

INQUIRY INTO THE REGIONAL DIALOGUE ON HUMAN RIGHTS

*Submission to the Human Rights Sub-Committee
of the Joint Standing Committee on Foreign
Affairs Defence and Trade*

**Oxfam Community Aid Abroad
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1. Introduction

1.1 Community Aid Abroad (CAA) is an independent community-based Australian organisation which promotes social justice and the alleviation of poverty through the funding of innovative development projects overseas in the regions of South Asia, Africa, the Pacific, Central America, Indo-China, South East Asia, and in Aboriginal Australia. CAA also undertakes advocacy work which aims to challenge attitudes and policies that inhibit the realisation of human rights. CAA is a member of Oxfam International and ACFID, the peak body for over ninety non-government organisations (NGOs) in the field of development assistance. CAA's philosophy is reflected in our vision statement which states:

CAA's vision is for a fair world in which people control their own lives, their basic rights are achieved and their environment is sustained.

1.2 CAA's contribution to this inquiry is based on 40 years of association with a diverse range of NGOs representing civil society in the Asia and Pacific regions. CAA works to support these NGOs to promote and realise the economic and social rights of poorer communities. Through our work, CAA sees that the denial of human rights is an impediment to successful alleviation of poverty.

Human Rights and Development

1.3 Development agencies have long recognised the need for community participation and ownership of the development process. However, it is only relatively recently that these concepts have been extended and articulated in human rights terms and there has been recognition that human rights are intrinsic to development. Michael Dodson, Aboriginal and Torres Strait Islander Social Justice Commissioner compares a basic human needs approach with a human rights perspective to aid:

Policies and programs which rest primarily on a perception of need and powerlessness subtly reinforce the powerlessness of the recipients who are seen as being given justice rather than as receiving their rights. The recognition of entitlement is in itself an act of empowerment.¹

¹Dodson, Michael, Commissioner, Aboriginal and Torres Strait Islander Social Justice Commission, in *The rights way to development*, Human Rights Council of Australia, Jan 1995.

- 1.4 CAA's mandate is to relieve poverty by seeking to address its root causes. This requires the achievement of human rights for all people. In adopting a human rights approach to aid, CAA affirms that freedom from poverty is an entitlement which is explicitly recognised in the human rights instruments and not merely a humanitarian concern of richer countries to poorer. The emphasis of a rights approach to development is on the empowerment of communities to access what is legitimately theirs.
- 1.5 While CAA affirms the indivisibility of human rights our submission aims to focus particularly on economic and social rights as this is CAA's area of expertise. In addition our submission reflects our role in the promotion of community development by affirming the principle of collective rights, which are formulated in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as the Draft Declaration on the Rights of Indigenous Peoples and the Declaration on the Right to Development.

Involvement of Civil Society

- 1.6 CAA is concerned that NGOs from developing countries have been under-represented in human rights discussions. This is unfortunate as NGOs have a wealth of expertise in the field of human rights promotion and protection and can offer a perspective from "civil society". Civil society can be broadly defined as the array of community organisations including NGOs, churches, unions and community groups who contribute to a culture of respect for human rights and "good governance" by advocating for responsive and representative government. NGOs in Asia and the Pacific are becoming increasingly sophisticated and in recent years have begun to develop international linkages and networks in recognition that human rights concerns span national boundaries. As a result, NGOs are becoming increasingly prominent human rights advocates in international fora such as the United Nations.
- 1.7 CAA believes it is vital that the debate on human rights is broadened to include civil society actors such as NGOs, who represent the views of the marginalised sectors of society, and can contribute to an understanding of the effects of international changes we call globalisation on the human rights of the poor. CAA's submission aims to reflect the concerns and views of NGOs in Asia and the Pacific, including those of women's, indigenous people's and workers organisations, whose participation is essential to a comprehensive understanding of human rights in the region.

Recommendation 1: That the Australian Government build and support linkages with a diverse range of human rights organisations (including NGOs) in the region to promote civil society and a culture of human rights.

2.0 Human Rights and Asian Values

2.1 The cultural relativist or "Asian Values" perspective on human rights is increasingly heard from some Asian leaders as a challenge to the universality and indivisibility of human rights. At the lead up to the World Conference on Human Rights in Vienna, 1993, a number of Asian governments, including China, Singapore, Indonesia and Malaysia asserted that what was required was a "flexible approach to the concept of human rights, and one that would take into account Asia's cultural and political specificity."² More recently, Malaysia's Dr Mohammed Mahathir, at the 1997 ASEAN Regional Forum expressed a more extreme perspective by calling for a re-negotiation of the Universal Declaration of Human Rights on the ground that it was "formulated by the superpowers which did not understand the needs of the poor."³

There are several strands to the cultural relativism argument:

1. Asian culture is different from that of the West and there are distinct Asian values not reflected in the international human rights instruments.

2.2 CAA disputes this assertion. There is no single set of "Asian values". Asia has a richness of languages, cultures, histories and religions. While recognising the cultural diversity of the Asia and Pacific regions, it is CAA's experience from working with communities within Asia and the Pacific that this richness is not incompatible with respect for human rights. In Papua New Guinea, the Individual and Community Rights Advocacy Forum (ICRAF), a CAA partner NGO has developed an NGO program for human rights, gender equality, land rights and natural resources in which they state:

Human Freedom and Human Rights are fundamental to the creation of a just and peaceful society. Our freedoms and rights are far and wide and they are enshrined in the Constitution of Papua New Guinea and in our age old traditions and customs.

2.3 Moreover, the "Asian Values" argument is at odds with the view of the peoples of Asia. In the lead up to the Vienna Conference on Human Rights, 110 Asian NGOs firmly rejected the cultural relativist position of their leaders. The Bangkok NGO Declaration reaffirmed the universality and indivisibility of human rights. The participants stated:

²Bangkok Preparatory meetings, 1993

³The Age, 30/7/97

Universal human rights standards are rooted in many cultures. We affirm the basis of universality of human rights which afford protection to all of humanity, including special groups such as women, children, minorities and indigenous peoples, workers, refugees, displaced persons, the disabled and the elderly. While advocating cultural pluralism, those cultural practices which derogate from universally accepted human rights, including women's rights, must not be tolerated.

