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Foreign Affairs, Defence and Trade Committee
Department of the Senate
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Parliament House
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11 February 2014

Dear Committee Members

Australia's overseas aid and development assistance program

Australian Lawyers for Human Rights (**ALHR**) is grateful to the Committee for an extension to make submissions on this matter. Our submissions are detailed below and, in summary, are this.

- There are international human rights standards, to which Australia has committed, which are relevant to these issues: see para's [2]-[10] below.
- Australia is able to be a more significant actor in international development, particularly when compared with the action of other countries in terms of Official Development Aid (ODA): [12]-[21].
- The Committee should urge the Government of Australia to honour its commitments and increase the effectiveness of the ODA: [22]-[23].

Introduction

1. ALHR welcomes the opportunity to make a submission on the Australia's overseas aid and development assistance program.
2. The following submission is based on the various international standards relevant to the matter with immediate and continuous obligations on the Australian Government. The key standards among these are:
 - (a) the Charter of the United Nations,
 - (b) the International Covenant on Economic, Social and Cultural Rights (ICESCR),
 - (c) the Convention on the Rights of the Child (CRC); and
 - (d) the Convention on the Rights of Persons with Disabilities.

The submission also refers to other international standards and materials of international law which influence the decision-making in Australia, including:

- (e) the Vienna Declaration; and
- (f) the Millennium Development Goals (MDGs).

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3. In order to comply with its obligations under international law, ALHR urges the Government of Australia to take further action in terms of assistance and development overseas.

The human rights obligation to assist with international development

4. ALHR would like to remind the Committee Members of Australia's "obligation to assist" foreign countries in terms of human rights and development. Indeed, Australia is committed to cooperate and, if necessary, assist other countries in order to fulfil the entire realization of international development goals.
5. This obligation is stated in the Charter of the United Nations, as well as the main human rights treaties and conventions signed and ratified by Australia. These standards consider that every State should take the appropriate measures, through international cooperation, to achieve the full realization of their goals.
6. The article 2.1 of the ICESCR for instance, states that "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures."
7. The CRC as well, in its article, 4 explains the obligation to assist "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."
8. The "obligation to assist" has been confirmed by the United Nations treaties bodies. For instance, the United Nations Committee on Economic, Social and Cultural Rights (CESCR) stated in its General Comment No. 3 "Nature of the States Parties' obligations" that "International cooperation for development and thus for the realization of the economic, social and cultural rights is an obligation of all States. It is particularly incumbent upon those States which are in a position to assist others in this regard."¹
9. The Committee continues in its General Comment No. 11 "Right to Education" saying that "Where a State party is clearly lacking in the financial resources and/or expertise required to "work out and adopt" a detailed plan, the international community has a clear obligation to assist."²
10. The Committee reaffirms constantly the idea of international cooperation between States Parties.³ and the United Nations Committee on the Rights for the Child, as well, encourages also the States party to cooperate.⁴
11. ALHR urges the Government of Australia to adopt foreign policies in accordance with its obligations and commitments under international law.

¹ Paragraph 13 and 14, General Comment No. 3, "The nature of States Parties' obligations (article 2 paragraph 1 of the Covenant)", adopted by the United Nations Committee on Economic, Social and Cultural Rights at its fifth session, 1990, UN Doc. E/1991/23.

² Paragraph 56, General Comment No 13 "Right to Education (article 13 of the Covenant)", adopted by the United Nations Committee on Economic, Social and Cultural Rights at its twenty-first session, 1999.

³ Paragraph 56, General Comment No 13 "Right to Education (article 13 of the Covenant)", adopted by the United Nations Committee on Economic, Social and Cultural Rights at its twenty-first session, 1999. Paragraph 29 and 30, General Comment No 18, "The Right to Work (article 6 of the Covenant)", adopted by the United Nations Committee on Economic, Social and Cultural Rights at its thirty-fifth session, 2005.

⁴ Paragraph 28, General Comment No 1 "Aims of Education (article 29 of the Convention)", adopted by the United Nations Committee on the Rights of the Child, 2001.

