

BUSINESS AND HUMAN RIGHTS: THE NEW GLOBAL CONSENSUS?¹

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I INTRODUCTION

The topic of business and human rights is a big one. To achieve a manageable subject matter, I will be concentrating this afternoon on the transnational operations of, largely, big businesses. I do not mean thereby to imply that human rights concerns do not arise in the domestic operations of businesses of all sizes. Certainly, I do not overlook that virtually every business participates in some way in the global supply chain and that we all carry responsibility for the choices that we make as consumers in the global economy - and perhaps as investors also. These must be issues for another day.

In 2011, the United Nations Human Rights Council adopted by consensus the Guiding Principles on Business and Human Rights proposed by Professor John Ruggie, the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises. This afternoon I propose to examine the extent to which there truly is international consensus around the Guiding Principles; to examine the emerging architecture of measures intended to limit the adverse impacts of transnational corporate activity on human rights, and to

¹ This is a revised version of the lecture of the same title, presented by the author in Adelaide on 14 May 2014, at Flinders University Victoria Square, sponsored by Lipman Karas.

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identify the steps that Australia might take to ensure that Australian based corporations are not complicit in human rights violations in their transnational operations. But let me start by identifying what human rights are and by reflecting on why business and human rights are increasingly being discussed together.

II WHAT ARE HUMAN RIGHTS?

Human rights are usefully understood as norms to protect all people everywhere from serious political, legal and social abuses. The main sources of the contemporary conceptions of human rights are the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations (incidentally, with Australia's Dr Evatt then in the Chair) on 10 December 1948, and the many human rights documents and treaties that followed it in international organisations such as the United Nations,² the Council of Europe³ and the African Union.⁴

It says something about how central human rights have become to modern political discourse that they have been described as 'the new secular religion of our time'.⁵ Another author has asserted that they are the only global ideology to survive the twentieth century.⁶

² In particular the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESC).

³ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5 (entered into force 3 September 1953).

⁴ Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

⁵ Anthony Julius, 'Human Rights: the new secular religion', *The Guardian* (online), 19 April 2010, <<http://www.theguardian.com/commentisfree/2010/apr/19/human-rights-new-secular-religion>>.

⁶ Ralph Steinhardt, 'Corporate Responsibility and the International Law of Human Rights: The New *Lex Mercatoria*' in Philip Alston (ed), *Non-State Actors and Human Rights* (Oxford University Press, 2005) 177, 225.

III WHY THE CONCERN WITH BUSINESS AND HUMAN RIGHTS?

Lawyers have traditionally been trained to think of human rights as fundamental guarantees and standards of protection for individuals against the power of states. However, it is obvious today that there are problems with a human rights system that is based on the assumption that states can and do control the activity of entities operating within their borders, and which therefore ignores the actions of 'non-state actors'.⁷ These problems include that in the globalised economy there are many different types of entities that are capable of operating across national borders and which transcend the regulatory capacity of any one state. Multinational corporations are one category of such entities.

The turnovers of some multinational corporations dwarf the economies of many countries with the result that they have great political influence. To give just two illustrations, in 2011 alone the oil and gas giant ExxonMobil generated revenues of US\$467 billion - the size of Norway's entire economy. Walmart, the world's third-largest employer with more than 2 million workers, has a workforce that trails only the militaries of the United States and China in size.⁸ Outsourcing of human rights sensitive work by governments is also a growing phenomenon with over a million individuals estimated to be working as private soldiers or security officers in over 100 countries in an industry estimated in 2006 to have a turnover of about US\$200 billion.⁹

⁷ Sarah Joseph and Adam McBeth (eds), *Research Handbook on International Human Rights Law* (Edward Elgar, 2010) 139.

⁸ Christopher Albin-Lackey, *A Failed Approach to Corporate Accountability* (2013), Human Rights Watch, <www.hrw.org/world-report/2013/essays/112459?page=4>.