2.4 Others argue that the "Asian Values" perspective reflects the elite of Asia. Professor Yash Ghai, of Hong Kong University states:

What conveys an apparent picture of a uniform Asian perspective on human rights is the perspective of a particular group, that of ruling elites.⁴

2.5 Similarly, Kim Dae-Jung, the prominent South Korean politician states:

Asia should lose no time in firmly establishing democracy and strengthening human rights. The biggest obstacle is not cultural heritage but the resistance of authoritarian rulers and apologists.⁵

2.6 Jose Ramos Horta, in his 1996 Nobel Prize Lecture referred to the democracy movements of Asia as testimony to the fact that human rights are not an invention of the West. Horta says:

The thousands of Asians who died in the streets of Manila, Bangkok, Jakarta, Rangoon and Beijing, did not die for a so-called "Asian Value" that denies the people of Asia the basic and fundamental freedoms enjoyed in Europe, Latin America and in an increasing number of countries in Africa.

2. Asian governments argue that economic development is a pre-requisite for the achievement of human rights.

2.7 Article 2 of the ICESCR states that each State Party should take steps "to the maximum of its available resources with a view to achieving progressively the full realisation of human rights recognised in the present covenant.". This provision, although unintended, has had the effect of giving States the excuse to focus on economic development to the detriment of human rights.

⁴Ghai, Yash, The politics of human rights in Asia, The UN between sovereignty and Global governance conference, July, 1995

⁵Human Rights Defender, June 1996, vol 5

2.8 A group of jurists has disputed this position in a paper entitled The Limburg Principles. Although the principles are interpretive and non-binding, they include the principle that "regardless of the level of economic development, "states are under a duty to ensure respect for minimum subsistence rights for all" According to the principles, "the significance for the progressive realisation of the rights in the Covenant is that particular attention should be given to measures to improve the standard of living of the poor and other disadvantaged groups." ⁶

2.9 CAA agrees with the position taken in the Limburg Principles. We also note that in the experience of many of CAA's partner organisations in Asia and the Pacific, some forms of economic growth have led to the violation of the rights of the poor and disadvantaged. While some sections of society grow affluent there is a deepening poverty amongst large numbers of people. For example in Thailand, economic growth has been accompanied by a concentration of wealth and income. While the top 20% of the population increased its share of income from 49.8% in 1962 to 55.6% in 1986, the lowest 20% of the population saw its share decline from 8% to 4.6% over the same period." ⁷

2.10 Economic growth can, if not properly planned, lead to negative effects on the human rights of the poor. For example:

- The violation of social and economic rights of poor rural families who lose their agricultural income because of the removal of trade barriers and undermining cheap agricultural imports, eg. maize farmers in the Philippines have had their products undermined by cheap US maize imports.
- The loss of land and livelihood for families displaced by infrastructure projects such as industrial estates, ports, dams, mines, plantations, etc. Such projects often violate the right to self-determination of indigenous communities. eg. the Freeport mine appropriated land of the Amungme and Kamoro in Irian Jaya.
- Loss of access to clean water, marine resources and health problems which result from pollution which often accompanies such developments, eg the Ok Tedi mine in PNG caused pollution of rivers by mine tailings.
- Export-oriented manufacture in Asia, which has accounted for much of its dramatic rate of growth, has been based on cheap labour. Workers rights can be eroded as governments and companies compete to cut wages and conditions, eg. Workers in Nike factories are denied the right to organise, in contravention of ILO conventions no. 87 and 98.

⁶Van Buren, Geraldine The international law on the rights of the child,

⁷See Malhotra, Kamal, East and Southesast Asia: Miracle or Chimera?, Oct 1997.

- Women have dominated the workforce in manufacturing industries in Asia, (eg, in Indonesia between 80 and 90 percent of workers in the garment industry are women) and many have reported very long working hours as well as sexual harassment.
- The violation of children's rights through the increasing numbers of children working in factories who are cheaper to employ and more compliant.

3. Asian governments argue that there has been too much emphasis on the rights of individuals by the West and there is a need to "restore the balance" by emphasising the collective rights of society.

2.11 As a development agency, CAA has an interest in collective rights, particularly the right to development. However, "development" does not take place in a vacuum. The Declaration on the Right to Development states:

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

2.12 There are two crucial emphases in the Declaration. The first is the imperative that development involves peoples active, free and meaningful participation. The second is the fair distribution of the benefits of development.

2.13 There is an irony in the emphasis of Asian governments on economic development when many of the poor are losing their economic, social and cultural rights to inappropriate economic development. For example, CAA partners in Indonesia have documented the impact of large scale mining in Indonesia, including the violation of the right to self-determination of indigenous communities which is a fundamental economic/social right, and displacement of communities, causing violation of article 6 and 11 of the ICESCR- the right to work and the right to an adequate standard of living. The rights of the poor to participate in, and to benefit from distribution of benefits have been compromised.

2.14 Asian Governments use of the term "development" is more accurately construed as "economic growth". These are not one and the same. Economic growth may or may not lead to greater human rights, depending on whether the elements of participation and distribution are incorporated. The indivisibility of rights implies that the right to development should not lead to the deprivation of other rights. It is CAA's position that the goals of human rights and the goals of development are inseparable. Development which violates human rights is not true development.

2.15 The Malaysian Charter of Human Rights, written at a workshop involving participants from 50 Malaysian Human Rights organisations in 1993, states reflects this emphasis on the indivisibility of rights.

The poor must never be denied their right to speak, to organise, and to exercise their right to participate in decision making in the development process on the grounds that they must first be fed, housed and educated⁸

The "Western" Use of Human Rights

2.16 CAA concedes that human rights have often been used by Western governments to promote a particular political ideology. Western governments have often advocated selectively on human rights and championed "individual rights" over collective rights. There is a degree of truth in the criticism of Dr Mahatir's that there is hypocrisy in the West's use of Human Rights.

2.17 Chandra Muzaffar, a Malaysian social critic, forcefully argues against the West's use of human rights. He asserts that the "global system" is controlled and managed by a number of elites located in the North. At the same time as promoting democracy, Western-controlled international organisations such as the World Bank and the IMF are perceived to be undermining governments in the South with imposed economic programs that impact on the human rights of the poor.⁹ Similarly, Western countries such as Australia continue to supply arms and military training to countries with poor human rights records, such as Indonesia and PNG.

2.18 Criticism of the West's usage of human rights does not indicate that the rights themselves are flawed, only that they have been misused for political ends. The potential for the misuse of human rights indicates that discussions on human rights need to be depoliticised and start from the premise that all societies have a concept and respect for human rights regardless of the diversity of their political and economic systems, religion and culture. Article 2 of the Universal Declaration of Human Rights offers a foundation for such a recognition in its statement that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion or other opinion, national or social origin, property, birth or status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs...."

