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Speech Notes



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DEMOCRACY AND STRENGTHENING INSTITUTIONS

Thank you for the invitation to deliver the closing address at this year's forum of Asia Pacific National Human Rights Institutions.

The year since your last forum has been one of mixed developments for human rights in the region.

In Indonesia, we saw the first really democratic election since 1955 and the swearing in of a new government under President Wahid committed to reversing the human rights abuses of the Suharto regime.

The former Chair of the Indonesian Human Rights Commission, Komnas Ham, Marzuki Darusman became Attorney-General.

It is a government of good intentions though in too many areas those intentions have yet to be converted to changes on the ground.

In East Timor, after 25 years of occupation, a referendum was held to determine the country's future.

In a triumph of human spirit over intimidation, an overwhelming 78% voted for independence, only to have their homes destroyed by vengeful militias. More than 200,000 voluntarily or by compulsion were moved into refugee camps in West Timor. Today the United Nations is working in East Timor to create the institutions and human capacity to form the basis of the world's newest country and democracy.

In Fiji, a legitimate government whose democratic mandate was barely a year old has been overthrown by force. An interim non-elected administration is struggling to restore stability, and the outside world awaits evidence that it will restore democracy and a non-racist constitution.

In the Solomon Islands, where a Prime Minister was also forced out of office by threat of violence, a fragile ceasefire exists between conflicting militant groups while the economy has collapsed.

The other Melanesian countries, Papua-New Guinea and Vanuatu, have both faced secessionist and instability problems which are still to be finally resolved. There is a real danger that other small Pacific countries could succumb to internal instability, violence and coup d'etat.

What are the factors that have helped undermine democracy and which have posed a threat to the fundamental human rights of many within our region?

Ethnic conflict, transmigration and conflict over land are common factors across the region, as they are across the world.

In Fiji, more than three generations of settlement and contribution by Indo-Fijians, has not lessened resentment against them by some indigenous Fijians. Opportunistic politicians who use the rhetoric of indigenous rights to disguise more self-serving motivations have exploited underlying tensions to scapegoat the Indo-Fijian population.

While indigenous rights must be protected, this cannot be achieved by denying other sections of the population their basic human rights and making them second-class citizens in the land of their birth.

In the Solomon Islands, transmigration of more vigorous and entrepreneurial Malaitans to Guadalcanal, their marriage to Guale women and assumption of land ownership has led to the ethnic cleansing of 20,000 Malaitans from Guadalcanal outside of Honiara.

A militant Malaitan organisation, the Malaitan Eagle Force, now runs Honiara. More than 80 have died in armed conflict between the Malaitan Eagle Force and the corresponding militant Guale group, the Isatabu Freedom Movement.

In Indonesia in Maluku, communal violence has seen around 4000 die and 400,000 made refugees. Violence also continues as a result of separatist movements in Aceh and West Papua. Militant groups such as the Laskar Jihad and anti-government groups within the military have defied efforts by the Indonesian government to replace conflict with dialogue and to explore solutions such as autonomy.

Across the region, poor governance and corruption have diminished public confidence in and commitment to democratic government.

Overpopulation, underdevelopment, unemployment and poverty promote crime, disorder and an environment in which democracy and human rights are less likely to survive.

Both territorial boundaries and the systems of democratic government bequeathed by former colonial powers have struggled to survive under such circumstances.

The conventions and popular commitment to democracy which have evolved over several hundred years in Western democracies in many cases have not yet taken root in Asia-Pacific.

Westminster democracies have often been grafted on to traditional tribal structures with which they have proven incompatible.

Human rights, jealously guarded in the European Union, North America and Australasia have been dismissed by many regimes in Asia and the Pacific as being Western values of limited relevance to their region.

When I was recently in Fiji as part of the Commonwealth Ministers Action Group, political parties such as the Fijian Nationalist Party and the SVT for example dismissed democracy in Fiji as “the right flower in the wrong soil.”

Frequently the claim that human rights and democracy are Western not Asian or Pacific values is transparently self-serving.

The claim is used by those who control wealth and power as a justification for suppressing those who might challenge their control over those things.

It is the power elites, not the victims of oppression, who claim that human rights are Western and therefore alien values.

No concession should be made to the concept that basic human rights are culturally relative. There is far greater substance to the argument of widespread commonality of core human rights and values across the world's philosophic traditions, cultures and religions. In 1948 the world adopted the Universal Declaration of Human Rights which, along with six core human rights treaties, provide the cornerstone of the international framework of human rights.

The 1993 World Conference on Human Rights in Vienna, by consensus of 170 countries, adopted the Vienna Declaration and Programme of Action. This confirmed that all human rights are 'universal, indivisible and interdependent and interrelated.'

