

Appendix 1: Schedule of interviews for the National Integrity System report

Alex Matheson, pillars 1, 2, and 4

David Bagnall, Office of the Clerk of the House. Email correspondence August 2013.

Ross Carter, Parliamentary Counsel. Email correspondence July–August 2013.

Len Cook, former Government Statistician for New Zealand and Head of the UK Office of Statistics. Meeting 8 March 2013 and email correspondence.

Christopher Elder, author on New Zealand and China; former Ambassador to China, Russia, and Indonesia for the Ministry of Foreign Affairs and Trade. Meeting 1 August 2013.

Derek Gill, New Zealand Institute of Economic Research; former senior public servant with the Treasury, State Services Commission, and Ministry of Social Development. Meeting 12 December 2012 and email correspondence.

Rob Laking, School of Government, Victoria University of Wellington; former public service chief executive, former senior officer in Treasury. Meeting 5 February 2013.

Christine Lloyd, State Services Commission. Meeting 15 March 2013.

David McDonald, School of Government, Victoria University of Wellington; former Controller and Auditor-General. Interview 5 February 2013.

David McGee, expert and author on parliamentary affairs; former Ombudsman, former Clerk of the House. Meeting 5 February 2013.

Dr Elizabeth McLeay, Adjunct Professor of Political Science, Victoria University of Wellington, expert and author on Parliament and Cabinet. Meeting 14 February 2013.

Dr Ryan Malone, Director (Training and Research) Civic Square, constitutional expert. Telephone and email conversations 9 July to end July 2012.

Dianne Morcom, Remuneration Authority; former Cabinet Secretary. Meeting 14 February 2012.

Simon Murdoch, former Chief Executive of the Department of the Prime Minister and Cabinet and Ministry of Foreign Affairs and Trade. Email correspondence July 2013.

Sir Geoffrey Palmer, constitutional expert and author; former Prime Minister, Deputy Prime Minister, and Minister of Justice. Meeting 11 July 2013.

Dr Matthew Palmer, barrister and solicitor; former Deputy Solicitor-General (Public Law), Deputy Secretary for Justice (Public Law), and Dean of Law at Victoria University of Wellington. Meeting 4 December 2012.

Andrew Royle, Acting Chief Legal Adviser, State Services Commission. Meeting 15 March 2013.

Professor Bill Ryan, School of Government, Victoria University of Wellington. Meetings 16 April and 11 June 2013 and email correspondence.

Deborah Te Kawa, State Services Commission. Meeting 8 May 2013.

Ian Templeton, former Minister of Revenue, former Minister for Trade and Industry, former public servant with the Ministry of Foreign Affairs and Trade. Meeting 8 July 2013.

Neil Walter, former chair of two Crown entity boards, former Chief Executive of the Ministry of Foreign Affairs and Trade. Meetings 3 December 2012 and 25 June 2013 and email correspondence.

Michael Webster, Deputy Secretary of the Cabinet, Department of the Prime Minister and Cabinet. Meeting 26 June 2013.

Margaret Wilson, pillar 3

Dame Sian Elias, Chief Justice. 1 February 2013, Wellington.

Christine Grice, Chief Executive, New Zealand Law Society. 29 January 2013, Hamilton.

Stephen Mills QC, President, New Zealand Bar Association. 13 February 2013, Auckland.

Liz Brown, pillar 7

Tim Clarke, Partner, Russell McVeagh. 12 December 2012, Wellington.

Doug Tennent, University of Waikato. Telephone interview 21 December 2012.

Dame Beverley Wakem, Chief Ombudsman. 11 December 2012, Wellington.

Rob Laking, pillar 8

David Macdonald, former Controller and Auditor-General. 13 December 2012 and 23 January 2013, Wellington.

David McGee, Ombudsman and former Clerk of the House of Representatives. 4 February 2013, Wellington.

David Parker, Member of Parliament, Labour Party finance spokesperson. 20 February 2013, Wellington.

Professor Wally Penetito, Te Kura Māori, Victoria University of Wellington. 11 June 2013, Wellington.

Dr Rt Hon. Lockwood Smith Member of Parliament, Speaker of the House of Representatives. 13 February 2013, Wellington.

