

# SCHEDULES





# SCHEDULE 1

## FORUM PRINCIPLES OF GOOD LEADERSHIP

### **1. Respect for Law and System of Government**

- (i) Respect for and upholding of democratic processes and institutions, the rule of law and the independence of the judiciary and the legislature to:
  - (a) Allow for the peaceful and lawful transfer of power; and
  - (b) Respect and promote the separation of powers by ensuring the financial autonomy of the judiciary and Parliament, and ensure that the judiciary and Parliament are free from unlawful interference by the executive.
- (ii) Upholding a just, fair and honest government through:
  - (a) Respect for and enforcement of the decisions of the courts and independent tribunals;
  - (b) Enforcement of lawful instructions and lawfully created policies;
  - (c) Compliance with the letter and spirit of the laws, which are made for the benefit of the public;
  - (d) Disclosure of fraud, corruption and mal-administration, of which the leader has become aware;
  - (e) Refraining from exertion of pressure, and abuse of persons carrying out their lawful duties;
  - (f) Refraining from using any legal immunity or privilege as a cloak or shield for behaviour of a lower ethical standard than that reasonably expected of the leader by citizens;
  - (g) Establishing and empowering bodies, such as Ombudsman Commission, to independently investigate public complaints against government actions;
  - (h) Ensuring that the Auditor-General reports directly and in a timely manner to Parliament/Congress.
- (iii) Protection of fundamental human rights

### **2. Respect for Cultural Values, Customs and Traditions**

Respect for cultural values, customs, traditions and indigenous rights and observations of traditional protocols in the exercise of power

### **3. Respect for Freedom of Religion**

Respect for religious beliefs



#### **4. Respect for People on whose behalf Leaders Exercise Power**

- (i) Proper use of official powers;
- (ii) Honesty in dealing with the people and Parliament, with any misleading information corrected at the earliest practical opportunity;
- (iii) Publicising information on legal wrongdoing, ethical lapses and false or misleading statement;
- (vi) Giving priority to official duties over private interests;
- (v) Performance of public duties uninfluenced by fear of personal cost or any hope of personal benefit;
- (vi) Public and private conduct does not lead to a conflict of interest, or in which the fair and impartial exercise of duties might not be compromised;
- (vii) Ensuring that public facilities are used only for public purposes, and not for personal purposes unless authorised by legislation or by a public decision of Cabinet

#### **5. Respect for Members of the Public**

Treatment of members of the public honestly and fairly with proper regard for their rights and obligations

#### **6. Economy and Efficiency**

Ensuring that public resources are not wasted, abused, or used improperly or extravagantly

#### **7. Diligence**

- (i) Exercise of proper diligence, care, and attention;
- (ii) Always seeking to achieve high standards of public administration.

#### **8. National Peace and Security**

- (i) Promotion of peace, security and harmony;
- (ii) Refusal to give or obey an illegal order to use force against another citizen.

#### **9. Respect for Office**

- (i) Exercise authority and interact with people in a manner that is open, transparent, accountable, participatory and decisive but fair and equitable;
- (ii) Seek to strengthen the integrity of a leader's Office and its effectiveness.



# SCHEDULE 2

## EXPLANATORY NOTES ON THE FORUM PRINCIPLES OF GOOD LEADERSHIP

### **1. Respect for Law and System of Government**

Democratic processes and institutions reflect national and local circumstance and must be upheld. Such process and institutions include the principle that power must be transferred peacefully through free, fair and open elections, the rule of law, the independence of the judiciary, just and honest government.

Every leader must therefore:

- Uphold the laws and regulations of the nation;
- Respect, support and enforce the decisions of courts and independent tribunals;
- Respect and carry out lawful instructions and lawfully established policies;
- Observe and comply with both the letter and spirit of the laws, by interpreting every law on the presumption that it was made for the public benefit, and by not taking advantage of mere formalities or technicalities to nullify the obvious intention for which the law was made;
- Must disclose any fraud, corruption and maladministration of which the official becomes aware of;
- Must not influence, exert pressure on, threaten or abuse persons carrying out their lawful duties;
- Must not misuse any legal immunity or privilege as a cloak or shield for behaviour of a lower ethical standard than that which that Leader or the public would expect of the average citizen.

