

17 September 1997

Mr Peter Nugent, Chair  
Human Rights Sub-Committee  
Joint Standing Committee on Foreign Affairs, Defence and Trade  
Parliament House  
Canberra ACT 2600

Dear Mr Nugent,

The Human Rights Council of Australia apologizes for not having had the time to prepare a comprehensive written submission to the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade regarding its inquiry into the regional dialogue on human rights. However we are prepared to address your Committee and to answer questions on the range of issues mentioned below.

#### The debate on the interpretation of human rights

Having participated in the NGO Forum in Bangkok that was held in parallel to the Asia-Pacific region's preparatory meeting to the UN World Conference on Human Rights as well as having attended the Vienna Conference itself, the Council is able to bear witness to the fact that non-government organizations stand firm in defence of the international human rights framework and are opposed to the relativism proposed by some Asian leaders.

The argument that civil and political rights must take second place to development has been refuted by many in the region. Moreover when Asian leaders and some academics talk of the need to ensure the realization of economic rights they wilfully conflate economic rights with economic growth. The Human Rights Council will argue that there is little understanding of economic and social rights in the developed world including Australia and virtually none in the developing world - except of course by those elements of civil society that are committed to a rights regime.

The Council can provide the Committee with information on current directions in the realization of economic and social rights and what the relevant international instruments recommend in order for States to meet their obligations. An understanding of these issues is important in order to counteract the claims for relativism.

#### The place of human rights in the relations between Australia and our regional neighbours

The Council maintains that international cooperation must be applied to the realization of the broad range of rights. This involves setting clear objectives based on a rights-based analysis and affects relations between states whether commercial, social or cultural. Thus the Council will argue that the credibility of Australia's human rights policy can only be ensured if it is coherent and comprehensive. This means that policy must be reflected across departments,

across the range of external affairs activity and integrated within Australia's own domestic situation.

Certain steps flow from such integration. Australia needs to demonstrate its commitment to the human rights framework by regaining a role on the international human rights stage. It needs to take seriously its own human rights commitments and legislate into domestic law its human rights treaty obligations. It needs to enter into meaningful dialogue about the meaning of the broad range of rights with our regional partners and needs to base its provision of development assistance on clearly stated human rights objectives.

#### The place of the debate on human rights with relation to security and stability

In particular Australia needs to become involved in exploring the human rights dimensions of globalization. The economic policies of virtually every country in the region including our own are bringing about strains in the fabric of society. The UN has already expressed fears about the security aspects of the increasing disparity between rich and poor and about environmental degradation whose critics are often among the ranks of human rights victims.

Australia must also recognize that it is simply impossible to insulate trade and investment from the international human rights framework. Trade and investment policies affect the realization of rights and if forums such as APEC and the WTO are artificially segregated from consideration of the rights impact of global economic policies, then the instability brought about by these will be all the greater.

#### The role of existing institutions

In this context it is absolutely critical that the business community becomes involved in whatever avenues are open to it and the Government can play a role in this. Increasingly, corporate leaders have recognized that good human rights are good for business. Steps that could be promoted by the Government include briefing business on human rights in the countries in which they will operate, encouraging respect for the rights of the workforce, assisting with the human rights training of private security personnel, helping to build bridges between business and NGOs and community groups in developing countries.

The Human Rights Council of Australia has been involved in two proposals which would be able to assist in propping up the international human rights framework in our region. One is the Human Rights Centre for Dialogue and Cooperation proposed by the Australian Council for Overseas Aid.

Another is its proposal for a human rights approach to development assistance. This has resulted in the drafting of a 'manual' for the implementation of a human rights approach to development assistance which deals with objective-setting, research and analysis, program implementation and evaluation based on the international human rights framework.

Both of these proposals take as their starting point the notion of a non-confrontational cooperative approach to human rights dialogues and both stress the importance of meaningful popular participation. We would be pleased to address these issues in greater detail if you thought it useful.

Once again, apologies for the lack of detail and the lateness of this submission. On behalf of the Human Rights Council I wish you well with your enquiry and await an invitation to address the Sub-Committee.

Yours sincerely,

André Frankovits  
Executive Director

## ADDRESS TO THE COMMITTEE

Mr Chairman,

It is most appropriate that this Sub-committee is holding its inquiry into the regional dialogue on human rights at this time, since 1998 is the 50th anniversary of the Universal Declaration of Human Rights and also the fifth anniversary of the Vienna UN World Conference on Human Rights. At the Vienna Conference, Governments undertook to review the progress made in the implementation of the Vienna Declaration and Program of Action after five years and to this end, the new High Commissioner for Human Rights, Mary Robinson, has instructed her Office to organize a series of forums to address this issue throughout 1998. The findings of your enquiry would make a considerable contribution to this review process.