Phillippa Smith, Deputy Controller and Auditor-General. 20 November 2012, 14 February 2013, and 7 March 2013, Wellington.

Nicola White, Assistant Auditor-General (Legal). 20 February 2013, Wellington.

Staff from Performance Audit Group, Office of the Auditor-General. 5 June 2013, Wellington.

Murray Petrie, fiscal transparency

Omar Aziz, John Creedy, and Alex Harrington (all with The Treasury) and Jim Gordon (Inland Revenue Department). 21 March 2013, Wellington (with Jonathan Dunn).

Carmel Peters, John Nash, David Corrigan, and Gordon Witte (all with Inland Revenue Department, Tax Policy). 26 March 2013, Wellington.

Ken Warren, Chief Accounting Advisor, and Becky Prebble, Senior Analyst, Treasury.
21 February 2013, Wellington.

Bryce Edwards, pillars 6, 9, and 10

Graeme Edgeler. 12 January 2013, Wellington.

Ian Fraser. 17 August 2013, Wellington.

Andrew Geddis. 8 February 2013, Dunedin.

Robert Peden. Telephone 15 March 2013.

Junior parliamentary press gallery journalist. 12 January 2013, Wellington.

Senior parliamentary press gallery journalist. 12 July 2013, Wellington.

Julian Inch, pillar 12

Fiona Alan, Chief Executive, Paralympics New Zealand. Informal input and comment.

Graham Cameron, Merivale Community Centre, Tauranga. Informal input and comment.

Raewyn Fox, Chief Executive, New Zealand Federation of Family Community Budgeting Services. Interview 21 August 2013 (with Liz Brown).

Trevor Garrett, former Chief Executive of the Charities Commission. March 2013.

Dave Henderson and David Robinson, Association of Non-Governmental Organisations of Aotearoa. Interview March 2013.

Lachlan Keating, Chief Executive, Deaf Aotearoa. Interview April 2013.

Makerita Makapelu, Wesley Community Action, Cannons Creek, Porirua. Interview April 2013.

Rachel Noble, Chief Executive, Disabled Persons Assembly. Interview April 2013.

Taku Parai (Ngāti Toa) and informants from several representative organisations in relation to Māori society.

Claire Teal, Programme Manager, Volunteering New Zealand; previously with Wellington Citizens Advice Bureau, and former social worker, Child, Youth and Family. Interview March 2013.

Fuimaono Tuiasau and informants from several representative organisations in relation to Pasifika society.

Dr Judy Whitcombe, member, New Zealand Federation of Graduate Women (Wellington), Zonta (Mana), and National Council of Women (Wellington). Interview March 2013.

Disabled persons organisations involved in the Convention Coalition also provided informal input and comment.

Suzanne Snively, socio-economic foundation, pillars 5 and 9, 12, and 13

Michael Cullen, Wellington. Three interviews with the final on 24 October 2013.

Gary Hawke, Emeritus Professor, Economics, Wellington. August 2013.

Girol Karacaoglu, Deputy Secretary, The Treasury. Wellington, August 2013.

Stefan Linssen, Chief Editor, *Ethisphere*. Wellington, December 2012.

Max Rashbrooke, Senior Journalist and Author. Wellington, August 2013

Gavin White, Pillar 13 (*all interviews conducted on a confidential basis*)

Exporter – adviser/infrastructure. Telephone interview 12 April 2012.

Exporter – adviser/infrastructure. Telephone interview 23 April 2012.

Exporter – education services. Telephone interview 16 April 2012.

Exporter – fashion and textiles. Telephone interview 26 April 2012.

Exporter – food and beverage. Telephone interview 16 April 2012.

Exporter – food and beverage. Telephone interview 14 May 2012.

Exporter – food and beverage. Telephone interview 24 May 2012.

Exporter – primary products. Telephone interview 24 May 2012.

Exporter – recent start-up. Telephone interview 19 April 2012.

Exporter – tourism. Telephone interview 18 April 2012.

Fuimaono Tuiasau, Pasifika perspective

Vilimane Davu, Teacher.

Frank Godinet, President, Auckland District Law Society.

John Kotuisuva, Chair, Fiji Association Auckland.

Dr Jean Mitaera, Lecturer, Whitireia Community Polytechnic.