⁹ Nicola Jagers, 'Will transnational private regulation close the governance gap?' in Surya Deva and David Bilchitz (eds), *Human Rights Obligations of Business* (Cambridge University Press, 2013), 307, fn 53 citing Parliamentary Assembly of the Council of Europe, *Private Military and Security Firms and Erosion of State Monopoly on the Use of Force*, Recommendation 1858 (2009). See also the Human Rights Council, 'Report of the working group on the Use of

With the power and sophistication of big business naturally comes the capacity to affect the enjoyment of human rights, including the human rights of some of the world's least powerful peoples. It has recently been reported that Africa loses twice as much in illicit financial outflows as it receives in international aid.¹⁰ It appears that about two thirds of the illicit outflows from Africa originate from the activities of multinational corporations, while only about 30 percent or so arise from what can be described as 'straightforward criminal activity'. I interpolate that more than 200 Australian companies are currently operating more than 650 projects in the extractive sector alone across 37 African countries.¹¹

Of course, concerns with the impact of the operations of multinational corporations on human rights extend beyond illicit financial outflows. The Ok Tedi mine in Papua New Guinea caused widespread environmental and social harm to the 50,000 people who lived in the 120 villages downstream from the mine. Another example of environmental and social damage on a grand scale is that of the Niger Delta in Nigeria. A report of the UN Environment Programme has confirmed that this delta is heavily polluted following over 50 years of oil operations by Shell.¹² The report

Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Rights of Peoples to Self-Determination: Mission to Afghanistan, A/HRC/15/25/Add. 2 (14 June 2010).

¹⁰ *Africa Progress Report 2013, Equity in Extractives: Stewarding Africa's natural resources for all*, Africa Progress Panel, Geneva, <http://africaprogresspanel.org/wp-content/uploads/2013/08/2013_APR_Equity_in_Extractives_25062013_ENG_LR.pdf>. The loss apparently exceeds US\$50 billion a year, see United Nations News Centre, 'Illicit financial outflows from Africa crippling continent's development-UN' *UN News Centre*, 6 February 2014, <<https://www.un.org/apps/news/story.asp?NewsID=47097&Cr=africa&Cr1=>>.

¹¹ *African Progress Report 2013*, above n 10, 50, citing Mthuli Ncube, 'African Mining - opportunity and challenges', *How we made it in Africa*, 31 December 2012, <<http://www.howwemadeitinafrica.com/african-mining-%E2%80%93-opportunities-and-challenges/23063/>>.

¹² See the report, United Nations Environment Programme (UNEP), 'Environmental Assessment of Ogoniland' (UNEP, 4 August 2011), <<http://www.unep.org/disastersandconflicts/CountryOperations/Nigeria/EnvironmentalAssessmentofOgonilandreport/tabid/54419/Default.aspx>>.

supported the claims of the local people of violations of their rights to water, food, health, the environment and of the entitlement to maintain their traditional way of life. Conditions of work within the supply chain of multinational corporations are another area of concern. The Rana Plaza disaster in Bangladesh resulted in the deaths of 1,100 workers, mainly women, who were making garments for western consumers.

IV INITIATIVES TO DATE

Initiatives to address the impacts of big businesses on human rights have taken three primary forms – multinational initiatives principally at the United Nations, national initiatives with a number of the groundbreaking examples coming from the US, and voluntary non-government initiatives. It has been suggested that the trigger for international action, at least so far as the UN was concerned, was the conduct of just one company, International Telephone and Telegraph Corporation, in seeking the overthrow of President Allende's socialist government in Chile during the early 1970s.¹³ However, efforts by the UN at this time to formulate a binding international code of conduct for transnational corporations failed.¹⁴

Nonetheless, the importance of restraining abuses by transnational businesses was increasingly recognised at this time and some non-binding international standards were formulated.¹⁵ An important national initiative was stimulated a few years later in the US by a

¹³ David Kinley, 'Human Rights as Legally Binding or Merely Relevant?' In Stephen Bottomley and David Kinley (eds), *Commercial Law and Human Rights* (Dartmouth Publishing Company, 2002), 27.

¹⁴ The Commission on Transnational Corporations (UNCTC) failed to formulate a code and was eventually disbanded.

¹⁵ These included the International Chamber of Commerce's Guidelines for International Investment issued in 1972, the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy adopted by the International Labour Organisation in 1977, and the Guidelines for Multinational Enterprises issued by the OECD in 1976.