Recommendation 2: That the Australian Government take every opportunity to promote publicly the universal, indivisible and inalienable nature of human rights within Australia and the Asia and Pacific regions.

⁸ Malaysian Human Rights Consultation, 17-18 April 1993

3.0 Human Rights and Australia's Foreign and Domestic Policies : a Whole of Government Approach

3.1 Upon the ratification of or accession to international human rights instruments, Governments are bound by international law to provide for their effective implementation through their policies. Therefore, in both the domestic sphere and through foreign policies, the Australian Government is obliged to promote and protect human rights.

3.2 CAA welcomes the explicit support that the Australian Government has given to an effective human rights policy. The Foreign Minister, Hon. Alexander Downer emphasised this recently in his statement that:

While human rights remain at risk, our own values are compromised and international stability is jeopardised. The protection of human rights, to promote the dignity of the individual, is too important a matter to be left to symbolic gestures alone. It is through the pursuit of practical and effective efforts to promote human right that we show our real commitment.¹⁰

3.3 Human rights are not just legal rights, but are made meaningful by their practice and experience. In this submission, CAA suggests a "whole of government" approach is needed for the active promotion and protection of human rights in the Asia and the Pacific regions. This approach requires consistent and practical measures, reflecting our international obligations. In foreign policy, for example it requires human rights criteria to be explicitly built into Australia's development assistance program, trade and investment policies.

3.4 In the domestic sphere it is also vital that Australia's policies reflect and be seen to reflect our international human rights obligations. As the racism debate indicates, Australia's response to human rights issues in Australia has an influence in Asia and the Pacific. The Australian Government needs to be actively seen to be speaking out on human rights issues and practising their implementation through appropriate policies. Pertinent human rights issues within Australia, for example native title, the Teoh decision and the Detention of Asylum Seekers, require firm responses that reflect our international human rights obligations.

Recommendation 3: That the Australian government ensure a strong model of compliance with international human rights mechanisms within Australia by developing appropriate training programs to familiarise government decision makers with key international human rights instruments and their implementation.

⁹ See for example Muzaffar, Chandra, Western Global Domination and Human Rights, Third World Resurgence no. 33

¹⁰ Address by Hon Alexander Downer at the DFAT/NGO Human Rights Consultations, Canberra, August 1997

Human Rights Education

- 3.5 Human rights education is imperative for the promotion and protection of human rights. To give meaning to their legal status human rights must be understood as entitlements that are practiced and experienced. There is frequently a gap between the text of human rights instruments and their implementation.
- 3.6 The preamble to the Universal Declaration of Human Rights calls upon "individuals" and "organs of society" to "strive by teaching and education to promote respect for these rights and freedoms." Governments have a particular responsibility to raise awareness about human rights.
- 3.7 In 1998 we celebrate 50 years of the Universal Declaration of Human Rights. 1995 marked the beginning of the decade for human rights education, however it has not yet been officially launched in Australia, nor have any activities been planned by the government.
- 3.8 The plan of action for the UN Decade of Human Rights Education describes human rights education as "a lifelong process by which people at all levels in development and in all strata of society learn respect for the dignity of other and the means and methods of ensuring that respect in all societies." The goal of human rights education should be to enable every person to contribute fully to bringing about changes which lead to the promotion and protection of human rights.
- 3.9 Australia has acknowledged support for human rights education in its consent to the 1993 Vienna Declaration of Human Rights which included recommendations to develop programs of human rights information and education in school curricula and the workplace.¹¹ These recommendations were incorporated into a National Action Plan for the implementation of the Vienna Declaration.
- 3.10 The previous JSCFADT recommended the establishment of an "educative program on the treaty process for officials at all levels of government."¹² It would be timely for the Australian government to reinforce Australia's commitment to human rights by facilitating human rights education programs, both for Australian decision makers and for the broader community including schools, churches and universities.

Recommendation 4: That the Australian government plan a regional human rights conference in 1998 to coincide with the 50th anniversary of the Universal Declaration of Human Rights to educate and discuss ways to make human rights a reality in the region

¹¹ Commonwealth Government National Action Plan Australia, 1994, pp 86-6

¹² Joint Standing Committee on Foreign Affairs, Defense and Trade A Review of Australia's Efforts to Promote and Protect Human Rights. Nov. 1994, p xxiv

Recommendation 5: That the Australian use the 50th anniversary of the Universal Declaration of Human Rights by organising a series of national activities for 1998, involving education of school, business, university churches and other community organisations.

Regional and National Human Rights Mechanisms

- 3.11 Within Asia and the Pacific, there is no regional, intergovernmental mechanism on human rights. Efforts to promote regional machinery encounter arguments from governments in the region about cultural, religious and linguistic heterogeneity, a prioritisation of economic growth over individual human rights, a lack of geographical agreement on the region, and an absence of a regional political system.
- 3.12 The Vienna Declaration and Program of Action adopted by the World Conference on Human Rights "reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not exist."
- 3.13 CAA encourages the Australian Government to support a regional human rights mechanism however cautions that it will be vital to ensure that any regional human rights arrangements do not derogate from or lower existing standards given that Asia currently has the worst record of ratification of human rights instruments in the world. Asian NGOs at the Bangkok preparatory meetings before the UN World Conference on Human Rights in 1993 stressed the need for Asian governments to accede to international standards and give these force in domestic law and practice. Australia should actively commit itself to being involved in the process of developing a culture of human rights respect in the region as an initial step.
- 3.14 CAA commends the Australian Government's support for the promotion of national human rights commissions in the region. In particular, the provision of assistance to Australia's HREOC to support the new Sri Lanka Human Rights Commission and funding toward an independent Human Rights Commission in PNG is to be congratulated as an important step toward promotion of human rights¹³
- 3.15 CAA cautions however, the importance that national mechanisms complement, not substitute for, the institutions of an independent judiciary, parliament media, and NGO sector, which are all vital to the protection of human rights.

¹³ Address by Minister for Foreign Affairs at DFAT/NGO Human Rights Consultations, 27 August 1997

3.16 CAA notes with dismay that Australia's own human rights commission, HREOC, received a 43% budget cut over three years in May 1997. The scaling down of HREOC will place serious limitations upon its ability to respond to human rights abuses within Australia. It also sends a very negative message to the region and reduces Australia's ability to respond to human rights domestically.

Recommendation 6: That the Australian government restore funding to HREOC to its previous level.