Richard Pamatatau, Senior Lecturer, AUT.

Kiwi Tamasese, Senior Therapist, Researcher, Anglican Family Centre.

Ronji Tanielu, Policy Adviser, Salvation Army.

Lani Tupu Snr, Treasurer, Methodist Church (national).

Betty Sio, General Manager, The Project.

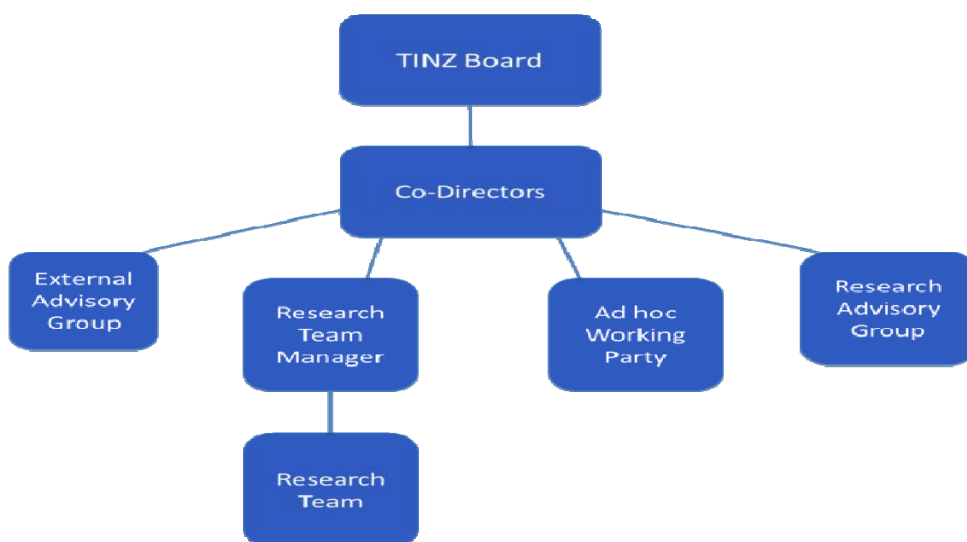
Nove Vailaau, Ekalesia Faapotopotoga Kerisiano Samoa (Samoan Congregational Church)

Su'a Viliamu Sio, Member of Parliament.

Appendix 2: National Integrity Assessment 2013: Project governance, management, and finances

Governance and management

Figure 17: New Zealand National Integrity Survey project management structure



The TINZ Board retained overall oversight and responsibility for the NIS assessment, in accordance with the memorandum of understanding between TINZ and TI-S. The board approved a structure in which the chair and deputy-chair of the board were designated as co-directors of the NIS.

The co-directors were responsible for all decisions on project design, management, resourcing, and implementation, including the content of reports, within parameters the board set.¹¹²⁶

Reporting directly to the co-directors was a research team manager (Liz Brown) who was recruited at the outset and attended a training course on the NIS methodology conducted by TI-S in Berlin in September 2012. The research team manager assumed overall responsibility for directing and supervising the large research team, and ensuring all research outputs and the final report were delivered on time and to an acceptable standard.¹¹²⁷

Between June 2012 and May 2013, TINZ recruited a highly qualified research team that eventually numbered more than 30 (researchers are listed by pillar in the acknowledgements section of this report). The objective of assembling such a large

¹¹²⁶ One of the co-directors also wrote the section on the economic foundation, while the other co-director completed the research for, and the supplementary paper on, fiscal transparency.

¹¹²⁷ The research team manager also conducted the research for, and wrote the pillar report on, the Ombudsman (pillar 7).

team was to ensure in-depth specialist expertise for each pillar and additional desk research and consultation time for each pillar and foundation topic.¹¹²⁸

The large number of researchers also provided a diverse background. The researchers included current academics from three different New Zealand universities across a range of disciplines (law, political science, public management, and environmental policy). Many researchers had worked at senior levels in government and watchdog institutions, and included a former Speaker of Parliament and former minister of the Crown, a former Police Commissioner, and a former chief executive of a government department. Others included an investigative journalist, a business commentator, a regular political commentator, a kaumātua (Māori elder), and several New Zealand-based international consultants in diverse fields.