Mrs Robinson has injected a note of urgency in her endeavours to fill her functions as the most senior human rights official in the UN system and has gone out of her way to stress that in order to meet the challenges of globalization, there is a need to address the Right to Development and the economic, social and cultural rights codified in the International Covenant on Economic, Social and Cultural Rights. She has also echoed the calls of the UN Secretary-General, Kofi Annan, for the integration of human rights across the UN system, including in the Specialized Agencies, and in the Bretton Woods institutions.

This integration is made even more critical by the recent financial melt-down in the Asian region. The fall-out from the recent currency crisis has resulted in policies - encouraged by the IMF and the World Bank - which will greatly affect a vast number of the population of our neighbours and will not only increase the growing gap between rich and poor but will also significantly increase the numbers of the latter. The resulting instability has already seen popular unrest and accompanying repression by state security personnel in a number of countries. This unrest, of course, is not restricted to the countries most directly affected by the crisis - economic restructuring in China has also lead to protests and demonstrations by the newly-unemployed and an increase in the abuse of civil and political rights.

In response to this situation, we can expect a renewed insistence by some governments in the region that this is a necessary outcome of the priority placed by them on the realization of economic and social rights. This claim is unsustainable for a number of reasons - not the least because it denies the indivisibility of rights and the very nature of the economic and social rights - and the Australian Government could play a major role in assisting to counter it through the human rights dialogue with its regional partners.

A precondition for this is to establish anew Australia's credentials for speaking authoritatively on human rights. As you will be aware the Human Rights Council has expressed its concerns publicly at the numerous indications that Australia is ignoring or turning its back on its former commitments to the realization of human rights, domestically as well as internationally. One way of reaffirming this commitment is to review the progress made in the implementation within Australia of the Vienna Program of Action.

At the Vienna Conference, Australia proposed that countries draft national human rights action plans, and we tabled our own action plan at the UN Commission on Human Rights in 1994, with yearly updates since that time. It seems that in the intervening period, only two others - Brazil and the Philippines - have followed Australia's example. This is regrettable since the drafting of such plans can serve to establish planning priorities in relation to the realization of rights including economic and social rights. It also assists in the process of holding governments accountable for the protection and fulfilment of human rights.

We would like to see Australia playing a more active role in promoting human rights action plans in its dialogue with its regional partners. For this to have any credibility we must ensure that the promised five-yearly review of our own national action plan takes place and that it is achieved through a far more participatory process than was the case with the original 1994 Plan. (It certainly needs to be more participatory than is the case with Australia's overdue report to the UN Committee on Economic, Social and Cultural Rights, where the consultative process, as I understand it, is reduced to one afternoon at the Department of Foreign Affairs in Canberra with no publicity, hardly any representation from community groups, and none from the private sector).

Such a review will parallel the High Commissioner for Human Rights' initiative to coordinate the five-years-after-Vienna review, but it will also increase the expertise of Australian officials in the drafting of such plans with a view to assisting others in the region to do so. Such an exercise would benefit from a standing inter-departmental committee on human rights similar to the one that was involved in drafting our original Plan.

I would like to turn briefly now to Australia's aid program. The Human Rights Council of Australia has been involved in international debates on the relationship between human rights and development assistance for a number of years now. We are aware of the efforts made by AusAID to identify and fund a number of human rights-related projects within its country programs. This is to be welcome and encouraged. However, we are concerned that these efforts focus almost exclusively on civil and political rights and the legal and administrative structures that underpin them, while ignoring the realization of economic social and cultural rights. The realization of these rights must be addressed as well in any regional dialogue on human rights and must become an integral part of the aid program.

There are a number of benefits to be gained from a shift in focus towards economic and social rights. It would be in accordance with the newly adopted policy of the United Nations Development Program on human rights and sustainable human development. It would support the efforts of the Office of the High Commissioner for Human Rights to promote the Right to Development and to assist it with the provision of technical services in the field. And it would be particularly timely in the context of the financial turmoil in the region where the promotion, protection and realization of economic, social and cultural rights has become of critical importance.

Mr Chairman, let me conclude by expressing the hope that you will endorse at least some of the many recommendations made by individuals and organizations to you and your Committee. All of them will require additional human resources and many will have budgetary implications. It is important that this Committee consider the implications of this and that it puts the case strongly that the Government's credibility on human rights depends more on actions than on words, and that actions are very seldom cost-free.

Thank you once again for the opportunity to address you on these matters.