Recommendation 7: That the Australian Government contribute to a process of developing a regional human rights mechanism for the Asia Pacific. This process should involve Australian government commitment to the following areas:

- Providing funding for human rights education programs in Asia and Pacific,
- Encouraging Governments in Asia and the Pacific to ratify key human rights instruments
- Assisting governments in Asia and the Pacific to develop national action plans on human rights
- Supporting national and regional non-government human rights organisations in the Asia/Pacific, including independent labour, indigenous, women's and peasants organisations.

Bilateral vs Multilateral dialogue

3.17 Australia's Foreign and Trade Policy White Paper emphasises that human rights are more effectively addressed in the context of a sound overall bilateral relationship. The quiet diplomacy strategy it is argued, is more effective than open confrontation.

3.18 CAA commends the Australian government for undertaking inaugural human rights talks with China and AusAID's support for the promotion and protection of human rights in China. However, CAA is concerned that Australia's bilateral approach is resulting in a weak response to multilateral human rights measures. CAA regrets that the Australian government abstained from supporting a resolution at the United Nations Commission on Human Rights (UNCHR) criticising China's human rights record and policies on the basis that China had agreed to bilateral talks.

3.19 Abstention could weaken the UNCHR which is an integral part of the international system. The unified and voice of resolutions at the UNCHR will always be more effective than bilateral approaches which lack transparency, can result in a softening of human rights concerns, and can give rise to inconsistencies of approach towards different countries.

3.20 The Australian government should make more vigorous use of the UNCHR to raise human rights concerns. "Quiet diplomacy" can be an effective strategy to encourage human rights promotion, however, we stress that this needs to be set in the context of consistent, clearly and publicly articulated principles.

Recommendation 8: That Australia seek re-election to the United Nations Commission on Human rights. The UNCHR and multilateral mechanisms should be the main focus of Australia's Human Rights work.

4.0 Trade, Investment and Human Rights

Workers Rights

4.1 The internationalism of companies has created a number of human rights concerns. Asia's cheap workforce has provided a competitive advantage that is the basis of its economic growth. While investment can create jobs, it can also leave workers in Asia vulnerable and exploited, reducing their bargaining power and their ability to demand fair wages and conditions.

4.2 Common labour abuses include excessively long hours of work and forced overtime, low wages or non-payment of wages, excessive noise in the workplace, overcrowded conditions, use of industrial chemicals without proper precautions, lack of protective measures or machinery, no sick leave or workers compensation.

4.3 There has been a dramatic increase in the proportion of women in industrial jobs in Asia. In Indonesia, between 80 and 90 percent of workers in the garment industry are women, mostly young women who have migrated from rural areas. Employers have a preference for female workers, particularly young women, as there is an assumption that they will be more controllable. Women face additional violations of their rights, including sexual harassment by male supervisors, night work which can often be dangerous, stress and fatigue if women have family responsibilities. Women often fill the unskilled jobs in a workplace and are often the first to suffer from lay-offs.

4.4 Children's rights are also under threat. The International Confederation of Free Trade Unions (ICFTU) estimates that some 100 to 200 million children between the ages of 4 and 15 are "labouring in mines, making matches, selling gum in the streets, cooking, washing clothes, working as domestic servants, weaving carpets, making clothes, sewing underwear, or working in the fields, the plantations or on building sites around the world."¹⁴

¹⁴ Hansard, Parliament of Australia, the Senate, 22 Sept 1994, pg 1245

4.5 CAA has been actively involved in monitoring and advocating for workers rights in the Asia and Pacific region. CAA is part of a network of NGO, church and union organisations working to publicise and improve labour conditions in the athletic shoe industry in Asia, with a particular focus on Nike in Indonesia.

Conditions in Nike factories

4.6 Over the past few years, research into working conditions in Nike factories has repeatedly found that the employees are working extremely long hours. In December 1995, CAA researchers met with workers from P.T. HASI, a Nike-producing factory in West Java. The workers reported that in several sections of the plant the standard shift was twelve hours a day, six days a week - a total of seventy two hours a week.¹⁵ A researcher who spent eight months documenting the labour conditions for women in Nike factories in Banjarn, Java has noted:

"Nike forces extreme overtime conditions, usually seven days a week, which places its workers in a permanent state of exhaustion."

"Young women work in the most demanding areas of production.....It is in the sections such as stitching that young women are most vulnerable to exploitation, usually because they are young, relatively uneducated, usually unmarried and with little experience in dealing with authority and with almost no knowledge of their rights".¹⁶

Codes of Conduct for Companies

4.7 A combination of awareness of environmental and human rights concerns and adverse publicity is leading to companies developing codes of conduct for their operations. In the United States, for example, Levi Strauss has recently instituted a two-tier code of practice. The first tier specifies that the company will not deal with suppliers who use prison or child labour, or who overwork or coerce workers. The second tier specifies where the company will and will not do business; it says for example that it will not initiate or renew contracts in countries where there are pervasive violations of human rights, and as a result have stopped doing business in Burma and China. In Australia, Myer Grace Brothers have adopted a policy of not buying carpets or rugs made by illegal child labour, bonded or slave labour. All of its imported carpets now carry the International Wool Secretariat's Rugmark label which specifies that the product was not made by child labour. The company has stopped buying rugs from Pakistan and Nepal because of the widespread use of exploitative child labour.

¹⁵ See Attkinson, Jeff and Conner, Tim Sweating for NIKE - labour conditions in the sports shoe industry, CAA briefing paper 16

¹⁶ Hancock, Peter, Women Workers in Nike Factories in West Java, CAA briefing paper no 21)

4.8 In 1993 the athletic shoe industry established a set of principles for its contractors and suppliers called a "Statement of Guidelines on Practices and Business Partners". The statement said that members of the Athletic Footwear Industry would only do business with contractors and suppliers who followed certain guidelines: respect for the environment, ethical business practices, health and safety in the workplace, respect for local laws and responsible employment practices. Nike established its own Code of Conduct for itself and its business partners.

The Australian Government's Role

4.9 As a signatory to ILO Conventions, the Australian Government takes upon itself an obligation to see that these conventions and rights they enshrine are respected in Australia and, CAA argues, by Australians and Australian based companies operating overseas. The principle of Australians being legally responsible for their actions overseas is already recognised by the government in the example of the Crimes (Child sex Tourism) Amendment Bill 1994 which prohibits Australians from engaging in child prostitution overseas.

4.10 The Australian Government should encourage Australian companies to adopt their own voluntary codes of practice, however, with caution. CAA notes that codes of conduct have not always been successful. For example, the athletic shoe initiative has not been enough to stop the abuses and exploitation of workers. The Nike Code of Conduct makes no mention of the right of workers to organise and bargain collectively, the most fundamental of workers rights, and set down by the ILO in Conventions no 87 and no. 98 respectively. Codes of conduct need to be based on ILO standards and ensure the rights to organise and collectively bargain.