This approach to the research allowed a large number of interviews and consultations to be conducted – over 100 for the whole NIS. Each researcher was also encouraged to individually seek peer review of their draft pillar or supplementary reports from recognised independent experts (as well as checking factual matters with the pillar entity being assessed). About 25 expert reviews of this type were obtained.

A key additional quality control mechanism for the NIS was the Integrity Plus Research Advisory Group (IPRAG), which the co-directors established to provide further quality assurance and advice on technical matters. IPRAG comprised independent experts from diverse backgrounds, was chaired by Helen Sutch, a former senior official in the New Zealand government who subsequently had a long career in the World Bank, specialising in governance and anti-corruption.

IPRAG's key functions were to support the co-directors by:

- i. advising on the main aspects of project design and implementation, especially on research methodology
- ii. reviewing and commenting on all draft material, including all the pillar reports (from first to final drafts), scores, and individual chapters in the final report.
- iii. advising on consistency of approach across pillars, assisting in identifying cross-cutting issues, and checking the NIS indicator scores for consistency with the text.

The group's full Terms of Reference are reproduced at the end of this Appendix.

IPRAG's role, however, was advisory. It is not responsible for the text of the report or the final scores.

In view of the substantial financial contributions from domestic public sector entities and to increase the likelihood that the recommendations in the final report would be implemented, TINZ also established the External Advisory Group (EAG), comprising representatives of the New Zealand entities that provided financing (including in-kind contributions) for the project, most of which have also committed to the implementation

¹¹²⁸ Although there were costs of additional project management time, additional efforts to ensure consistency of approach across all the researchers and time spent by researchers in review, the benefits were that a wider group is now familiar with the assessment process.

phase to follow the 2013 assessment. The EAG was chaired by TINZ patron Sir Anand Satyanand, was supported by a secretariat provided by the Office of the Auditor-General, and had its own terms of reference (reproduced at the end of this Appendix). EAG members had significant relevant knowledge, access to factual material, and experience, which resulted in helpful comments on draft pillar reports and more accurate and complete final reports.

To preserve the actual and perceived independence of the NIS assessment, the EAG had no decision-making or formal review function. In all cases, the judgement and decision on the pillar reports remained with the individual researchers, NIS project team, and co-directors and, ultimately, the TINZ Board.

The following are the key milestones for this assessment.

In May 2012, the Office of the Auditor-General suggested updating the 2003 New Zealand NIS assessment to mark the centenary of the Public Service Act 1912.

The TI-S provided an initial estimated budget for the project, noting that the usual cost was in the order of 150,000 euros, usually funded by aid agencies. In June 2012, TINZ prepared a project proposal that attracted initial seed funding from the Office of the Auditor-General and support for raising funds from other sources, thus enabling the study to commence.

On 3 September 2012, the TINZ Board endorsed the project purpose statement agreed with the TI-S and incorporated in a memorandum of understanding with the TI-S.

A large number of official entities and a private foundation committed funding to meet the direct costs of the NIS (see sub-section II below on project finances).

On 13 November 2012, the project was launched officially at a day-long event at the Victoria University of Wellington School of Government. At the launch, 20 break-out groups commenced detailed discussions about the different pillars.

In the first part of 2013, TINZ and the Victoria University of Wellington Institute of Governance and Policy Studies co-hosted two seminars on topics covered in the NIS.

On 8 May 2013, the first wave of emergent findings was released at a seminar at Victoria University of Wellington, and five draft pillar reports and three supplementary papers for the public sector pillar were posted on the TINZ website for comment.

On 14 August 2013, a public forum was held at the University of Auckland Business School, at which the second wave of emergent findings were presented.

On 30 August 2013, IPRA held a scoring meeting to review and moderate pillar scores and make recommendations on their consistency.

On 9 September 2013, the TINZ Board met to discuss and ratify the key findings of the draft final report and the recommendations to be discussed at an NIS workshop. The board met again on 7 October 2013 to review the scores and process for ratifying the final report.

In the final NIS workshop, in Wellington on 16 September, the draft final report was used as a platform from which to engage with a wide variety of stakeholders on the findings and recommendations and on the priorities for anti-corruption policy, and to build momentum for reforms to strengthen integrity and the quality of governance in New Zealand.