Congressional Report from the Committee on Interstate and Foreign Commerce.¹⁶ This committee reported that more than 400 US corporations admitted making questionable or illegal payments. The companies reported paying out well in excess of \$300 million in corporate funds to foreign government officials, politicians, and political parties. These corporations included some of the largest and most widely held public companies in the US.

The outcome was the US *Foreign Corrupt Practices Act* 1977, which prohibits any publicly traded company in the US from paying bribes to a foreign official. Interestingly, while initially opposed by American business on the basis that it would subject them to a unique form of liability and put them at a competitive disadvantage, by the early 1990s the Act was being cited by US firms as a protection against the importuning of foreign officials and as improving the quality of competition in the global marketplace.¹⁷

I cannot stress too strongly that the fight against corruption is a human rights fight. The UN High Commissioner for Human Rights has recently noted, to return to an issue that I mentioned earlier, that ‘from 2000-2009, developing countries lost \$8.44 trillion to illicit financial flows - equivalent to 10 times more than the foreign aid they receive’.¹⁸ She further pointed out that the ‘money stolen through corruption every year ... is enough to feed the world’s hungry 80 times over, while bribes and theft swell the total cost of projects to provide safe drinking water and sanitation around the world by as much as 40 percent’.¹⁹

¹⁶ House Report, Committee on Interstate and Foreign Commerce, 95th Congress, 1st Session, House of Representatives, Report No.95-640, 28 September 1977, 4-5.

¹⁷ Steinhardt, above n 6, 187-8.

¹⁸ United Nations News Centre, ‘Corruption hurts human rights senior UN official warns’, *UN News Centre*, 13 March 2013, <<http://www.un.org/apps/news/story.asp?NewsID=44357&Cr=&Cr1=#.U5Eh8KXFU1I>>.

¹⁹ Ibid.

But returning to international developments, the next significant thing to happen was the establishment of a special UN Task Force in the wake of the financial crisis of 1997-98.²⁰ The report of his task force led to the establishment of the UN Working Group on the Working Methods and Activities of Transnational Corporations, led by Professor David Weissbrodt of the University of Minnesota. The working group developed binding Norms on the Responsibilities of Transnational and Other Business Enterprises with Regard to Human Rights.²¹ These norms were well received by many NGOs and others. However, they were not well received by most governments, and following debate in the Human Rights Commission were resolved to have 'no legal standing'.²²

Although this move to impose legal duties on corporations failed, it resulted in the appointment in 2005 by the Secretary-General of the UN of Professor John Ruggie, from Harvard's Kennedy School of Government as his Special Representative on the issue of human rights and transnational corporations. Professor Ruggie was charged with identifying and clarifying standards of corporate responsibility and accountability regarding human rights, including the role of states.

In 2008, after extensive global consultations, particularly with the business community – although it seems probably not with victims of

²⁰ See United Nations, Task Force of the Executive Committee on Economic and Social Affairs, *Towards a New International Financial Architecture. Report of the Task Force of the Executive Committee on Economic and Social Affairs* (LC/G.2054), 21 January 1999, Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), s 6.

²¹ Sub-Commission on the Promotion and Protection of Human Rights, *Economic, Social and Cultural Rights: Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights*, 55th sess, Agenda item 4, UN Doc E/CN.4/Sub.2/2003/12/Rev.2 (26 August 2003), <<http://www.refworld.org/docid/403f46ec4.html>>.

²² UN Commission on Human Rights, Commission on Human Rights resolution 2004/11: Situation of human rights in Cuba, 15 April 2004, E/CN.4/RES/2004/11, <<http://www.refworld.org/docid/43f3135ac.html>>.

human rights abuses²³ – the Special Representative proposed a policy framework to the UN Human Rights Council for managing business and human rights challenges. This framework has become known as the UN ‘Protect, Respect and Remedy Framework’. It rests on three pillars:

- (a) the **state duty** to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation and adjudication;
- (b) the **corporate responsibility** (but not binding obligation) to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved; and
- (c) the need for greater **access to remedy** for victims of business-related abuse, both judicial and non-judicial.²⁴