4.11 The Australian Government should encourage industry-wide voluntary codes, such as those introduced by the Australian Mining Industry in 1996, provided there is an independent monitoring mechanism.

Australian Mining Companies, Human Rights and the Environment

4.12 Australian mining companies are increasingly moving offshore and are now major players in Asia and the Pacific. In Indonesia, the largest primary gold mine and the largest coal mine are Australian owned. In Papua New Guinea, all the major mines are, or were, run by Australian companies. While mining can bring economic benefits to an area, including jobs, schools and infrastructure it often has negative impacts in human rights terms. In particular, the appropriation of land for mining activities can lead to the denial the rights of rural and indigenous communities, especially article 6 and article 11 of the ICESCR, the right to work and the right to an adequate standard of living, respectively.

4.13 Several of the companies in PNG have been criticised for environmental bad practice and lack of community consultation (eg CRA's copper mine in

Bougainville, BHPs Ok Tedi, and the Porgera Gold Mine in the highlands.) It is no longer possible for mining companies to ignore the social or environmental impacts of their mines without risking loss to their reputation. Codes of conduct for mining companies would be of benefit not only to affected communities but to mining companies themselves who wish to safeguard their reputation.

4.14 CAA has been working with groups in Indonesia, the non-government environment organisation WALHI and the National Mining Advocacy Network, which have investigated six Australian operated mines in Indonesia. The WALHI study has revealed a pattern of denial of human rights and environmental effects caused by the mines. WALHI found:

- Local communities have in many cases been ignored by mining companies who do not recognise them as legitimate stakeholders. They have not been consulted in regard to the plans for the mine. The right of local communities to participate in development has been denied.
- Small scale mining has become illegal once the mining company is granted a lease, and small scale miners have not been adequately compensated for the loss of income.
- Rivers and streams have become polluted as a result of mining operations. For example, at Mt Muro there have been mass deaths of fish and other marine life as a result of mining operations.
- Many communities have lost their land and not all have received compensation, particularly those who have no official title to land but hold it under customary law.

4.15 There is a growing willingness on the part of mining companies to dialogue with NGOs on human rights concerns. CAA has participated in human rights training for Western Mining Corporation and discussions with Placer Pacific about the social implications of mining for communities. While these are welcome developments in relations between business and NGOs, it is unfortunate that there has not yet been any government participation in these discussions. CAA encourages the government to become an active participant in discussion around codes of conduct in order to give greater weight to these discussions and facilitate understanding between NGOs, business and government.

Recommendation 9: That the Australian Government participate in forums with representatives from business and relevant civil society organisations on codes of conduct for Australian business operating overseas that ensures that Australian "best practice" is adhered to overseas. Such codes should include:

- respect for the rights of workers to organise and bargain collectively as set down in ILO conventions. Australian based companies should not operate

in countries or zones where the host government does not respect this right and where unions are banned.

- non-use of forced, bonded or exploitative child labour
- recognition of the right to a safe and healthy workplace
- non discrimination against women in the work force
- non discrimination on the basis of race, religion, politics, etc
- respect of the rights of indigenous people, including the right to negotiate and just compensation
- respect for biodiversity and the environment of the host country.
- respect for the principle that people affected by the operations of a company should not have their standard of living decreased as a result of the operations.¹⁷
- comply with international human rights conventions, including ILO, CEDAW, CROC and CERD
- Obliging companies to remain independent of the military, police force and other state security systems.

Australia, Trade and the ILO

4.16 CAA regrets that the Australian government has not taken a stronger stance on trade and human rights. Australia's recent White Paper on Foreign and Trade Policy states that "Linking human rights to trade serves neither Australia's trade nor its human rights interests."

4.17 CAA notes that there is still a lack of research on the effect of trade liberalisation - or the move towards reducing trade barriers, on human rights. However, there is growing evidence that the liberalisation of trade is an uneven process that does not necessarily lead to faster growth or to a reduction in inequality.¹⁸ Indeed the UN Conference on Trade and Development's (UNCTAD) latest Trade and Development Report notes that slow growth and rising inequalities are becoming more permanent features of the world economy.

¹⁷ This principle has precedence in World Bank guidelines, specifically Operational Directive 4.30. Similarly, the UN Expert Seminar on Forced Evictions and Human Rights passed a set of "Guidelines for Development-Based Displacement" in June 1997, which contained the same principle.

¹⁸ See for example UNCTAD Trade and Development Report, 1997, United Nations 1997

In 1965, the average per capita income of the G7 countries was 20 times that of the world's poorest seven countries. By 1995 it was 39 times as much.¹⁹ Another study sponsored by the Asian Development Bank, Rural Poverty in Asia, has found that policies of globalisation and liberalisation have had a disproportionate impact on women.²⁰

4.18 Australia could play an important role in researching the relationship between trade liberalisation and human rights. The 1994 JCFADT called for an inquiry to "investigate the implications of the WTO on the efforts to protect human rights and the compatibility of membership of the ILO or international rights agencies or agreements" CAA supports this recommendation and notes that research is urgently needed into the effects of trade liberalisation on women's and children's human rights.

Recommendation 10: That the Australian Government commission independent research into the impact of trade liberalisation on human rights in Asia and the Pacific, in particular the human rights of women and children.

Social Clauses and Trade

4.19 There is widespread support amongst a number of countries, unions and NGOs for the proposal to attach social clauses to trade agreements negotiated in the WTO to respect the human rights of workers. In 1996, the International Union Movement (ICFTU) the attachment of a social clause to all WTO agreements stipulating that all parties to the agreement respect the human rights of their workers, on pain of losing the benefits of the trade agreement.²¹ It should be emphasised that this set of workers rights to be respected would not include wage levels but include the right of workers to negotiate and bargain collectively for wage levels. The union proposal was supported by US and some members of the European Union.

4.20 CAA believes the proposal to attach a social clause to trade agreements has a great deal of merit as a practical means of ensuring respect for internationally agreed ILO Conventions given that the ILO itself has no enforcement power. CAA recommends the Australian Government reconsider its decision not to support this proposal.

