



International Round Table on National Institutions and Governance

Suva, Fiji. 13-15 December 2004

Concluding Statement and Recommendations

The following are the essential conclusions of the discussions held by Chairs, Members and representatives of national human rights institutions (NIs) from Argentina, Australia, Fiji, Honduras, Malawi, New Zealand, Sri Lanka, the United Kingdom (Northern Ireland) and Venezuela regarding NIs and good governance. Those present welcomed the input provided by the Kenya National Commission on Human Rights. Observers included representatives of the United Nations community in Fiji and civil society. The International Round Table was co-organised by the Fiji Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights.

This was the first time that NIs met specifically to discuss their place in ensuring good governance and assessing their fundamental contribution in this area. The meeting was a direct follow-up to the seminar on good governance practices for the promotion of human rights held in Seoul, Republic of Korea, on 15 and 16 September 2004. The International Round Table drew on the resources and expertise of the participants rather than on external speakers. Its purpose was to share experiences in relation to the major common issues and challenges facing NIs and to identify practical actions that can be taken in the respective NIs and countries on the basis of those experiences.

The issues of the host institution, the Fiji Human Rights Commission, formed a backdrop to the conference, given its central role in strongly supporting the Constitution with its entrenched Bill of Rights, one of the most important tenets of an effective system of governance. Topics discussed included the role of NIs in promoting good governance, and the interrelationship between full respect for all human rights – civil, political, economic, social and cultural – and good governance. Specifically, institutions discussed Governments' response to NIs' role in governance; societal change and its impacts on governance; corruption, cronyism, nepotism and impunity; working with parliaments, Governments, political parties and financial institutions; and combating inequity. NIs also discussed the importance of ensuring effective governance within their institutions, as a good example. The discussions will be reflected in a paper containing the proceedings.

The participants in the International Round Table on National Institutions and Good Governance:

Appreciative of the joint efforts of the Office of the High Commissioner for Human Rights and the Fiji Human Rights Commission in hosting the International Round Table,

Guided by the Universal Declaration of Human Rights as the common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling resolution of 2004/70 of the Commission on Human Rights of 21 April 2004, and all previous relevant resolutions on the role of good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Recognizing that transparent, responsible, accountable, accessible and participatory government, responsive to the needs, aspirations and human rights of the people, is the foundation on which good governance rests,

Noting that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level rests with the State concerned,

Recalling the Pacific Islands Human Rights Consultation co-organised by the Asia Pacific Forum of National Human Rights Institutions and the Office of the High Commissioner for Human Rights from 1 to 3 June 2004 and the observations in relation to good governance generally made at that Consultation,

Welcoming and building upon the statement by the Chair of the seminar on good governance practices for the promotion of human rights convened in Seoul, Republic of Korea, from 15 to 16 September 2004,

Reaffirming the importance of international and regional cooperation by national institutions in order to facilitate the implementation of good governance practices at all levels,

Adopted the following conclusions and recommendations:

Definitional elements

1. Good governance cannot exist without respect for human rights. Good governance relates to all people, and human rights are central to it. It is a State's obligation to ensure good governance and the protection of human rights. NIs have a responsibility to ensure that human rights are central to understandings of, and approaches to, good governance.
2. Essential elements of good governance include:
 - safeguarding the rule of law, including due process;
 - verifying elections to ensure a representative and responsible government;
 - respect by public officials for the rule of law;
 - fostering investment and respect for property rights;
 - promoting accountable administration to ensure that public money is well spent;

- equitable economic and social development (social justice and affirmative action);
- transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development;
- the right to development;
- striving for equitable economic and social outcomes for the people irrespective of their personal circumstances or characteristics, including political affiliation;
- participation in government and public life;
- fairness in decision making;
- representative and responsible government structures;
- an independent judiciary.

It is clear from this list that the elements of good governance are inseparable from international human rights standards.

3. Creating a culture of human rights and fostering the necessary political will are central to establishing an enabling environment for good governance. NIs have a critical role in fostering such an environment. Integrating human rights into school curricula is an example of a good practice by NIs;

Rule of law

4. NIs should promote initiatives that enhance the human rights elements of the legal framework, including the Constitution, as well as the reform and better implementation of existing legal frameworks in conformity with international human rights standards. This should include the ratification of international human rights instruments and the withdrawal of existing reservations and advising on the adoption of measures to ensure implementation of their provisions at the national level.
5. NIs should assist in ensuring that various sectors of society are consulted when States parties are preparing reports to the respective human rights treaty bodies.
6. NIs need to pay appropriate attention to strengthening the legal framework to ensure free, fair, transparent and democratic electoral processes as a cornerstone of good governance.
7. NIs should encourage ratification of the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime.
8. The provision of independent expert advice to the court by an NI contributes to good governance by ensuring that relevant human rights standards are taken into consideration in judicial decisions. The participation of the NI in the judicial process should not be determined by any body other than the court itself.
9. NIs need to work to enhance, in particular, the legal protection of the human rights of the poor, marginalized groups and other vulnerable people, including by strengthening the effectiveness and independence of the judiciary and enhancing access to courts or quasi-judicial mechanisms.
10. Particular attention needs to be paid to the protection and promotion of human rights and the rule of law in the context of counter-terrorism measures.

