

Holmes, Janet (REPS)

From: Committee, JSCFADT (REPS)
Sent: Tuesday, 17 December 2002 4:20 PM
To: Holmes, Janet (REPS)
Subject: FW: Submission: Human Rights & Good Governance Education



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-----Original Message-----

From: Helen Burrows [mailto:hburrows@alri.org.au]
Sent: Tuesday, 17 December 2002 3:35 PM
To: Committee, JSCFADT (REPS)
Subject: Submission: Human Rights & Good Governance Education

Dear Sir/Madam,

Please find attached the submission to the Human Rights Sub-Committee into Human Rights and Good Governance Education in the Asia Pacific Region.

Whilst the deadline for the lodgement of submissions passed on the 29 November, Australian Legal Resources International were granted an extension of time by Justin Baker, until the 20 December 2002.

We are sure the inquiry will produce many interesting results and we look forward to the hearing about the findings of the inquiry in due course.

Kind regards

Helen Burrows

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Inquiry into Human Right and Good Governance Education in the Asia Pacific Region

Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade

The role of human rights and good governance education in the promotion of fair and sustainable social, political and economic development.

Safeguarding human rights presents a different and difficult task. Yet, the successful pursuance of this goal is the only feasible means of promoting and achieving the necessary progression of developed and democratic nation status. These most basic, inalienable rights are a pre-requisite to the building and maintenance of a solid foundational backdrop essential for freedom, justice and peace. Without these elements, a fair and sustainable social, political and economic future is inconceivable and fraught with incapacity.

The profile of human rights issues throughout the Asia Pacific Region has soared in recent years. Increased global media coverage of human rights abuses and a growing awareness of the interdependent nature of the global community means that nations refusing to conform to international human rights standards risk pariah status and, in some cases, economic sanctions. Unlike other parts of the world, Asia Pacific has no regional human rights treaty and commission. Its sheer size (a third of the world's area) and the diversity of its cultures and populations, make it difficult for an agreement to be reached on a regional treaty and commission.

To eliminate contempt and disregard for human rights, a system of proficient governance is required within each state. The strengthening of local government, institutions and processes provides inherent recognition that this is the level at which the state has the greatest impact upon its citizens' lives. Sustainable development is more likely to occur when the institutions of a nation are efficient, accountable to public scrutiny and transparent. This also necessarily includes the involvement and commitment to these principles of the business sector and civil society as a whole.

Whilst it is important to proffer good governance through accountability mechanisms it is also necessary to encourage the public to demand good governance by educating them about their rights. People must also be provided with access to representation at a domestic and international level when they feel that they have been treated unfairly or subjected to corrupt or insidious practices.

A functioning, successful society requires the contribution of all its constituents to the governing of their country through their participation in the community. It is difficult to participate if the people are poor, unemployed, hungry, homeless and uneducated. People who live under these conditions are being denied their economic, social and cultural rights. Good governance cannot truly occur until these rights are guaranteed by a government willing and able to take responsibility for the social security of its people.

This is the inexorable link between the commitment to human rights and good governance and the invaluable role they play in the promotion of sustainable development.

In many Asia Pacific nations, the model of centralised government that was traditionally employed, is disappearing in favour of devolutionary processes, authorising action at local levels. It is imperative that intellectual and practical capacities are developed by local operators to ensure that good governance and respect for human rights can flourish at all levels.

A concerned, cohesive government and a dynamically concerned citizenry are the dual columns of such a productive, developmental and sustainable society. The consolidation of democratic gains and constitutional reforms throughout the Asia Pacific Region during recent years has also signaled a fresh inclination to ignore instances of political resistance for the sake of reducing educational deficits in constructing better systems of governance throughout the region.

Steps towards more effective and durable democratic governance reflecting human rights development have however, been damaged by a litany of events. Increases in sectarian, ethnic and territorial conflict from Afghanistan to the Philippines have served to thwart the efforts many governmental and non-governmental organisations operative in the region. This has had the effect of dramatically reducing the maturation and implementation of policies and processes for the strengthening of human rights and effective governance.

Australia's involvement in human rights and good governance education in the Asia Pacific Region identifying achievements and obstacles to further progress.

Australia is one of the largest democracies in the southern-hemisphere and the sixth oldest democracy in the world. There are many lessons we are in a position to share with our neighbours. Australians are able to take human rights for granted that do not necessarily exist in other nations. We can for instance, vote without being intimidated and we do not expect to be persecuted for our religious or political beliefs. This however, has not always been the case. The struggle for the recognition and implementation of human rights has occurred over successive decades and remains a contentious issue of today's society.

Australian human rights have been fostered through the determination and commitment of strong institutions that are accountable, transparent and efficiently managed. Our managers are restricted by legal, ethical and moral obligations and staff are employed according to strict laws which prevent discrimination in enforcing the principles of equal opportunities and pay.

