

## **CLOSED PREPARATORY MEETING - BUSINESS ISSUES**

### **BACKGROUND**

At the Third Annual Meeting of the Forum held in Jakarta in September 1998, Forum members requested that at the Fourth Annual Meeting they meet to discuss specific and general business issues at a one day closed session.

The following issues have been suggested by Forum members for the agenda for the closed session.

### **DRAFT AGENDA**

#### **Forum Specific Issues**

- Funding
- Location of Secretariat
- Legal incorporation
- Regional Coordinator's position and management options
- Applications for new members
- Host of the Fifth Annual Meeting
- Development of a comprehensive strategy for staff exchanges
- Accreditation of regional national human rights institutions

#### **International Coordinating Committee Issues**

- Fifth International Workshop
- Morocco
- 56<sup>th</sup> Session of the Commission on Human Rights
- Accreditation Committee
- Regional representation on the International Coordinating Committee
- Regional views on draft (transitional) constitution
- Chairperson
- Relations with Ombudsmen

#### **General Business**

Forum members may wish to add to the above list on the day of the meeting.

This Secretariat paper addresses some of the above issues relevant to the Forum Secretariat's operations. In addition, there exists a separate paper on the Fiji Human Rights Commission's application for membership to the Forum.

### **FUNDING**

The Forum has secured a total of \$225,000 AUD per year for a period of three years from the Australian Agency for International Development. These funds go towards the following five components:

Component 1 – Annual Meetings of the Asia Pacific Forum of National Human Rights Institutions for 1998, 1999 and 2000 - Outputs

- The Asia Pacific Forum of National Human Rights Institutions will hold its major annual exchange of views in 1998, 1998 and 2000. These meetings will strengthen the knowledge and skills base of each institution and stimulate relevant governments toward the establishment of national institutions.

Component 2 - Preparation of Asia Pacific Forum Policy Papers for 1998, 1999 and 2000-Outputs

- The Forum Secretariat will produce a series of policy papers on key issues as input to the annual meetings and as a basis for intersessional work. The papers will be:
- Policy Paper on the Sexual Exploitation of Children (by the end of 1998) as requested by the 1997 Forum meeting in New Delhi;
- Policy Paper on Human Rights Commissions Complaints Handling Procedures (by the end of 1998) as requested by the 1997 Forum meeting in New Delhi;
- Policy Paper on the Impact of the Economic Crisis on the Observance of Human Rights in the Region (by the end of 1998);
- Three Policy Papers per year in each of 1998 – 1999, 1999 – 2000 and 2000 – 2001, on subjects to be decided by forthcoming Forum meetings or by Commission members.

Component 3 – Annual Theme Seminar of the Asia Pacific Forum of National Human Rights Institutions for 1998, 1999 and 2000.

- The Asia–Pacific Forum of National Human Rights Institutions will hold annual seminars on themes important to the promotion and protection of human rights in the region. These meetings will strengthen the institutional capacities of member commissions and other regional actors to work constructively with these issues. The seminars will comprise:
- Promoting productive relations between National Human Rights Institutions and NGOs (1998 – 1999);
- A seminar in 1999 – 2000 on a subject to be agreed upon at a forthcoming meeting of the Asia Pacific Forum;
- A seminar in 2000 – 2001 on a subject to be agreed upon at a forthcoming meeting of the Asia Pacific Forum.

Component 4 - Asia Pacific Forum of National Human Rights Institutions Information Dissemination Activity for 1998, 1999 and 2000 - Outputs

- The Forum Secretariat will produce a newsletter, twice in 1998 – 1999, and three times in each of the years 1999 – 2000 and 2000 – 2001;
- The Forum Secretariat will revise, reproduce and distribute the Asia Pacific Forum of National Human Rights Institutions Brochure in 1999-2000 and 2001-01;
- The Forum Secretariat will update and expand the Forum website and provide technical advice to national institutions on the dissemination of information via internet websites;
- The Forum Secretariat will provide information and technical advice in response to requests.

Component 5 – Project Management – Outputs

- The Forum Secretariat will manage the project components and activities effectively and efficiently and will ensure that all project outcomes are delivered according to the agreed project implementation and costing schedules and that monitoring and reporting is carried out according to AusAID guidelines. This will include the submission of Annual Project Plans, Annual Reports and the Project Completion Report.

The Forum Secretariat have recently completed their first year of this three year program.