¹⁹ Ibid

²⁰ M.G. Quibria (ed) Rural Poverty in Asia: Priority issues and policy options, ADB

²¹ See for example, Atkinson, Jeff Human Rights and the Howard Government, CAA briefing paper no.20

4.21 While it is unfortunate that Australia did not support the social clause initiative, at the same time the Australian government has reaffirmed the work of the ILO by stating that labour rights are the domain of the ILO. It would be appropriate for Australian government to demonstrate their stated support for the ILO by seeking more a more active role in its direction. The Australian government should increase employer and worker representation on the ILO from the current one each to a delegation including at least four government, four employer and four workers.

4.22 The ILO offers a unique opportunity for Australia to engage in the Asia Pacific region on key issues relating to employment. In the Australian Council of Trade Unions submission to the JSCFADT in 1994 it was pointed out that it is to Australia's advantage that we belong to the Asia Group within the ILO. "It (is) both appropriate geographically and to our benefit in forging regional links by which technical assistance could be provided to the regional labour movement."²²

4.23 The Australian Government should recognise that future trade negotiations must address the negative impacts of liberalisation on poverty, inequality and human rights in the region.

Recommendation 11: That the Australian Government, as a member of the WTO, advocate for the establishment of a Working Group on Trade and Labour Rights with representation from the ILO.

Recommendation 12: That the Australian Government establish a regional APEC Social and Environmental Forum with representation from government, business, unions and NGOs to advise it on human rights and environmental concerns in Asia and the Pacific.

Recommendation 13: That within Australia, the government establish an APEC Social and Environmental Advisory Council in which government, NGOs, unions and environment groups can work collaboratively to generate positive input into the APEC process. NGO representatives from this Advisory Council should be included in official Australian delegations to APEC meetings.

Recommendation 14: That the Australian Government reaffirm its commitment to the ILO by increasing the delegation to the International Labour Conference from its current level of one employer, one worker to four government, four employer and four worker representatives.

²² Joint Standing Committee on Foreign Affairs and Trade, 1994, pg 171

5.0 Human Rights and Australia's Development Assistance Program

- 5.1 At the UN World Conference on Human Rights in Vienna 1993, the UN Committee on Economic, Social and Cultural Rights noted that the fact that one-fifth of the world's population is afflicted by poverty, disease, hunger, illiteracy and insecurity was sufficient ground for concluding that the economic, social and cultural rights of those persons are being denied on a massive scale."
- 5.2 The centrality of human rights in development assistance is becoming increasingly recognised. CAA welcomes this new prominence, however we note that there is uncertainty on the part of both NGOs and governments as to how to effectively address human rights concerns through the aid program, in particular economic/social and cultural rights. The international community is beginning to recognise that economic, social and cultural rights need resource allocation, however, these rights need to be given legal recognition and status in through policies and programs.²³
- 5.3 CAA welcomes the emphasis the Minister for Foreign Affairs, the Hon. Alexander Downer has placed on human rights in the Aid Program. In his August 1997 address to the DFAT/NGO consultation the minister emphasised the "practical framework for the Governments approach to the international promotion of human rights and good governance through the aid program." He stressed that the "exercise of civil and political rights through participatory processes is essential to the achievement of sustainable development " We would add economic, social and cultural rights to this.

The Simons report and human rights

- 5.4 Regrettably, Australia's commitments to supporting human rights is an area which is poorly addressed in the 1997 Simons Report of Aid. The Report makes no specific recommendations on human rights.
- 5.5 Economic, social and cultural rights are essential to development. In particular the right to housing, education, health, freedom of conscience, religion and belief, freedom of expression and association are each central to the development process and can each be defined in human rights terms. Governments have clear obligations with respect to each of these rights deriving from the international human rights instruments.

²³ A useful study on the measurement of economic, social and cultural rights through the aid program was undertaken by the Norwegian Institute of Human Rights and the Nordic School of Nutrition. The study considers an analytical framework for food security which can form a basis for translating food and nutrition development goals into rights and obligations of states as they are embedded in international legal instruments. The framework could easily be expanded to include other economic and social rights. See Human Rights: a normative basis for food and nutrition-relevant policies, in Food Policy 1994, no 19 pp 491-516

5.6 The International Human Rights Instruments offer an excellent opportunity for measuring the performance of the aid program against internationally accepted benchmarks. For example in the area of basic education, the benchmark could come directly from the International Covenant on Economic, Social and Cultural Rights which refers to access to basic education as a human right.²⁴ The other important conventions that the Aid program could refer to explicitly are CEDAW (Convention for the Elimination of Racial Discrimination against Women), CERD (Convention for the Elimination of Racial Discrimination) and CRC (Convention for the Rights of the Child) and article one of both the ICCPR and ICESCR - the Right to Self Determination.

The role of aid and the private sector

5.7 CAA is concerned that the Simons report does not sufficiently discuss the negative impacts of globalisation in human rights and poverty terms. The premise of chapter 8- The role of aid and the private sector, is that private investment is a major engine of growth and development and that a key task for developing country governments and for aid donors is facilitate it, to help create a "strong enabling environment for private sector development and foreign investment." No mention is made of the need to regulate or direct private investment so that it is used for priority development purposes. The assumption is that all private investment is by its nature developmentally beneficial. While private investment is obviously important for development, it can also lead to an increase in human rights abuses in some cases, as indicated in the previous section.

5.8 An important aspect of an "enabling environment" for private investment should be a clear policy framework or regulatory environment for it to operate in, that ensures the promotion and respect for human rights. A good starting point would be assistance to governments in building administrative capacity in key national institutions to enable them to implement and ensure adherence to accepted international standards , for example OECD's Guidelines for Multinational Enterprises. 5.9 CAA disputes another sweeping statement made in the Simons report that "If the broader range of rights is considered, nearly all activities supported under the aid program help to promote human rights in one way or another", especially those under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Again it is the quality of aid that is important here. Rather than using aid to push the globalisation agenda, aid should be used to promote policies and practices which ensure that the benefits of growth are equitably distributed and that peoples human rights are not abused.²⁵

²⁴ See Community Aid Abroad The Australian Overseas Aid Program "One Clear Objective", Response to the Simons Report, July 1997.

²⁵ See for example, Patrick Kilby Globalisation, poverty eradication and aid Development Bulletin 39

Good Governance

5.10 In principle CAA agrees that good governance should be a priority area for assistance. However we are concerned that term good governance is used inconsistently often interchangeably with the term human rights. Human rights is often considered to be a subset of good governance. We would argue to the contrary, that human rights encompasses the concept of good governance.