Some countries in the region argue that civil and political rights must in the less developed world be subordinated to stability and discipline in order to achieve economic growth. Social and economic rights must be, they say, put ahead of political and civil rights.

There is a growing body of empirical evidence, however, that shows that economic, social and cultural rights depend upon civil and political rights. Authoritarian countries are more likely to concentrate wealth in a few hands and to suppress cultural identity.

What we should therefore be promoting throughout Asia Pacific is a democratic form of government that, whatever local or cultural characteristics it may exhibit, has the following characteristics.

The first is participation. All individuals must have the right to take part in the government of their country, directly or indirectly, through freely chosen representatives.

The second is accountability. Governments that represent their citizens must also be accountable to them.

The third is transparency. The processes of government must be open to scrutiny and to challenge by the people.

How do we achieve these objectives?

For a democracy to thrive it needs strong institutions.

It needs the political institutions of parliament and government to be robust and inclusive.

So too must be the organisations, the political parties which allow the institutions to function properly.

The international community can and should contribute to this through organisations like the Commonwealth Parliamentary Association and the Inter-Parliamentary Union.

Bodies like the Commonwealth can be important.

The Harare Declaration of Principles and the Millbrook Plan of Action establish benchmarks of acceptable democratic standards for membership and how these should be enforced.

By themselves, they cannot achieve miracles but they are useful as a means by which the expectations of the international community can be conveyed and pressure applied for conformity with human rights.

The rule of law and a judiciary independent of executive control are also vital to a properly functioning democracy.

Without the rule of law, there is anarchy and no guarantee of human rights being upheld.

The collapse of the police force in the Solomon Islands and the inability of police and army in Fiji to assert their authority immediately following the seizure of hostages are clear examples.

In Indonesia the continuing uncertainty that all elements of the military are subordinate and answerable to civil authority undermines the elected governments ability to protect human rights.

In Malaysia, those concerned about the subordination of the judiciary to the executive, in the recent Anwar trials properly question whether human rights can be protected without a judiciary free from interference.

Capacity building in the wide areas of policing, the military and the judiciary is a key challenge in the region.

Training, resourcing, dealing with corruption and entrenching a code of ethics in these organisations are vital for the protection of democracy and human rights.

A free and independent media, an effective fourth estate, is likewise critical. The media provides the information that is essential in a democracy. They are also the strongest potential safe guard to ensure accountability and transparency.

Thriving non-governmental organisations provide a balance and a safeguard against arbitrary action by an all powerful and predominant state apparatus.

This is where national human rights institutions fit in. They play a vital role in promoting good governance, and thus contributing to political stability and respect for human rights.

Komnas Ham in Indonesia played a courageous and important part in that country's transition to democracy. It has a key on going role. The Fiji Human Rights Commission has the potential also to be a significant player in rebuilding Fiji's damaged institutions and processes of governance.

New Zealand will continue to contribute to the work of both organisations through its Official Development Assistance. It will also contribute to strongly support the work of the Asia Pacific Forum promoting the development of strong and independent national human rights commissions in our region and fostering a network of cooperation among them.

Strong institutions are a prerequisite to the survival of democracy and respect for human rights. But they are not by themselves a sufficient condition for democracy and human rights to be guaranteed.

Institutions are only as effective as the people who run them. It is vital to create a skilled workforce and leadership groups who are committed to ethical standards.

To achieve this goal, development assistance for in-country education and training as well as tertiary training in donor countries is a priority.

There needs also to be wider promotion in the community of democratic and human rights values from groups like your own.

The protection of democracy lies less in paper documents such as constitutions than it does in conventions and a popular commitment to the values of democracy.

Instilling at the grass roots level a popular understanding of and support for the values and processes of democratic government is a critical on going task.

Last, but not least, for a democracy to thrive it needs an environment which allows access to economic and social needs.

No system that fails to ensure the basic economic and social well-being of its people will survive for long.

The international community and wealthy developed members in particular need to accept that a growing gap between rich and poor in the world constitutes a threat not only to local but also to global peace and security.

More needs to be done in the area of development assistance and relieving the plight of the heavily- indebted poor countries.

In conclusion, the complex contemporary problems of the world are of course not susceptible to quick fix solutions.

Democracy and human rights survive and are respected where the conditions exist for that to happen.

Creating those conditions is a task not just for governments. All of you here today- national human rights commissions and representatives of civil society have a vital partnership role to play in achieving the outcome of a better society.

Thank you for the contribution that you are making and best wishes for the tasks that lie ahead of you.