This Principle does not detract from a Leader's duty to act independently of government if the official's independence is required by legislation or government policy, or is a customary feature of the official's work.

### **2. Respect for Cultural Values, Customs and Traditions**

This means that constitutional protections and institutions that safeguard indigenous rights and interests should be respected and interpreted purposely rather than narrowly. However, such protections, institutions, rights and interests do not over-ride other elements of the law and system of government except where the constitution provide.

### **3. Respect for Freedom of Religion**

Refer to Principle 2, 5 and 7.

### **4. Respect for People on whose behalf Leaders Exercise Power**

Public power belongs to the people and is entrusted to Leaders to exercise it on their behalf and for their benefit. Leaders who exercise power primarily for their



own benefit, or to the detriment of the public benefit betray people's trust and take from people what is rightfully theirs. All Leaders must therefore acknowledge and accept that authority comes from the people, in accordance with a democratically ratified Constitution and through specific democratic electoral procedures.

Accordingly, the only criteria for the exercise of power, is the public benefit. The nature of the public benefit, and the means for advancing it, are often disputed. It is the right of the people to choose, through free, fair and open elections, which version of the public benefit will be preferred and which officials shall implement it. Political leaders have an ethical responsibility to formulate responsible and workable policies for exercising the people's power on their behalf, to declare their intended policies publicly and honestly when they seek election at regular intervals as determined by the Constitution, to seek electoral support from every section of society and never to appeal (whether explicitly or by implication) to racial, ethnic or religious hatreds in order to win political support, and to accept, abide by, and not to seek to bypass or protect themselves against the decision of the people.


All Leaders have an ethical responsibility to ensure that political Leaders abide by the above ethical responsibilities. Every exercise of public power must be publicly justified on the basis that it protects or promotes the public benefit, at least on the interpretation of the public benefit that was so declared at the previous election. Appointed officials have an ethical responsibility to respect and implement (in this order) the laws enacted by elected representatives, and the policies laid down by elected representatives.

Appointed officials have an ethical responsibility to remind elected officials of their legal responsibility and where they are uncertain of ethical issues, to remind them. Administrative officials are delegated power through legislation to carry out government policy under the law. Political leaders must never try to pressure administrator to act unlawfully or to abuse their power. Similarly, administrators must not seek or accept any direction on such matters except where specified by law.

Judges and other judicial officers are entrusted with judicial power, and independent tenure, so that they will impartially interpret and apply the Constitution and laws enacted by the people of their representatives. Judges should be selected solely for their legal knowledge, their practical wisdom and their independence and impartiality. Every case before them should be decided with complete neutrality among the disputing parties and indifference to their identity, power or status. Judges should not be selected, or subjected to any pressure, with the motivation that they will act contrary to these duties.

All information collected or held by the government is the property of the people and should not be concealed unless there are compelling reasons specified by law. Where there is reason for public officials to suppress information that might embarrass them, it is essential that an independent body review the reasons offered for confidentiality, and has the power to release such information if those reasons are not upheld.





Leaders are provided with facilities at public expense in order that public business may be conducted effectively. These facilities must be used in accordance with this purpose. In particular, a Leader must be honest in his or her public dealings and should not intentionally mislead the Legislature or the public. Any misconception caused inadvertently must be corrected at the earliest practical opportunity. Leaders must never use control of public information to prevent the public knowing of the legal wrongdoing or ethical lapses of Leaders or that they have made false or misleading statements. Leaders must always give priority to his or her official duties over his or her private business interests. In performing his or her public duties, Leaders should not be influenced by any fear that he or she will suffer, or any hope that her or she will benefit, will result. The conduct of Leaders in both public and private life does not place him or her in a position where that Leader faces or could face, a conflict of interest, or in which the fair and impartial exercise of his or her official duties might be compromised. A Leader should ensure that public facilities are used only for public purposes unless another use is specifically authorised in legislation, a public decision of the Cabinet or by a superior taking into account the relevant laws and regulations and seeking advice in case of doubt.