Participatory processes

11. NIs need to foster a culture of human rights among public officials and at the same time the development of strategies for consultation and involving the public.
12. NIs should facilitate consultation with local communities and take local conditions into account. They are encouraged to reflect with Governments, parliaments, business and civil society on governance and human rights at their respective national levels.
13. NIs play an important role in the development of a human rights framework for their countries. This could include facilitating the development of National Plans of Action as well as Bills of Rights.
14. The participatory development of National Plans of Action can be an effective tool in enhancing systems of governance with a human rights-based approach. National Plans of Action can help prioritise the main issues and ensure that the rights of vulnerable groups are included. Government commitment, with adequate resourcing for implementation of the Plan, is critical to its success.
15. NIs need to work at ensuring appropriate access to all sectors of the population to governance practices. This could be done through empowerment practices and possibly decentralisation of decision-making processes. Good practices include working with local committees and bodies in ensuring that they make decisions within a human rights framework.
16. NIs need to encourage, and advise on, appropriate programmes to ensure gender balance in governance structures.

Accountability

17. NIs, in combating corruption, may encourage the establishment of a professional and adequately paid civil service; the promotion of ethical conduct in the public sector; penalizing corruption with adequate penalties accompanied by effective enforcement and compensation; the adoption of monitoring procedures for awarding contracts; the establishment of appropriate oversight bodies and performance appraisal systems; appropriate punishment of fiscal fraud, including declaring certain contracts null and void, such as those that promote illicit enrichment; the promotion of measures against transnational forms of corruption; the establishment of transparency measures; and media monitoring and awareness raising;
18. NIs may examine the causes and consequences of corruption in their respective countries, in order to determine which practices are best suited to the circumstances in question.

Equity and inclusiveness

19. NIs should encourage the adoption of legislation and other measures to eliminate *de facto* and *de jure* discrimination.
20. NIs should combat discrimination and inequity in government structures by addressing lack of understanding of cultural diversity and gender equality. Through the use of education and media, NIs must pursue the promotion of values of inclusiveness and participation of all stakeholders in the democratic process, and the development of public awareness of efforts to combat all forms of discrimination.

21. NIs should advise on the range and efficacy of temporary special measures, *inter alia*, quotas, specific laws, regional mechanisms and affirmative action, and encourage a deeper understanding of the efficacy of such measures in advancing the realization of human rights and good governance.
22. NIs should be active participants in this process by seeking to integrate the human rights agenda into their country's poverty reduction strategy, development and governance programming.

Human rights and governance in situations of conflict

23. NIs should promote harmonious relations between peoples within the society and work against sectarianism.
24. There may be a need to look at truth and reconciliation and transitional justice processes to ensure effective good governance and that there is no impunity in relation to past violations, including involuntary disappearances.

NIs as models

25. In order to promote good governance NIs must have broad-based mandates based on the Paris Principles with no zones of exclusion. It is critical that they have a mandate to work with all institutions, including security forces, in the promotion of human rights as a key to good governance.
26. NIs must be models of good governance. They need to ensure that their internal management structures demonstrate good governance including through the development of internal codes of conduct or ethics. This requires strategies for continuing development.
27. The use of NI resources should be based on efficient and effective management and in consonance with the human rights mandate of the institution.
28. It is essential for NIs to comprise persons of integrity, quality and with conviction to be able to bring about positive change and effectively influence decision makers. Open, inclusive and transparent appointment procedures are critical.
29. NIs need to have a pluralist dimension to their structure and work.
30. NIs' capacity to strengthen governance is enhanced where their powers are clearly entrenched in law. Specific powers include procedures for complaints, the provision of remedies, advocacy, education, monitoring, investigation, and public inquiries.
31. It is critical for an NI to be empowered to manage its own finances. Supporting the institution is the primary obligation of the State. Financial support should be directly provided to the NI and not subject to any interference.
32. NIs, particularly in situations of conflict, require specific knowledge and expertise, including on the prevention of torture, the ability to visit to places of detention, and mediation and investigation techniques.

Adopted in Suva, Fiji
15 December 2004