the Australian Government has the opportunity maintain and underpin the benefits gained from its previous investment in building Australia's technical expertise in this sector.

Specifically, Oxfam Australian calls on the Australian Government to:

Recommendation 44: Include HIV and AIDS as a thematic area or dedicated sector/MDG6. It should not rely on integration into other programs, or be viewed simply as a cross cutting issue.

Recommendation 45: In planning of future aid programming in relation to HIV and AIDS, AusAID recognise the particular proven effectiveness of NGO and community led programs in responding to the complex and multifaceted impacts of HIV and AIDS.

Recommendation 46: Continue to build on the benefits gained from its previous investment in NGOs in developing Australia's technical expertise and identity in HIV and AIDS. 34% of Australian NGO activities and resources are committed to African programs, and a high percentage of this is invested in responses to HIV and AIDS.

Recommendation 47: Support the Paris Declaration by carefully targeted increases in aid by AusAID, to maximize efficiency and effectiveness, and in particular avoid unnecessary duplication with other donors.

8   Capacity building

8.1   Throughout this submission there are specific recommendations concerning the role NGOs, both local and international, can play in building capacity. The submission identifies opportunities to: promote and monitor responsible business conduct; to develop and deliver humanitarian advocacy and programs; and to support broad based development assistance in accordance with initiatives such as the Paris Declaration. Specific opportunities for capacity building include:

- Facilitating sustainable corporate community relationships
- Training for Austrade staff and other government officials on business and human rights in the extractives sector
- Conflict and disaster management
- Food security
- HIV and AIDS development assistance
- Public sector management
- Local Government administration
- Infrastructure management

8.2   In addition to those issues identified above, and already addressed in the submission, this final section examines the potential role of the Australian Civilian Corps (ACC) in building the capacity of governments in Africa that are recently emerging from or at high risk of conflict and disaster. We have focussed our analysis on the ACC because this presents a new way for Australia to be engaging in capacity building work overseas and given its infancy the ACC merits specific attention here.

Role of the Australian Civilian Corps

8.3   Oxfam Australia suggests that some post-conflict situations will be more appropriate than others for the ACC to offer its services, and we urge the Australian Government to ensure stringent processes are put in place to fully assess the risks, opportunities and priorities of deployments prior to offers being made.

8.4   One example of a potentially conducive environment for a team of ACC technical experts is southern Sudan. Southern Sudan is one of the poorest and least developed regions in the world, with humanitarian development indicators at the bottom of the scale. Less than half the population has access to safe drinking water. A pregnant woman in southern Sudan has a greater chance of dying from pregnancy-related complications than a woman almost anywhere else in the world. One in seven children will die before their fifth birthday. Close to 90 per cent of southern Sudanese women cannot read or write.[90]

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[90] Oxfam International, *Rescuing the Peace in Southern Sudan,* joint-NGO briefing paper, Tear Fund, Partner to Enterprising People, Christian Aid, International Rescue Committee, World Vision, Save the Children, Secours Catholique Reseau Mondial Caritas, Cordaid, Handicap International and Oxfam, p3, http://www.oxfam.org/en/policy/rescuing-peace-southern-sudan (accessed 25 January 2010).

8.5   Since a peace deal was signed in 2005 ending one of longest and deadliest civil wars in Africa, the six-year old Government of Southern Sudan (GoSS) has struggled to cope with the enormous task of building government functions, infrastructure and delivering social services after decades of war that all but halted development activity.

8.6   Oxfam's research has found that while in the state capitals and Juba the GoSS is relatively well resourced, in rural areas, the GoSS is severely understaffed, with government officials working out of thatched roofed buildings often without power, vehicles, communications or regular salaries. With almost no direct experience of governance and very limited capacity (e.g. in terms of skills civil servants) together with the huge needs in southern Sudan, the GoSS has struggled to effectively manage its significant oil revenues to deliver development for ordinary people. As a consequence NGOs and local church and community organisations are often the only actors able to deliver services to southern Sudan's remote rural communities.[91]

8.7   Southern Sudan could benefit greatly from sustained and substantial support from a team of ACC technical experts to assist the GoSS to build capacity in key priority areas including public sector management, local government administration and public works and infrastructure management. These efforts should focus on areas of greatest need in rural areas.

