

Submission of the Commonwealth Human Rights Initiative¹ to the 35th Meeting of the Pacific Islands Forum, Samoa, August 2004

The present submission is made to the 35th Annual Meeting of the Pacific Islands Forum, and offers several suggestions on important points that emerged out of commitments made at the Special Leaders' Retreat of April 6, 2004.

Good Governance and the Right to Information

CHRI welcomes the Forum Leaders' decision at Point 4 of their April 6 statement to include good governance as one of the four goals of the Forum. Likewise, it is a positive development that Point 5 of the Leaders' Decisions commits the Forum to: "*Give the greatest possible support to maintaining and increasing efforts by the Forum Secretariat to enhance the governance capabilities of Forum members and Forum-related agencies*". Good governance is a crucial issue throughout the Pacific warranting special attention from the Forum.

CHRI strongly urges the Forum to include the enactment and implementation of effective access to information regimes as a key practical output on the good governance agenda of the Forum and to encourage Forum members to take action to implement the right to information as a priority. There is no greater aid to enhancing governance capabilities than ensuring open and accountable government. Assured access to information is the foremost means of ensuring this.

For a relatively small cost and investment of time, entrenchment of effective access to information regimes increase the capacity for people to more meaningfully engage in democratic processes and reduce conflict by limiting secrecy and related perceptions of favouritism. Access to information is also essential to facilitating meaningful participatory development. It is a proven anti-corruption tool, contributes to increased government transparency and accountability, and thereby supports economic growth.

Currently, in the region only New Zealand and Australia have enacted right to information laws, while Fiji and Papua New Guinea include provisions in their Constitutions, which at least recognise the value of the right to information. Other countries in the region have international best practice, including principles and model laws, to assist them in formulating right to information laws. Not only would this be a positive development for democracy and development in-country, but members would be fulfilling their international commitments. In December 2003, for instance, the eleven Commonwealth members of the Pacific Islands Forum committed themselves to promoting the right to information².

¹ Please see attached profile for more information on the Commonwealth Human Rights Initiative.

² Commonwealth Heads of Government Meeting, Abuja, Nigeria, 8 December 2003, *Aso Rock Commonwealth Declaration on Development and Democracy: Partnerships for Peace and Prosperity*, Point 7.

National Human Rights Institutions

CHRI welcomes Point 9 of the Special Leaders' Retreat: to "*Encourage the development of national human rights machinery*", a crucial strategy for the promotion and protection of human rights.

While Australia, Fiji and New Zealand already have national human rights institutions and the Solomon Islands Government has also committed to establish such an institution, other member governments of the Pacific Islands Forum have not yet offered this important human rights mechanism to their people. CHRI calls on other members to follow their example and establish such institutions in accordance with the Paris Principles³.

Civil Society Engagement

CHRI is also pleased to note Point 12 of the Leaders' Decisions, which commits the Forum to: "*Strengthen Forum engagement with civil society. The Secretary General could be asked to discuss options for this with representatives of regional civil society. One option could be for civil society to organize a forum just prior to the Leaders' meeting with a report conveyed to Leaders via the Secretary General.*"

This is crucial to enable the Forum's meeting to be not just a space for government views but inclusive of the perspectives of the people of the region and will enable the experience of civil society – including non-governmental organisations, faith-based groups, trade unions and the media – to be used towards the development of more effective strategies in the region.

A civil society forum immediately prior to the Leaders meeting is a positive step towards this in line with international best practice. It is to be hoped that Leaders would take these civil society views – and those expressed in other statements to the PIF – seriously and that they would impact on future directions and find a place in PIF statements.

CHRI calls on the Leaders to also explore other ways to engage with civil society, such as: question and answer sessions or thematic discussions, which promote more active engagement on both sides. Such discussions could be held with government and civil society, or tripartite discussions also including business leaders, leading to joint statements on issues of discussion to be implemented jointly. This would assist in democratizing the PIF meeting, in line with initiatives in other international fora, which routinely include civil society voices in deliberations at all levels.

Additionally, in light of member countries' stated desire to engage civil society in consultative dialogues, CHRI strongly urges that in-country legal regimes governing the formation of civil society organisations and institutions are liberal and accommodative and permit space for voicing concerns and engaging as equals with government.

³ These are available at: www.ohchr.org In summary, the principles are: independence guaranteed by statute or constitution; autonomy from government; pluralism, including in membership; broad mandate based on universal human rights standards; adequate powers of investigation; and sufficient resources.

Profile: Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan international non-governmental organisation mandated to work for the *practical* realisation of human rights in the countries of the Commonwealth. This includes eleven countries with membership of the Pacific Islands Forum: Australia, Fiji Islands, Kiribati, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

CHRI was founded in 1987 by a group of Commonwealth associations as they felt that while member countries had both a common set of values and legal principles from which to work, and a forum within which to promote human rights, there was relatively little focus on human rights issues.

CHRI's objectives are to promote awareness of and adherence to the Harare Commonwealth Declaration, the Universal Declaration of Human Rights, and other internationally recognised human rights instruments, as well as in-country laws and policies that support human rights in member states. Our focus areas are Access to Information and Access to Justice.

Through its periodic reports to the Commonwealth Heads of Government Meeting, fact-finding missions, advocacy and research activities, CHRI continually draws attention to progress and setbacks in human rights. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, regional inter-governmental organisations, member governments and civil society associations.

More information about the Commonwealth Human Rights Initiative can be found at: www.humanrightsinitiative.org