Further to these obligations, Leaders should not improperly use his or her official powers or position, or allow them to be improperly used. A Leader should ensure that any conflict that may arise between his or her personal interests and official duties is resolved in favour of the public interest. Power, position, influence and contacts should not be used for personal enrichment or gratification. In the performance of public duties, these should not be influenced by fear of favour, i.e., by any expectation or fear that he or she may benefit or suffer the consequences.

#### **5. Respect for Members of the Public**

Consistent with and drawing on from the Biketawa Declaration, Leaders should recognise that all persons are entitled to liberty under law. All citizens are entitled to equal rights regardless of gender, race, colour, creed or political belief. Individuals have an inalienable right to participate by means of free and democratic political process in framing the society in which they live. Moreover, equitable economic, social and cultural development is important and urgently needed to satisfy the basic needs and aspirations of these people of the Pacific. In particular, a Leader must treat members of the public and other Leaders honestly and fairly, and with proper regard for their rights and obligations. In other words, a Leader should act responsively in performing official duties.

#### **6. Economy and Efficiency**

Resources are scarce and often limited and in view of this consideration that important and urgently needed economic, social and cultural development takes priority in the allocation of resources. Ultimately, public resources belong to the people and therefore officials either elected or appointed to manage such resources do so only as trustees for the benefit of the public.

#### **7. Diligence**

When performing official duties, every Leader should exercise proper diligence, care and attention, and to seek to achieve high standards of public administration.



## 8. National Peace and Security

The Biketawa Declaration holds that Pacific countries are vulnerable to threats to their security which is broadly defined which therefore necessitates it important that such countries and their Leaders cooperate to deal with such threats whenever they arise. Every Leader should recognise the importance of averting the causes of conflict, and of reducing, containing and resolving all conflicts by peaceful means, particularly by customary practices. Pacific countries also benefit from international law and the mutual constraints it imposes. Every effort should be made to follow the obligations of both international and domestic law, in the case of an unresolvable conflict between the two, domestic law is to prevail. Defiance of international law and reliance on brute military and economic force will disadvantage small nations. Military power must be exercised in accordance with the Constitution and laws. Where orders are lawful under the Constitution but not under international law, this should be publicly acknowledged and justified. Unlawful orders have no force or effect, and must not be obeyed. Any challenge to the lawfulness of a government's existence or action must be adjudicated by the courts, whose decisions must be respected by all Leaders.

A Leader should never give, or obey, an illegal order to use force against another citizen. Leaders should abide by the requirements of international law in the same way as the Constitution and the law of the land, except where non-retrospective legislation passed by the national legislature explicitly requires or permits that Leader to act contrary to international law. Leaders should accept the compulsory jurisdiction of the International Court of Justice and other international tribunals. Furthermore, Leaders should never attempt to substitute his or her own wishes for those of the people expressed in constitutional elections.

## 9. Respect for Office

Drawing on the Biketawa Declarations and the Constitutions of Papua New Guinea, Vanuatu and Australia, this Principle builds on the value of Leaders holding public office to commit themselves to good governance which is to exercise their authority, i.e., leadership and to interact in ways that are open, transparent, accountable, participatory, consultative, decisive, and fair and equitable. Why? Because public offices are created for the benefit of the people their holders are intended to serve. Hence, the integrity of those who hold public office to strengthens those offices and increases their potential effectiveness. Therefore, any abuse of public office damages the office and the capacity of the offender's successors to serve the people.

In particular, Leaders must not bring the government, their office or position into public disrepute. In the same vein, Leaders should not yield to the temptation to damage the office they hold in order to retain it. Others in the future will hold the office and should therefore seek to leave the office stronger and more respected than when they entered it. While in office, Leaders should not engage in conduct that undermines public confidence in them or in government generally, including avoid giving the appearance of using public office for private purposes. Leaders should ensure that their conduct is in accordance with the relevant leadership or codes of conduct.