In addition to these funds the Secretariat receives funding from a range of donors on a project by project basis. All project designed and implemented by the Forum require specific donor funding support. For example, the recent Forum regional Workshop held in Sri Lanka was funded by the New Zealand Government and the United Nations Office of the High Commissioner for Human Rights.

The Secretariat recommends to Forum members that they:

*Note the content of this report.*

**LOCATION OF THE SECRETARIAT**

The Secretariat is currently located at the Australian Human Rights Commission.

At the first meeting of the Forum held in Darwin in July 1996, Forum members accepted the Australian Commission's offer to house the Secretariat for an interim period of three years.

Forum members also expressed however a common preference for a fully fledged Secretariat to be located at an appropriate time more centrally in the region. The Secretariat could either be located within another Commission or it could exist as a stand-alone organisation. The final determination of these issues will probably depend as much on financial matters as it on matters of policy.

At the third meeting of the Forum, Forum members expressed satisfaction with the current location arrangements for the Secretariat. They agreed to maintain the Secretariat in Australia, to review this question annually and to give at least one year's notice of any move of the Secretariat to another country. Forum members requested the Secretariat to develop options for consideration by Forum members on the future location of the Forum Secretariat. It has not yet been possible to undertake this work and so the Secretariat recommends that the Secretariat remain in Australia on the basis agreed at the last meeting.

**LEGAL INCORPORATION**

The Forum Secretariat currently holds no legal status. In seeking donor funding for the implementation of projects, the Secretariat must currently apply for these funds under the legal personality of the Australian Human Rights and Equal Opportunity Commission. This

arrangement creates a number of complications. The most important of these is that donor organisations often question the suitability of providing funds to a developed 'Western' country institution. Given the lack of a separate legal personality, donors often do not grasp or appreciate the distinction between the work of the Forum Secretariat and that of the Australian Commission. As a result, the Forum Secretariat has frequently faced the situation that, while donors are enthusiastic about Secretariat development projects, they will not fund them because of this issue. Such a situation has meant that the Forum has not been able to generate as much donor funding for the implementation of projects as it could have. In addition to this issue, there are certain administrative complications that arise from Forum Secretariat funds having to be placed in the Australian Commission's bank accounts and the Australian Commission is required to accept full legal liability for all Forum activities. It would be preferable to establish the Forum as a non-profit legal entity in its own right to address these difficulties.

## **REGIONAL COORDINATOR AND MANAGEMENT OPTIONS**

Since the establishment of the Forum in 1996, Forum members have requested the Chief Commissioner of the New Zealand Commission, Ms Pamela Jefferies, to occupy the role of Regional Coordinator of the Forum.

The Coordinator has raised with the Secretariat on a number of occasions options to restructure the position to ensure greater Forum member input into the management of the Secretariat between Annual Meetings. This input is particularly required with regard to the management of the Forum's Annual Meetings. It would also ensure a more formal management structure for the Forum which has already almost doubled in size since its establishment and is likely to double in size again.

One option would be the creation of a management committee comprising of one member representing each Forum member institution.

The second option would be the creation of a smaller three person management committee perhaps comprising of a representative of the current host institution for the Annual Meeting, a representative for the host institution for the next Annual Meeting and a third representative of a Forum member institution as nominated by all Forum members.

## **APPLICATION FOR MEMBERSHIP TO THE FORUM**

An application for membership to the Forum has been received from the Fiji Human Rights Commission. The application is dealt with in a separate paper.

## **HOST OF THE FIFTH ANNUAL MEETING OF THE FORUM**

The New Zealand Human Rights Commission kindly agreed at the Third Annual Meeting of the Forum to host the Fifth Annual Meeting in 2000. In preparation for this task, the New Zealand Commission has recently placed an officer with the Secretariat for four weeks to assist in preparations for the Fourth Annual Meeting. This will provide the officer with an opportunity to learn about the processes required in arranging the meetings.

Due to the Olympic games Sydney in September 2000 there will be a need to bring the meeting forward to ensure that flights can be booked.

## **STAFF EXCHANGES**

At the Third Annual Meeting of the Forum, held in Jakarta in September 1998, Forum members requested that the:

*Secretariat should prepare a proposal regarding the placement of staff from member commissions in the Secretariat.*

In addition, at the First Meeting of the Forum in Darwin in July 1996, the exchange of staff between Forum members was considered as one of the primary functions of the Forum Secretariat.

In response to these requests, the Forum Secretariat has engaged in discussions with the United Nations Volunteer programme (UNV). A separate report on this issue has been prepared for the consideration of Forum members.