After Professor Ruggies’ framework was accepted by the UN Human Rights Council and his mandate extended by another three years, he moved his focus to ‘operationalising’ the Framework. This work culminated in the Guiding Principles on Business and Human Rights, to which I referred in opening.²⁵

While positively received in many quarters, others question Professor Ruggie's claim to have achieved an effective global consensus.²⁶ It is clear that significant discontent with the Guiding Principles remains, with a particular criticism being their non-binding nature. Discontent with the Guiding Principles came to a

²³ David Bilchitz and Surya Deva, ‘The human rights obligations of business: a critical framework for the future’ in Surya Deva and David Bilchitz (eds), *Human Rights Obligations of Business* (Cambridge University Press, 2013), 8.

²⁴ *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie*, Human Rights Council, 17th Session, Agenda Item 3, UN Doc A/HRC/17/31 (23 May 2011).

²⁵ *Ibid.*

²⁶ See Surya Deva, ‘Treating human rights lightly: a critique of the consensus rhetoric and the language employed by the Guiding Principles’ in Surya Deva and David Bilchitz (eds), *Human Rights Obligations of Business* (Cambridge University Press, 2013).

head at the 24th session of the UN Human Rights Council in September 2013 when the delegation from Ecuador delivered a statement on behalf of a number of non-western countries.²⁷ This statement called for an international treaty on *business* and human rights. More than 90 national groups, international NGOs and trade unions have expressed their support for this initiative.²⁸

Meanwhile the financial crisis had provoked further influential legislation in the United States with the *Dodd-Frank Wall Street Reform and Consumer Protection Act* passed in 2010. While primarily concerned with regulation of the domestic finance industry, this Act additionally requires, without exemptions, that extractive companies listed in the US provide details of payments made to both the US and foreign governments.

A significant voluntary or ‘soft’ law initiative to which transnational corporations may adhere or look to for guidance is the UN Global Compact²⁹ which is complemented in this country by the UN Global Compact Network Australia.³⁰ The Global Compact is a voluntary and self-regulatory mechanism, launched in 2000. By joining the Global Compact, businesses commit themselves to aligning their operations and strategies with ‘ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption’.³¹ There is a close connection between the Guiding Principles and the Global Compact, with the Guiding Principles

²⁷ See Human Rights Council, *Statement on behalf of a Group of Countries at the 24th Session of the Human Rights Council*, General debate, Item 3 ‘Transnational Corporations and Human Rights’ Geneva, 27 September 2013. The countries were the African Group, the Arab Group, Pakistan, Sri Lanka, Kyrgyzstan, Cuba, Nicaragua, Bolivia, Venezuela, Peru and Ecuador.

²⁸ See Koldo Casla, ‘Ruggie versus Ecuador: Will a human rights norm ever emerge regardless of Western support?’ *RIGHTS in context*, 9 February 2014, <<http://www.rightsincontext.eu/2014/02/09/ruggie-versus-ecuador-will-a-human-rights-norm-ever-emerge-regardless-of-western-support/>>.

²⁹ See United Nations Global Compact, *Overview of the UN Global Compact* (22 April 2013), <<http://www.unglobalcompact.org/AboutTheGC/index.html>>.

³⁰ Ibid.

³¹ Ibid.

providing a framework to guide Global Compact members in fulfilling their commitment to respect human rights.³² It appears that by 2011, approximately 7,000 businesses had become Global Compact signatories internationally with approximately 45 of those being Australian businesses or enterprises.³³ A significant criticism of the Global Compact is that it is inadequately monitored and can thus serve as a convenient window dressing for corporations.³⁴

Another important 'soft' law initiative is that provided by the OECD Guidelines for Multinational Enterprises. These guidelines contain recommendations for responsible business conduct that its 44 adhering governments (which include Australia, but significantly do not include China, Russia or India) encourage their enterprises to observe wherever they operate. Chapter IV of the recommendations is concerned with human rights with the current version adopting the language of the Guiding Principles.³⁵

The implementation procedures of the OECD Guidelines require adhering countries to set up a National Contact Point to further the effectiveness of the Guidelines.³⁶ The Australian NCP is a 'senior executive' of the Foreign Investment and Trade Division of Treasury who appears to fill the position part-time.³⁷ The ANCP Annual

³² See UN Global Compact, *UN Framework and the Global Compact, Guiding Principles on Business and Human Rights* (2 May 2014), <http://www.unglobalcompact.org/Issues/human_rights/The_UN_SRSG_and_the_UN_Global_Compact.html>.

