

**15TH REGULAR SESSION OF THE OIC
INDEPENDENT PERMANENT HUMAN RIGHTS COMMISSION (IPHRC)**

CONCEPT PAPER OF THEMATIC DEBATE ON

“THE ROLE OF HUMAN RIGHTS IN PROMOTING GOOD GOVERNANCE”



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Jeddah, Kingdom of Saudi Arabia**

INTRODUCTION:

The concept of governance is as old as human civilization, and it encompasses both the process of decision-making and the process by which decisions are implemented. At the State level, Government is only one of the actors in governance, other actors may include the formal and informal structures involved in making, influencing and implementing the decisions at different levels, such as political parties, religious institutions, economic and financial institutions, and various civil society actors.

Since governance has an outreaching impact on the lives of all people in any country, the concept of “good governance” has always gained tremendous attention and interest in policy and academic circles. While there is no single or exhaustive definition of “good governance,” it is universally agreed upon that good governance relates to political and institutional processes and outcomes that are deemed necessary to effectively conduct public affairs, rationally manage public resources and guarantee the realization of human rights to all members of society, and to achieve the goals of development.

While ideal governance may be difficult to achieve in its totality, there is a significant degree of consensus that a model of good governance always requires an institutionalized infrastructure which guarantees the rule of law, effective participation of citizens in the public affairs, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions.

ISLAMIC PERSPECTIVE ON GOOD GOVERNANCE:

Islam is a religion which guides all aspects of human life, where the value system originates mainly from the Noble Quran and the teachings of *the prophet Mohammed peace be upon him*. In the context of governance, there are number of Quranic injunctions and sayings of the Prophet that contain the essentials of good governance. In this regard, the Islamic concept of good governance is a holistic one, which is based on a comprehensive approach to achieving justice, assuming responsibilities, protecting rights and promoting the welfare of both society and individuals, as well as protecting them from corruption and social injustice.

These same properties of good governance in Islam are adopted by modern day concept of good governance. However, Islam not only provides guidelines for good governance but also illustrates models of good governance as described in many Qur’anic narrations through examples of leaders and prophets such as Zulqarnain, Musa, Suleiman, Yousuf as well as the enlightened models of good governance by *the Prophet Mohammed peace be upon him*, and his rightly guided caliphs.

Modern concept of good governance pays more heed to the institutional infrastructure as compared to leadership and political structure of governance system. However, in Islamic concept of good governance, values, leadership and pragmatism are also emphasized as a guide to the institutional infrastructure. In Islam, the concept of “*Amanah*” (trust) is at the heart of governing and taking responsibility at all levels, as Islam considers every human being to be a trustee on earth. Allah says that to Him belongs whatever is in the heavens and whatever is on earth, and one should perform his or her duties honestly and diligently to uphold his Amanah. The Quran states: “*Betray not Allah and His Messenger, nor betray knowingly your Amanah [things entrusted to you and all the duties which Allah has ordained for you]*”

Similarly, the concept of “*Taqwa*” is also closely linked to good governance in the Quran. It is an all-inclusive concept which means that every believer should be mindful of Allah’s omnipresence

¹ The Noble Quran, Surat Al Anfal, verse 27

and be aware of accountability, either in this life or in the hereafter. The absence of *Taqwa* in any society often leads towards unethical practices and widespread corruption, which results into a culture of poor governance over the years. However, if a public servant, or anyone holding an authority for that matter, develops such a sense of Allah's presence in his mind and heart, it would result over the years in a good and robust model of governance free of corruption and other negative practices that undermine justice, healthy human relations, peace and well-being of society as a whole.

HUMAN RIGHTS AND GOOD GOVERNANCE:

Both the concepts are intrinsic to each other that one cannot be conceptualized without the other. Good governance promotes human rights while human rights are a source of good governance. In fact, the basic purpose of good governance is to protect the human dignity and foster human development. As rightfully stated by Kofi Annan, former secretary general of United Nations; 'good governance is perhaps the single most important factor in eradicating poverty and promoting development and human rights².'

Promotion and protection of human rights is an obligation of each State, which it performs through robust legal and organizational systems that ensure rule of law, equitable distribution of resources and respect for human dignity and principles of non-discrimination on any grounds. When led by human rights values, good governance reforms create avenues for the public to participate in policymaking and improve its implementation. Human rights led governance also helps to establish inclusive societies where multiple social groups, especially vulnerable ones are involved in decision-making processes as well as civil society and local communities are encouraged to engage in public affairs and express their positions on issues of importance to them.

The concept of good governance is well established through many principles and rights set out in the main international human rights instruments. The Universal Declaration of Human Rights recognizes the importance of a participatory government³, and it also states that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized⁴. Furthermore, the Declaration on the Right to Development proclaims that every person and all peoples "are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development"⁵.

