

### Extra-territorial obligations

#### International assistance

##### Suggested Question

*How much of its gross national income (GNI) has Australia committed towards official development assistance (ODA)?*

##### Background

Notwithstanding the United Nations target of 0.7% for developed countries, Australia contributes only 0.29% of its GNI to ODA in 2009/2010.<sup>1</sup> Australia recently committed to increasing its assistance to 0.5% of GNI by 2015-2016.<sup>2</sup> However, this remains well short of the Millennium Development Goal target of 0.7% target.

##### Proposed Recommendation

That Australia (1) increase its official development assistance to 0.7% of its GDP to ODA as reaffirmed at the Follow-Up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus held in Doha on 29 November - 3 December 2008; (2) collaborate with interested groups, communities and experts in the fields of global poverty and climate change so as to develop and lodge with the UN a detailed and transparent action plan and timetable for achieving an increase in ODA to 0.7% of GNI.; and (3) take a human rights-based approach towards foreign policy in the areas of trade, investment, business, labour, migration, defence, military cooperation, security and the environment.

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<sup>1</sup> Committee on Economic, Social and Cultural Rights, Concluding Observations of the Committee on Economic, Social and Cultural Rights: UN Doc E/C.12.AUS/CO/4.

<sup>2</sup> Australian Government Budget 2010-2011, Australia's Development Assistance Program, [http://www.budget.gov.au/2010-11/content/ministerial\\_statements/ausaid/html/ms\\_ausa\\_id-03.htm](http://www.budget.gov.au/2010-11/content/ministerial_statements/ausaid/html/ms_ausa_id-03.htm), as at 20 October 2010.

#### Business

##### Suggested Question

*To what extent are the activities of Australian companies regulated and monitored in order to ensure compliance with international human rights laws and standards?*

##### Background

There are a number of Australian companies whose actions and/or activities have had a severe impact on the human rights of individuals across the world.<sup>3</sup> Nevertheless, there remains no comprehensive legal framework which imposes human rights obligations on Australian corporations when operating overseas, particularly in areas where there is relaxed or no regulation.

##### Proposed Recommendation

That Australia: (1) enact legislation with both domestic and extra-territorial effect and application to ensure that Australian companies respect human rights within the Special Representative's framework<sup>4</sup>; and (2) develop a range of 'hard' and 'soft' law measures to ensure that corporations respect human rights, including through public procurement and investment, human rights impact assessment processes, directors' duties, the establishment and strengthening of corporate grievance mechanisms, and guidelines and capacity building for businesses on human rights.

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<sup>3</sup> Australian Human Rights Commission, *The Australian Mining and Resource Sector and Human Rights*, [http://www.hreoc.gov.au/pdf/human\\_rights/corporate\\_social\\_responsibility/factsheet3.pdf](http://www.hreoc.gov.au/pdf/human_rights/corporate_social_responsibility/factsheet3.pdf).

<sup>4</sup> Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, *Protect, Respect and Remedy: A Framework for Business and Human Rights*, UN Doc A/HRC/8/5, 7 April 2008.