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The ability for Australia to increase its international development priorities

12. Australia has the economic capacity to be a significant player in terms of aid and development. Indeed, with over 20 years of uninterrupted economic growth, Australia is actually in a prime position to contribute to international development.⁵ During the period 1998–2008, while most of the OECD countries experienced an average per capita growth in GDP of 4.2%,⁶ Australia annual average growth in GDP per capita was 4.6%.
13. Australia has managed as well to avoid any deep economic consequences of the global financial crisis (GFC) in 2008–09, thanks to Australian policies and significant exports to China.⁷ Indeed, after 2008, for most developed countries, the GFC resulted in the “steepest decline in economic activity since the great depression, but Australia, along with Poland and Korea, were the only countries to escape a negative GDP growth in the year to 2009 with a GDP growth of 1.4% for Australia”.⁸
14. In light of the Australian economy over these years, ALHR suggests that Australia is able to reach its international commitments regarding Official Development Aid (ODA).
15. ALHR reminds the Committee Members of the Australian bipartisan commitment to increasing its ODA to 0.5% of its gross national income (GNI) by 2017–18. As the Committee may be aware, a 2015–16 deadline to reach this goal was agreed originally. However, the Government of Australia has delayed, year after year, the timeline to reach this goal, finally pushing it up to 2017–18.
16. ALHR notes that the Organisation of Economic Cooperation and Development (OECD), considers Australia can reach this goal before 2017–18 and should aim for 2016. The OECD, in its 2013 Peer review of Australia's development cooperation, encouraged the Government of Australia saying that “Australia is in a very strong position to deliver a growing aid budget effectively and efficiently. In line with its commitment to punch at or above its weight in international development, Australia should achieve its stated aid goal of 0.5% ODA/GNI by 2016/17”.⁹
17. It is worth noting Australian Aid in relation to the United Nations aid target of 0.7% of GNI. The 0.7% target has been affirmed in many international agreements over the years¹⁰ and Australia is ranked 13th out of 24 OECD donor countries.¹¹ Indeed, several European countries have already delivered or exceeded their 0.7% commitment, despite difficult economic situations. Considering that in 2012, Australia GDP per capita was of US\$ 67,556, the economic situation of the country was significantly better than the US (US\$ 51,749), Japan (US\$ 46,720), France (US\$ 39,772) and UK (US\$ 39,093).¹²
18. This is perhaps best illustrated in a graph, with the two images below showing Australian ODA (in dark blue) against three relevant nations: USA, Germany, and UK. It can be seen that Australia lies well below the 0.7% GNI target, and that over many years it has also given less (both in total and as a percentage - the latter being more significant) than these countries.

⁵ “Peer Review: Australia 2013” Organisation of Economic Cooperation and Development, 14 May 2013, www.oecd.org

⁶ “1370.0 – Measures of Australia's Progress, 2010”, 15 September 2010, Australian Bureau of Statistics, www.abs.gov.au

⁷ “Peer Review: Australia 2013” Organisation of Economic Cooperation and Development, 14 May 2013, www.oecd.org

⁸ “1370.0 – Measures of Australia's Progress, 2010”, 15 September 2010, Australian Bureau of Statistics, www.abs.gov.au

⁹ “Peer Review: Australia 2013” Organisation of Economic Cooperation and Development, 14 May 2013, www.oecd.org

¹⁰ “The 0.7% target: An in-depth look, Millennium Project, www.unmillenniumproject.org

¹¹ “Aid to poor countries slips further as governments tighten budgets”, OECD, 3 April 2013, www.oecd.org