5.11 CAA is concerned that usage of the term good governance may merely describe issues of economic management at a government level. Management practices may or may not lead to an improvement in human rights. For example the aid program to PNG has been concerned with some aspects of good governance at the expense of others. The biggest AusAID supported project in PNG is the police program which we note has led to the ongoing violation of human rights. The Sandline mercenary affair and the subsequent raids on NGOs are examples of the fragility of the "good governance" structures in PNG. A more effective means to strengthen human rights in PNG through the aid program would be an approach which moves away from the area of law enforcement and strengthens civil society organisations and government institutions which lead to a government which is responsive and accountable to the broader community.

In line with the Foreign Affairs Ministers stated practical commitment to human rights, CAA recommends that Australia's aid program adopt specific measures on human rights:

Recommendation 15: That the aid program to PNG move away from the area of law enforcement and concentrate on developing structures which lead to a government which is accountable to the broader community and respectful of peoples human rights.

Recommendation 16: That the aid program adopt a human rights approach. In practice this would mean:

- An emphasis on strengthening human rights organisations and promoting an active civil society
- Aid for "good governance" should focus on supporting government structures that lead to the promotion of human rights, ie, that lead to greater equity, accountability and fairness in government
- That AusAID actively promote the involvement of civil society organisations, including human rights NGOs in Australia and the Asia/Pacific, in consultations on the future of country programs.
- AusAID should help to create not just "an enabling environment" for private investment, but also a clear regulatory framework for it to operate in, which ensures that its human rights and development impact is maximised.

- The human rights instruments should be used as benchmarks for measuring the improvement of human rights conditions through the aid program. Projects could incorporate human rights indicators into the design, monitoring and evaluation stages and refer to the relevant UN human rights instrument which they seek to promote. A community education component should be included so that communities recognise their human rights entitlements.

Indigenous peoples

5.12 A number of official aid activities have not taken into account indigenous peoples rights in their implementation. One example is the World Bank Land Mobilisation Project in PNG, to which AusAID contributed. While there is a case to establish clear title for land which is being privately used in this case the project has been seen to override communal ancestral claims of indigenous peoples. The project resulted in widespread protests by traditional landowners in PNG who believed that a registration process would take away their land rights. Consultation with traditional owners and NGOs representing them would have gone a long way to promote understanding and avert conflict. Similar concerns have also been raised by community groups over AusAID supported land projects in Indonesia.

Recommendation 17: That All AusAID programs affecting indigenous peoples recognise the rights of such peoples and ensure that there is a full and open consultative process with regard to activities which affect their lives. A clear policy and principles based on the UN Draft Declaration on the Rights of Indigenous Peoples should be developed for AusAID projects.

Aid and Conditionality

5.13 It is CAA's view that the role of Australia's bilateral aid program should be to address the basic underlying problem of poverty. CAA does not, therefore, support the punitive use of aid. Aid restrictions often punish the poor, the supposed beneficiaries of aid, for the policies of their government. If aid is to be used punitively, it should be as a last resort for countries perpetrating gross violations of human rights (for example Burma) and only after assessing countries on a case by case basis to ensure that a withdrawal of aid hurts the targeted government and not the citizens. Australia should have a policy of transparency on human rights conditionality which clearly informs recipients of ODA of Australia's policies on the withdrawal of aid.

Recommendation 18: That AusAID undertake research into the impact of human rights conditionalities on aid, in particular the impact on minorities and marginalised people, and use this research to develop a policy on conditionality with input from NGOs and academics

Multilateral Development Banks

5.14 The Australian Government makes regular contributions to multilateral development banks, primarily the World Bank (through the International Development Association arm) and the Asian Development Bank. The Australian Government is also represented on the boards of the International Monetary Fund (IMF) and the World, enabling it to play a role in their governance and reform.

5.15 The World Bank has come under heavy criticism over the last decade for its policies with regard to promoting economic reform in countries. There is a growing body of evidence that structural adjustment programs have an impact on a State's ability to implement economic and social rights. According to UNICEF, "adjustment strategies have placed a disproportionate burden on the poorest and most vulnerable - of whom children are the most vulnerable of all."²⁶

5.16 The Australian Government should encourage the World Bank and the International Monetary Fund to adopt policies which protect and even improve the rights of the poor in times of austerity. Adopting a human rights approach to policies based on the international human rights instruments would play a useful role ensuring that structural adjustment programs avoid the derogation of human rights, particularly of the vulnerable sections of society.

Recommendation 19: Australian Government representatives on the boards of the World Bank, International Monetary Fund and the Asian Development Bank encourage these institutions to adopt a human rights approach to their policies, consistent with international human rights law, in order to protect the human rights of the vulnerable sections of society.

6.0 Civil and Political Human Rights Abuse in the Region

6.1 Disturbingly, civil and political rights continue to be under threat in Asia and the Pacific region. Repression and conflict is not contained within national boundaries and impacts on Australia in a multitude of ways. The widespread denial of human rights creates a breeding ground for political instability and major conflict in our region which is to the detriment of all and makes successful development in the region impossible. Repression results in a hindrance trade and investment opportunities as in the case of Burma and Cambodia. It results in a continual influx of refugees as in the case of Burma and East Timor. It contributes to a climate of militarism and regional tension. It is clearly in Australia's best interests to ensure that the Asia Pacific region emerges as a democratic and stable neighbourhood.

²⁶ See Van Bueren, Geraldine, "The international law on the rights of the child", pg 294

6.2 An Australian Government that neglects human rights in the region puts itself out of step with the Australian electorate which by and large demands that the government respond to human rights issues such as East Timor or the Tianamen massacre. An opinion poll by AGB McNair in September 1996 found that nearly 60 percent of respondents believed that the Australian Government should raise the issue of East Timor with the Indonesian Government even if this places at risk our relations with Indonesia. In the long term, Australia's long term security and trade interests would clearly benefit from a relationship with Indonesia which is consistent with our active advocacy of human rights internationally.

6.3 More specifically, in the case of East Timor, the Australian Government could offer increased support for United Nations sponsored talks and efforts towards achieving a settlement in East Timor, including the involvement of conflict resolution experts in proposing a way forward. It is also vital that Australian Government representatives meet and discuss human rights issues with East Timorese leaders.

Recommendation 20: That the Australian government work towards a peaceful solution to the conflict in East Timor. This should involve working for a reduction of Indonesian military presence in East Timor, and support for the convening of talks under UN auspices, involving representation of the East Timorese resistance.