³³ UN Global Compact, *Annual Review of Business Policies and Actions to Advance Sustainability: 2011 Global Compact Implementation Survey* (June 2012), <http://www.unglobalcompact.org/docs/news_events/8.1/2011_Global_Compact_Implementation_Survey.pdf>.

³⁴ See Kevin Farnsworth, 'Business and Human Rights' (2010) 10(2) *Global Social Policy* 164.

³⁵ OECD, *OECD Guidelines for Multinational Enterprises 2011 Edition* (2011), <<http://www.oecd.org/investment/mne/48004323.pdf>>, Part IV, 31.

³⁶ *Ibid* 68.

³⁷ ANCP, *OECD Guidelines for Multinational Enterprises: Report by the Australian National Contact Point 2010/2011*, <http://www.ausncp.gov.au/content/publications/reports/reports_to_OECD/ANCP_Annual_Report_to_OECD_2011.pdf>, 1.

Report to the OECD for 2011-2012, the latest available online, does not suggest that Australia is particularly anxious to have an active and influential NCP.³⁸

There are a number of other important non-binding initiatives which are available to be adopted by transnational corporations including voluntary codes of conduct, monitoring and reporting procedures and socially responsible reporting indexes.³⁹ I do not have time to examine these – although I should mention two industry specific codes; the Extractive Industries Transparency Initiative and the Accord on Fire and Building Safety in Bangladesh.

V SO WHERE ARE WE NOW, AND WHERE ARE WE GOING?

One author has referred to a ‘sea change’ in corporate culture with markets becoming increasingly regulated through ‘human rights conditionality’; domestic courts holding that corporations may be liable to pay substantial award of damages for their complicity in abuses by governments with which they do business; multilateral and bilateral investment agreements increasingly obliging transnational corporations to protect the human rights of workers and other

³⁸ See ANCP, *Report of National Contact Points to the Investment Committee: Common Framework for Annual Reporting by National Contact Points for the period 1 July 2011-30 June 2012*, <http://www.ausncp.gov.au/content/publications/reports/reports_to_OECD/2011-12_Annual_Report/ANCP_Annual_Report_to_OECD_2012.pdf>.

³⁹ See, eg, the IFC [International Finance Corporation] Performance Standards on Environmental and Social Sustainability which must be met by a IFC client during the life of an investment by IFC; the Equator Principles which is a credit risk management framework for determining, assessing and managing environmental and social risk in project finance transactions; and the Voluntary Principles on Security and Human Rights (which Australia joined in November 2012 and thus is expected to promote and implement or assist in the implementation of), which is a set of principles designed to guide companies in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights.

citizens; and international financial institutions like the World Bank adopting rights based policies with consequences for transnational corporations.⁴⁰

A decision of the United States Supreme Court⁴¹ published since this reference to domestic courts holding corporations liable indicates that, at least in the US, the outlook for remedies of this kind is less optimistic than then appeared to be the case. Nonetheless the broad thrust of the reference to changed corporate culture remains accurate.

Notwithstanding this cultural change, western countries and big businesses continue to prefer the consensual approach reflected in the UN Guiding Principles and initiatives such as the OECD Guidelines over regimes with binding effect. There are also elites in a number of least developed and developing countries, particularly those in which the rule of law is weak, who are benefitting from the present absence of binding obligations and are unlikely to support change. In this contested political environment it seems unlikely that the move presently being led in the UN by Ecuador for a binding treaty on business and human rights will succeed. Nonetheless, it seems inevitable that the business and human rights regime will continue to evolve.

VI WHAT MIGHT AUSTRALIA NOW DO?