¹² “GDP per capita”, world bank, www.data.worldbank.org

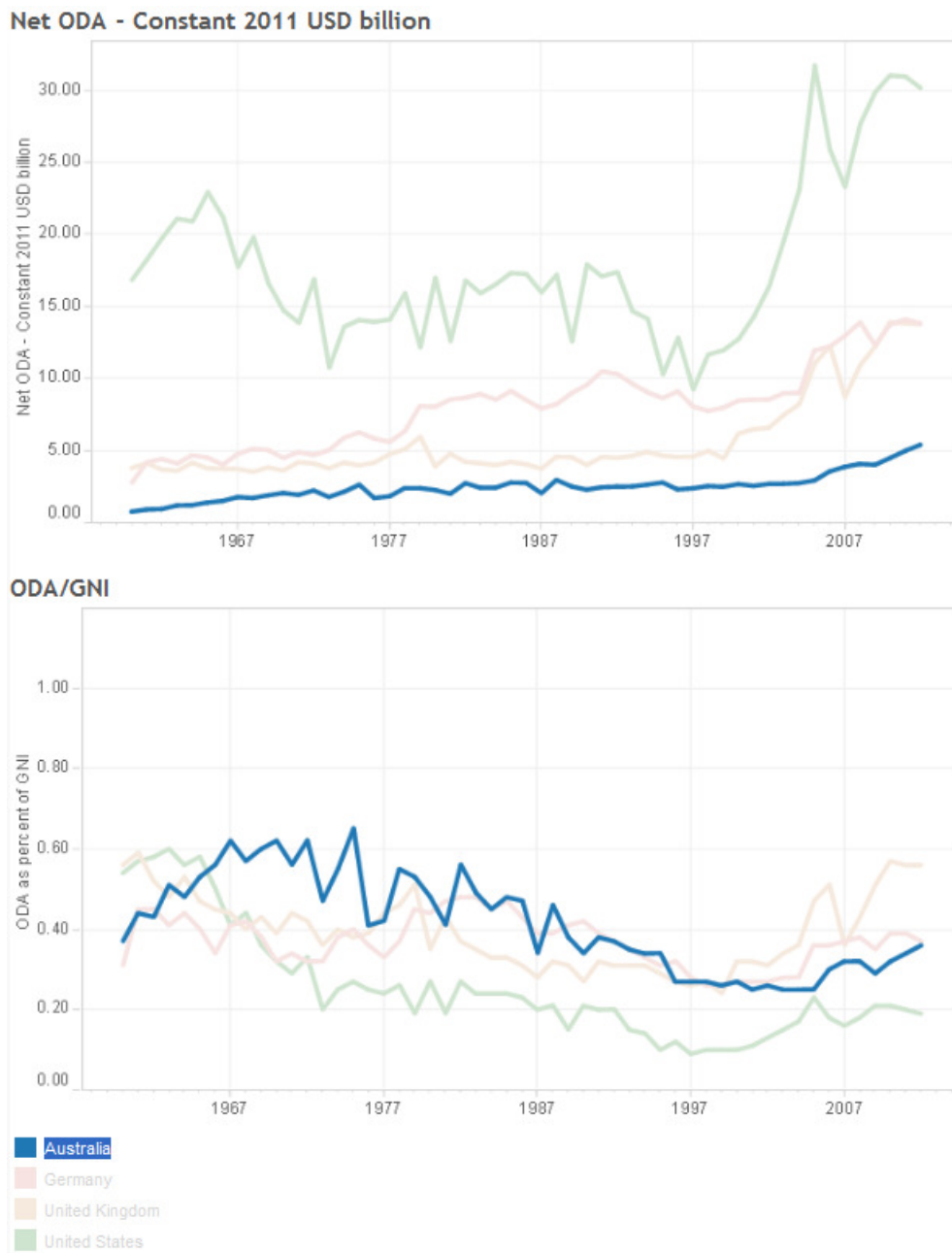
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Australian ODA compared¹³



19. ALHR express its disappointment over the Government's decision to defer the target of 0.5% GNI and believes that Australia can meet its commitments before 2017.

Australia's current action in terms of international development

20. In 2000, world leaders, including Australia, agreed to adopt the Millennium Development Goals (MDGs). Since then, extreme poverty has been reduced by half, reaching the MDGs target before its deadline (2015).¹⁴ Extreme poverty has fallen in every regions of the world, which should encourage the Government of Australia to pursue its efforts in terms of development.

¹³ From <http://www.oecd.org/dac/stats/oda-trends.htm> accessed 11 Feb 2014

¹⁴ "Budget : Australia's international development assistance program 2013-14. Effective Aid: Helping the world's poor", statement by Senator The Hon Bob Carr, Minister for foreign affairs, 14 May 2013, www.budget.gov.au
"Official Development Assistance: a commitment delayed" Budget review 2012-13 Index, Dr Ravi Tomar, Parliament of Australia, www.aph.gov.au

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21. However, even if the Australian aid to pursue development overseas showed great results, ALHR is still concerned with the actual recipients of the aid.
22. ALHR is concerned about reports that Australia remains the 3rd largest recipient of its own overseas development assistance funds.¹⁵ Indeed, ALHR is concerned that the decision announced by the Government to assign \$375 million of its foreign aid to fund Australia's asylum seeker policies could be counter productive.
23. ALHR recommends to the Australian Government to commit to a broader and deeper engagement in terms of development..

About ALHR

24. ALHR was established in 1993, and is a network of Australian lawyers and law students active in practicing and promoting awareness of international human rights. ALHR has a national membership of over 1200 people, with active National, State and Territory committees. Through training, information, submissions and networking, ALHR promotes the practice of human rights law in Australia. ALHR has extensive experience and expertise in the principles and practice of international law, and human rights law in Australia.
25. ALHR would like to make this letter available through our website. This is a standard practice for all our work, wherever possible. If you do not want this letter to be made publically available, please can you advise us. We understand the usual requirements of Parliamentary confidentiality, and will not publish this until the Committee has agreed to that.

If you have any questions regarding this submission, please contact ALHR's President John Southalan, at president@alhr.asn.au

Yours faithfully

Nathan Kennedy

Vice-President

Australian Lawyers for Human Rights

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¹⁵ From <http://www.amnesty.org.au/refugees/comments/30762/> accessed 13 February 2014.