Military Exports

6.4 There have been several instances in recent years where Australian military exports have directly contributed to military repression and the abuse of human rights in the Asia and Pacific regions. In 1989, the Australian Government provided, as part of the Defence Cooperation Program, four Iroquois helicopters to Papua New Guinea at the beginning of the secessionist uprising and conflict on Bougainville. Amnesty International has documented a number of instances in which the helicopters were used to stave villagers. One of the helicopters was use to dump to sea the bodies of five civilians beaten and murdered by the PNG Defence Forces. In 1990, Australian Defence Exports attempted to export 7.6 mm ammunition for the Sri Lankan armed forces, and had obtained "approval in principle" before human rights concerns were raised and the final approval was refused.

6.5 In all the above examples, Australia's own guidelines on defence exports were violated. These state that Australia will not export military or related goods "to governments that seriously violate their citizens rights." This rule carries a proviso "unless there is no reasonable risk that the goods might be used against those citizens." The guidelines also state that approval will not be given for military exports "where the country of destination is involved in internal or external conflicts."

6.6 A tightening of guidelines and approval procedures for defence exports should be a priority for Australian policy, including rigorous follow up to ensure that arms are not supplied to unacceptable recipients. These guidelines could be based on the code of conduct proposed by the EU Council of Ministers in 1992, which included consideration of the human rights in the country of destination including the existence of internal conflict in user countries.

Recommendation 21: That the Australian Government should legislate to tighten its guidelines and approval procedures for defence exports, to ensure that they do not end up supporting repression. In particular, the guidelines should state that Australia will not export military or related goods "to governments that seriously violate their citizens rights, irrespective of whether these goods will be used directly against those citizens." A full and regular parliamentary disclosure and scrutiny of all Australian military exports should also be undertaken.

Landmines

6.7 Land mines have become a potent symbol of the way in which civilian men, women and children are the main victims of modern war. The International Committee of the Red Cross estimates that 800 people worldwide are killed and 1200 maimed every month. Australia has the potential to be a catalyst in Asia and the Pacific on the issue of landmines - a region which is under-represented on the issue of landmines at UN meetings.

6.8 The Australian Government has affirmed that it supports a total ban on landmines "as quickly as possible." Its current position is to support treaty negotiations through the United Nations Conference on Disarmament (CD). CAA commends this position, however notes that the process of negotiating through the CD is extremely slow and not practically accessible for many mine-affected nations. CAA is also concerned that the Government's preference for the CD is at the expense of participation in negotiations for a Total Ban Treaty to be signed by more than 100 countries in Ottawa in December 1997. The Ottawa process and the CD should be seen as complementary processes. Both are working towards achievement of a total ban. The most effective position for the Australian government is to support both the Ottawa and CD processes.

6.9 There is a real impact from effective mine clearance. In Cambodia for example, 100 000 Cambodian refugees have been able to return to their homes since 1993.²⁷ However, there is still a long way to go. In Cambodia's Battambang province a third of the land is still too polluted by mines to be habitable, impeding the development possibilities for the province. More could be done with increased funding for post conflict reconstruction and development programs.

²⁷ Figures from the Cambodian Red Cross, in Global Humanitarian Emergencies, report from US mission to the UN, New York

Australia has made some outstanding contributions in the area of mine clearance and mine awareness programs in Cambodia. CAA commends this work and encourages the Australian Government to devote more resources to post-conflict reconstruction and development programs.

Recommendation 22: That the Australian Government acknowledge the complementarity of the Ottawa and CD Processes and pledge its commitment to a total ban on the use, production, stockpile and transfer of all anti-personnel landmines by signing the Ottawa Convention in December 1997

Recommendation 23: That the Australian Government continue to support mine clearance programs in Cambodia and devote more resources to post-conflict reconstruction and development programs. **Recommendation 24:** That the Australian Government act on the majority recommendations of the Joint Standing Committee on Treaties (Restrictions on the use of Blinding Laser Weapons and Landmines), in particular:

- To encourage other countries within the Asia/Pacific region to sign the Inhumane Weapons Convention and all of its Protocols.
- To prepare for consideration at the December 1997 Ottawa meeting a proposal for the creation of an agreed international timetable for the destruction of anti-personnel landmines of all nations.

Appendix 1: List of Recommendations

Recommendation 1: That the Australian Government build and support linkages with a diverse range of human rights organisations (including NGOs) in the region to promote civil society and a culture of human rights.

Recommendation 2: That the Australian Government take every opportunity to promote publicly the universal, indivisible and inalienable nature of human rights within Australia and the Asia and Pacific regions.

Recommendation 3: That the Australian government ensure a strong model of compliance with international human rights mechanisms within Australia by developing appropriate training programs to familiarise government decision makers with key international human rights instruments and their implementation.

Recommendation 4: That the Australian government plan a regional human rights conference in 1998 to coincide with the 50th anniversary of the Universal Declaration of Human Rights to educate and discuss ways to make human rights a reality in the region

Recommendation 5: That the Australian Government use the 50th anniversary of the Universal Declaration of Human Rights by organising a series of national activities for 1998, involving education of school, business, university churches and other community organisations.

Recommendation 6: That the Australian government restore funding to HREOC to its previous level.

Recommendation 7 : That the Australian Government contribute to a process of developing a regional human rights mechanism for the Asia Pacific. This process should involve Australian government commitment to the following areas:

- Providing funding for Human rights education programs in Asia and Pacific,
- Encouraging Governments in Asia and the Pacific to ratify key human rights instruments
- Assisting governments in Asia and the Pacific to develop national action plans on human rights
- Supporting national and regional Non-government human rights organisations in the Asia/Pacific, including independent labour, indigenous, women's and peasants organisations

Recommendation 8: That Australia seek re election to the United Nations Commission on Human rights. The UNCHR and multilateral mechanisms should be the main focus of Australia's Human Rights work.

Recommendation 9: That the Australian Government participate in forums with representatives from business and relevant civil society organisations on codes of conduct for Australian business operating overseas that ensures that Australian "best practice" is adhered to overseas. Such codes should include:

- respect for the rights of workers to organise and bargain collectively as set down in ILO conventions. Australian based companies should not operate in countries or zones where the host government does not respect this right and where unions are banned.
- non-use of forced, bonded or exploitative child labour
- recognition of the right to a safe and healthy workplace
- non discrimination against women in the work force
- non discrimination on the basis of race, religion, politics, etc
- respect of the rights of indigenous people
- respect for biodiversity and the environment of the host country.

- respect for the principle that people affected by the operations of a company should not have their standard of living decreased as a result of the operations.²⁸
- comply with international human rights conventions, including ILO, CEDAW, CROC and CERD
- Obliging companies to remain independent of the military, police force and other state security systems.

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