While Australia has taken steps that reflect its broad support for the Guiding Principles, it has not moved to incorporate them into Australian law and it has not formally indicated any plan to do so. Consequently, within Australia the human rights impacts of corporate enterprises are governed by various pieces of legislation and a variety of voluntary initiatives and guidelines intended to

⁴⁰ Steinhardt, above n 6, 178.

⁴¹ *Kiobel v Royal Dutch Petroleum Company* 133 S.Ct 1659 (2013).

improve business practices.⁴²

It seems to me that an important area for further reform so far as Australia is concerned is corporate transparency. We have seen a powerful step towards transparency with the US *Dodd-Frank Act*. Since 1995, several European countries including Denmark, France, the Netherlands, Norway, Sweden and the UK have also adopted legislation mandating that certain corporations disclose social and environmental information annually.⁴³

Transparency is a powerful antidote to corruption. Keeping citizens in the dark about natural resource deals facilitates theft from the public purse, misallocation and waste and undermines democratic reform.⁴⁴ The Extractive Industries Transparency Initiative is therefore of considerable significance.⁴⁵ It is regrettable that while Australia is conducting an EITI Pilot, it has not committed to implementing the EITI.⁴⁶ This position is in contrast with the US and the European Union positions.

Publish What You Pay Australia, a coalition of more than twenty NGOs including OxFam Australia, World Vision Australia and the Human Rights Law Centre [of which I disclose that I am a Board member], is presently advocating for the Australian government to:

⁴² Relevant legislation, only some of which has extraterritorial operation, includes industrial laws covering terms and conditions of work, minimum wages, freedom of association, collective bargaining and prohibitions on child and forced labour; equal opportunity and anti-discrimination legislation; native title legislation; privacy laws; the *Illegal Logging Prohibition Act 2012* (Cth); and other criminal laws including provisions in the *Criminal Code 1995* (Cth) dealing with bribery of foreign officials, offences against humanity and related offences, slavery and slavery-like conditions, trafficking in persons and debt bondage, child sex offences outside Australia and torture.

⁴³ Jagers, above n 9, 318.

⁴⁴ *Africa Progress Report 2013*, above n 10, 71.

⁴⁵ *Ibid* 72.

⁴⁶ *Ibid* 73.

- introduce legislation that requires mining and oil and gas companies listed or based in Australia to disclose all payments made to governments on a country-by-country and project-by-project basis; and
- make revenue transparency a priority issue during its G20 presidency and work towards establishing a global standard for payment disclosure in the extractive sector.

Measures by Australia to address transparency should ideally form part of a national plan to implement the Guiding principles in respect of all businesses that fall within Australia's jurisdiction. Were Australia to develop such plan it would be following in the footsteps of an increasing number of European nations, including the UK. As a co-sponsor of the UN Human Rights Council resolution endorsing the Guiding Principles, a non-permanent member of the UN Security Council, a candidate for the UN Human Rights Council and a wealthy, stable middle power which is home to many companies which operate mines overseas, Australia should be setting an example here rather than falling behind other nations. The development of an Australian NAP would provide a platform for dialogue between the Australian government, business including the ASX, and civil society, and encourage the identification of policy actions that the Government could usefully take in fulfilment of its obligations under the 'Protect, Respect, Remedy Framework'.

In closing please allow me to make a personal observation. While President of the Australian Human Rights Commission I regularly attended international meetings of National Human Rights Institutions. I learned at these meetings how strongly human rights practitioners, and I have no doubt others, in non-western countries like the Philippines, countries in South and Central America and Africa feel about the need for proper regulation of transnational corporations operating within their borders. Investment by such corporations can lead to increased development, to job creation and contribute to poverty reduction; but conversely it can lead to exploitation, to grave environmental damage and to the forced displacement of populations, including of Indigenous populations. If we are not to exacerbate the damaging political and economic divide between the developed western countries and the countries of which

I speak, we must move beyond worrying whether appropriately regulated Australian-based transnational companies might experience some temporary financial disadvantage in their overseas operations when compared with transnational companies based in other developed countries. We need instead to recognise that human rights, transparency and good governance are worth fighting for everywhere. How fortuitous it is that these things are also known to be at the heart of good business practice and thus conducive to long-term business success.