Human rights treaty monitoring bodies have also given attention to different elements of good governance. For instance, the Committee on Economic, Social and Cultural Rights (CESCR) stated that "good governance is essential to the realization of all human rights, including the elimination of poverty and ensuring a satisfactory livelihood for all."⁶ Again, as part of the Sustainable Development Goals, an important emphasis has been put on the Good Governance in Sustainable Development Program, which is designed to assist societies to develop an effective government within a democratic system, that empowers people to effectively participate in decision making for public interest and to implement sustainable development principles through global partnership.

² Statement of former UN Secretary General, Mr. Kofi Annan, 1998

³ Article 21 of the Universal Declaration of Human Rights

⁴ Article 28 of the Universal Declaration of Human Rights

⁵ Article 1 of the Declaration on the Right to Development

⁶ General Comment No.12 on the right to food, CESCR

GOOD GOVERNANCE IN OIC COUNTRIES:

The OIC Charter and the Ten-Year Program of Action 2015-2025 have clearly recognized the strategic importance of promoting human rights and fundamental freedoms, good governance, rule of law, democracy and accountability for the prosperity and progress of all OIC Member States, and of the Ummah as a whole. Cognizant of their interdependence, the OIC Ten-Year Program of Action 2015- 2025 put human rights, good governance and accountability under one cluster with interconnected goals⁷.

In line with this approach, OIC Member States have undertaken specific initiatives for good governance and achieved significant results. However, many of them still face tremendous challenges to overcome complicated and multi-dimensional deficiencies of governance, especially related to corruption, conflicts and weak infrastructure of institutions. These realities across many OIC countries make the need to improve good governance as a top priority to ensure socially and economically equitable societies that are inclusive in nature and enable sustainable development.

In the light of the global focus to promote democracy and the rule of law, foster development and eradicate poverty; human rights protection and good governance have emerged as two faces of the same coin, and a central issue for international cooperation. IPHRC considers that human rights and good governance are mutually reinforcing. It is an area where Islamic values, core human rights norms and national interests of OIC countries coincide. Therefore, promotion of human rights, accountability and good governance, are not only the right things to do, but are also in the best interests of all Member States. Furthermore, human rights, accountability and good governance are essential components of sustainable development.

AIMS & OBJECTIVES OF THE THEMATIC DEBATE:

Promotion and protection of human rights in OIC Member States is one of the priority areas of IPHRC's mandate and good governance is at the heart of achieving that. IPHRC considers that a good model of governance should be based on a people-centered perspective, which puts the expansion of human capabilities, choices and opportunities at the center of the governance process. Furthermore, the right to legitimate and accountable government, where the rule of law and fundamental human rights must be respected.

In the light of various challenges faced by OIC countries in ensuring good governance and improve the existing economic, social and political institutions, a thematic debate is scheduled during the upcoming 15th Regular Session of IPHRC, which will take place on 23rd April 2019. The specific aims and objectives of the thematic debate are to:

- (i) Identify major challenges confronting the practice of good governance at different levels;
- (ii) Discuss the role, importance and linkages of human rights in promoting good governance, including in areas of democratic institutions, delivery of State services, the rule of law and anti-corruption measures;
- (iii) Analyze on-going international, regional and OIC initiatives, frameworks and organizational structures related to good governance and accountability;

⁷ Details about the OIC Ten-Year Program of Action 2015- 2025 are available here: https://www.oic-oci.org/page/?p_id=302&p_ref=106&lan=en

- (iv) Share relevant best practices, policies and measures for investment in human capital and enlightened citizenry, as major prerequisites for building good governance models; and
- (v) Analyze ways and means to strengthen national legislations, institutional infrastructures and action plans aimed at promotion of good governance by involving all relevant stakeholders on these issues; and
- (vi) Identify contours of international cooperation to deal with major challenges of good governance such as corruption and social injustice.

FORMAT OF THE THEMATIC DEBATE:

Experts from different relevant international and regional organizations as well as representatives of OIC Member and Observer States including their National Human Rights Institutions (NHRIs) will attend the thematic debate.

IPHRC Chairperson and the OIC Secretary General will inaugurate the debate. The inauguration will be followed by formal discussion on different aspects of the theme, which will be moderated by the IPHRC Chairperson. Invited Panellists will make presentations on various aspects of the theme, following which IPHRC Members will present their views. Thereafter, OIC Member and Observer States as well as their NHRIs will make interventions on the subject that may include information on their national practices on good governance, possible questions to the panellists as well as recommendations to the IPHRC.

The Chairperson will wrap-up and present the key findings of the discussion in the shape of a draft outcome document, which will be adopted in the concluding plenary of the Session.
