

Money and politics: why it matters to human rights

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Professor Joseph engages in some banter with Associate Professor Tham (right) while Sam McLean (centre) listens in.

Money and politics: why it matters to human rights. A lot, if you believe the central argument put forward by Dr. Joo-Cheong Tham, Associate Professor at the Melbourne Law School and Sam McLean, the Communications and Campaigns Director at GetUp! While in agreement on the general premise, their views diverge on the emphasis of reform needed in the area. In a robust debate presented by the Castan Centre for Human Rights Law, Dr. Tham and Mr McLean challenged each other's perspectives on the relationship between human rights and money politics.

Offering a refreshingly controversial perspective, Dr Tham suggested that money politics undermines the democratic integrity of the political process, in turn hindering the progressive realisation of human rights. Dr Tham questioned the current relationship between money politics and human rights organisations, suggesting that political donations have a profound (not always positive) impact on two important human rights – freedom of political association and freedom of political expression.

To establish his argument Dr Tham presented us with two parallel scenarios. The first recounted the corporate power of mining companies in the lead up to the 2010 Federal election. Mining companies reportedly put aside \$100 million to campaign against the Labor Government's proposed super profits tax. Advertisements against the tax dominated mainstream media. The mining companies then suspended the ads, giving the Gillard Government two weeks to reach a deal, or the advertisements would resume. The result was a watered down mining tax, a deal with the mining companies and an exhibition of the significant power of the corporate dollar to influence our politicians.

Suppose then, that following last year's National Human Rights Consultation, a fictional human rights organisation called Human Rights Now (HRN) launched an advertisement campaign to lobby the Government to implement a Human Rights Act. Suppose also that HRN had a multi-million dollar budget and was able to successfully dominate mainstream media to push its agenda. In the lead up to the election, following the success of HRN's

campaign, the Australian Labor Party expressed its commitment to implementing a Human Rights Act and later attributed its political win to HRN's campaign.

Should we as human rights activists, celebrate or regret this development?

For Dr Tham, the appropriate response would be one of regret - not because of the outcome, but because of the means with which that outcome was achieved. On the other hand it would seem that Mr McLean and GetUp! would celebrate the human rights victory. Mr McLean made the point, however, that such a scenario is highly unlikely and that most non-profit organisations work with small budgets (and often have a commensurately small impact).

For Dr Tham, everyone in the political process, including human rights organisations, must be subjected to the same democratic principle of fairness. Dr Tham suggested that the culture of political donations had unfairly advantaged wealthy actors who were able to crowd the finite public space with their own agendas. The result, at least for Dr Tham, was that other important social issues did not receive the attention they deserve in the public realm due to a lack of funding and consequently a lack of air time.

So how do we resolve this inequality?

Dr Tham suggested the imposition of political spending limits to promote fairness and level the playing field between different political actors. For McLean and GetUp! however, the key problem was not political spending, but unlimited political donations. McLean advocated for a system in which people were given more power over politicians, instead of corporations dominating the political process by making large, often secret, political donations.

For McLean however, the issue goes far beyond merely improving transparency. As he put it, we don't want to move from donations in a brown paper bag to donations in a clear, zip-lock bag. According to McLean, what we require is a limit on how much is in the bag, and for corporations that limit should be zero, since corporations, who do not have the right to vote, should not be attempting to influence the political process by making donations.

In closing, Dr Tham warned us of the need to be vigilant not only against the tyranny of the majority, but also against the tyranny of the wealthy minority. The question is, are human rights organisations in danger of manifesting into a wealthy minority that dominates political dialogue to the overall detriment of human rights? As the debate between Dr Tham and McLean has shown us, the answer is perhaps more complicated than a simple yes or no.

Video of the event is available via the Castan Centre website (www.law.monash.edu.au/castancentre) and its YouTube channel (www.youtube.com/castancentre).