Oxfam Australia would recommend that deployments of ACC technical experts be guided by these recommendations:

Recommendation 48: Ensure the ACC training packages include detailed training on human rights, protection, gender, civil-police-military coordination and relevant cultural sensitivity training.

Recommendation 49: Ensure ACC experts deployed understand their protection responsibilities.

Recommendation 50: Pre-deployment briefings engage with NGOs that are on the ground, to build both trust and coordination potential.

Recommendation 51: ACC is used to build government capacity to prevent crisis, as well as rebuild if it has occurred. Partnerships should be long-term rather than one off.

Recommendation 52: During the emergency response phase of the crisis it will usually be more appropriate for Australia to be supporting existing emergency response actors and mechanisms rather than deploying its own people into the disaster zone.

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[91] *Ibid.*

9 Conclusion

9.1 Oxfam Australia acknowledges and commends the Government's commitment to strengthening Australia's engagement with countries in Africa and the identified three priority areas:

- To support Africa's efforts to promote economic growth and investment through investment and trade;
- To accelerate Africa's progress towards the achievement of its Millennium Development Goals; and
- To address Africa's peace and security challenges.

9.2 These are critical and challenging objectives that can only be achieved through complementary and synergistic multi-stakeholder responses that respect the rights and dignity of communities, individuals, workers, men, women and children.

9.3 This submission draws on Oxfam Australia's expertise in Mining Advocacy, Africa Country Programs and Humanitarian Advocacy. Our experience and evidence based advocacy work confirms the Australian Government's priority objectives will be best met through active involvement with, and support for, NGOs and civil society.

9.4 Australia's engagement with Africa will be strengthened through establishing formal and regular forum for consultation, policy development, and program delivery with NGOs and community leaders. Increased engagement with NGOs, civil society, community leaders and citizens will reinforce Australia's technical and capacity building expertise. More importantly, it will enable and empower local NGOs and community groups to actively contribute to, and monitor progress towards the Millennium Development Goals.

9.5 NGOs, local churches and community organisations are often the only actors able to deliver services to remote rural communities, and HIV and Aids affected individuals and their families. NGOs, both in Australia and countries of Africa, are also well placed to contribute to good corporate community relationships among mine affected communities.

9.6 Oxfam Australia believes that private sector investment can be a driver of economic growth and poverty reduction, provided appropriate regulations and controls exist. We recognise the key role and responsibility of the Australian Government to foster sustainable development and business integrity among both Australian companies and the government departments and diplomatic missions that support and strengthen trade and investment.

9.7 Opportunities exist for NGOs to work with mining companies to promote responsible business conduct and support for human rights through their operations and processes of engaging with communities. Establishing mutually beneficial corporate community relationships in the extractives sector is recognised as being critical for ensuring an ongoing social licence to operate, conflict management and sustainable development.

9.8 Similarly, broad engagement with, and support for, NGOs engaged in humanitarian and development assistance will actively contribute to the Millennium Development Goals. It will also ensure humanitarian issues, including conflict and disaster management, and food security, and development assistance via NGO HIV and Aids programs are complementary to multilateral initiatives and assist in ensuring that the programs of the large institutions are both effective and sustainable.

9.9 Finally, development assistance cooperation and capacity building through support for NGO and local community program initiatives can build capacity in key priority areas including public sector management, local government administration and public works and infrastructure management.

9.10 This inquiry is critical to Australia's future relationships with the countries of Africa. It has the capacity to influence poverty reduction and health strategies, economic prosperity and sustainable development and conflict and regional security challenges. NGOs are well placed to contribute to these objectives.

For further information regarding this submission, please contact

Serena Lillywhite
Mining Advocacy Coordinator
Oxfam Australia
132 Leicester Street
Carlton VIC Australia 3053

Ph: (03) 9289 9490
E-mail: serenal@oxfam.org.au

Note: Oxfam Australia would welcome the opportunity to appear as a witness before the Joint Standing Committee on Foreign Affairs, Defence and Trade.

This paper has been authored by Serena Lillywhite and Christina Hill (Mining Advocacy), Steph Cousins (Humanitarian Advocacy) and Paul Davenport (Southern Africa Programs).