Administrators in our neighbouring regions do not always have access to the educational opportunities and training programmes which we take for granted. It is the sharing of these skills, knowledge bases and infrastructures which provides the prospect to eliminate adverse practices and procedures, replacing them with methods of governance conducive to democratically aligned systems.

Further, along with possessing the expertise to address these problems, Australia also has access to the resources required to help other nations address various structural deficits. The work of numerous Australian governmental and non-governmental organisations has assisted in closing breaches and implementing initiatives which have provided the turning point for better adherence to internationally accepted standards of human rights and governance.

The work of Australian Legal Resources International (ALRI) is in that respect unique. The facilitation of human rights development through amplification of democracy and the rule of law, has achieved numerous junctures of sustainable development throughout the social, political, economic sectors under the umbrella of legal reform and capacity building. ALRI, for example, has devised, designed and implemented the following initiatives with measurable success:

- Legal and judicial capacity building projects (Indonesia, East Timor and the Caribbean)
- Judicial training program (Indonesia)
- Legislative drafting workshops (Indonesia)
- Workshops concerning a judicial commission (Indonesia)
- Anti-corruption workshop (Indonesia and East Timor)
- Community systems of justice and ADR (East Timor)
- Terms of Reference for the Ministry of Justice (East Timor)

There remain however, a plethora of obstacles to the continued success of the work of so many organisations operative within the Asia Pacific Region. These include:

- Balancing the equilibrium between developing the rule of law and human rights to ensure that the two work cooperatively and contemporaneously;
- The lack of political and societal will in many nations to discard traditional methods of operation in favour of more democratically focussed re-development and re-learning; and
- The difficulty in forging links with in-country counterparts and establishing and developing trust and local knowledge sufficient to provide assistance of a long-term benefit.

There is a more ominous and significant threat to the work of non-governmental organisations. This threat is posed by the difficulty faced in attempting to access funding from the Federal Governments. This is particularly acute since the recent announcement that AusAID is to close numerous desk officer roles, signaling the effective privatisation of Australian aid. Prior to this shift in policy, NGOs were able to discuss funding issues with people who were aware of the issues faced within each of the nations where assistance was proffered. A result of privatisation means that there will no longer exist, people trained and knowledgeable of the fields and/or countries they represent. Accordingly, the private core will be ill-equipped to make decisions as to where available funds ought to be directed. The consequences of the mis-direction and mis-management of crucial

funds can only have a deleterious effect to the contribution the NGO sector is able make to the development of human rights in the Asia Pacific Region and elsewhere.

The involvement of the UN and other international and regional government and non-government organisations in promoting human rights education and good governance in the Asia Pacific Region.

The work of so many organisations in promoting the ideals of human rights education and good governance in the Asia Pacific Region is, on the hand a celebration of our commitment to the development of the human family. On the other hand, the inability to take human rights development to a further level – namely, to implement its philosophies into the domestic schemes of operation, is an barrier to real, durable change. Whilst so many organisations assess, and report on the systemic deficiencies effecting our neighbours, this is where the efforts are so often forced to end with little or no discernible, comprehensive improvement. This becomes the work of a select group of organisations who are equipped with the mandate to tackle these issues from the top of the national hierarchy.

These organisations must be buttressed with the essential tools which are essential in order to continue to both promote human rights and governance education, and to employ the systems required to effect the sustainable changes essential to realising the substantive goals of human rights and good governance.

Progress made in the Asia Pacific Region towards the realisation of the goals of the UN Decade for Human Rights Education.

The progress made towards realising the goals of the United Nations Decade of Human Rights Education is to be applauded. However, the difficulties experienced in gaining access to those countries identified as requiring assistance, the logistical complexity involved with the implementation of schemes of assistance, and difficulties in assuring requisite funding, prevents further progression towards that goal.

The commitment to the development of human rights education mindful of the systems of superior governance required to effect fundamental changes towards the realisation of the goals of human rights law and practice must be fostered. It must be realised that in order to effect durable change, in every nation, there must be:

- Democratic government and processes
- Effective public sector institutions
- A primacy of the rule of law and an impartial and effective legal system
- A strong civil society
- A high priority in investing in a nation's citizens
- Careful and transparent management of the national and private sector economies

The only means of securing the aforementioned is through consigning ourselves to these goals and providing the resources and capacity with which to apply ourselves to the needs of those nations who are unable to effect the necessary conversions unaided. Without this commitment, our efforts will wither, and the difficulties currently experienced by so many of our neighbouring countries will and continue.

The slow and difficult progress made to date stands as a testament to the uncertainty of the present. Our future progress must aim to reduce that uncertainty. The commitment we offer must be to share our own society's past experiences in promoting human rights, good governance and the rule of law and must not be hollow or tokenistic. Without our unfettered intervention and assistance, the outlook for human rights and good governance development throughout the Asia Pacific Region is bleak, as is the reality of a just, free and peaceful global community.

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