Project Finances

2013 National Integrity Assessment

Summary of income and expenditure to 31 October 2013

Income	Actual year ended. 30 June 2013 (\$)	Actual July–October 2013 (\$)	Total (\$)
Ministry of Justice	30,000	-	30,000
Ministry of Social Development	10,000	-	10,000
Thorndon New World	200	-	200
Civil Aviation Authority	5,000	5,000	10,000
Department of Corrections	5,000	-	5,000
Department of Internal Affairs	5,000	-	5,000
Department of Conservation	5,000	5,000	10,000
Inland Revenue Department	5,000	-	5,000
Maritime New Zealand	5,000	5,000	10,000
Ministry for Primary Industries	5,000	5,000	10,000
Ministry of Transport	5,000	5,000	10,000
New Zealand Defence Force	5,000	5,000	10,000
New Zealand Transport Agency	5,000	5,000	10,000
Statistics New Zealand	5,000	-	5,000
Te Puni Kōkiri	5,000	5,000	10,000
The Gama Foundation	15,000	10,000	25,000
Office of the Auditor General	30,000	15,000	45,000
State Services Commission	10,000	-	10,000
Statistics New Zealand (additional contribution)	10,000	-	10,000
The Treasury	30,000	-	30,000
Total income	195,200	65,000	260,200
Expenditure	Actual year ended 30 June 2013 (\$)	Actual July–October 2013 (\$)	Total (\$)
Personnel			
Co-direction*	45,500	20,000	65,500
Lead researchers	80,250	50,710	130,960
Researchers	31,200	250	31,450
Administrative support	4,234	2,639	6,873
Workshops	-	1,249	1,249
Administration	2,500	2,055	4,555
Travel & meeting expenses	2,201	1,703	3,904
Publication/dissemination			
NIS launch	7,519	-	7,519
Contingency	916	-	916
Total project costs	174,320	78,606	252,926
*Includes Admin Murray Petrie received no payment			
Surplus / (deficit)	20,880	-13,606	7,274

Organisations made significant pro bono contributions in the form of advisory time, access to meeting rooms, conference call facilities, hospitality, administrative assistance, travel, printing, and so on. The organisations included:

Auckland Chamber of Commerce
BDO Spicers
Bell Gully
Business New Zealand
Chapman Tripp
Chen Palmer
Claudia Orange
Matthew Palmer and Thorndon Chambers
Deloitte
Financial Services Complaints Limited
Gibson Sheat
Human Rights Commission
Institute of Directors
Institute of Governance and Policy Studies, Victoria University of Wellington
Juliet McKee
KPMG
Local Government New Zealand
MediaWeb (New Zealand Management magazine)
Ministry of Business, Innovation and Employment
Ministry of Pacific Island Affairs
New Zealand Trade and Enterprise
PwC
Russell McVeagh
School of Governance, University of Auckland
School of Government, Victoria University of Wellington
Te Papa
UMR Research Ltd

Terms of reference for the Integrity Plus Research Advisory Group (IPRAG)

Integrity Plus Research Advisory Group: quality assurance

Overall aim:

The NIS Report will be accepted as methodologically sound, well grounded in facts and analysis, and as having done justice to the good governance principles embodied in the questionnaire and the Integrity Plus objectives. The report, therefore, will be taken seriously and its recommendations acted on.

List of review questions and criteria:

Do the pillar reports and other relevant sections of the NIS Report adequately respond to the questions in the TI questionnaire, to the additional questions on the Treaty of Waitangi, and to the need to draw out implications for good governance values and principles? (This is needed so as to make this NIS go beyond the usual template and add a credible Integrity Plus dimension.)

Has each pillar been treated in a consistent way and with the same degree of rigour? (the NIS will seek to identify the strongest and weakest pillars so there needs to be a consistent basis for comparison).

Are the findings justified by the evidence and analysis brought to bear?

Are the recommendations well founded, and are they clear and credible in the wider context in which recommendations would have to be implemented?

Members of the Integrity Plus Research Advisory Group

Members joined the group at different times and are listed by length of membership.

Member	Role	Description
Helen Sutch (Chair)	Public Economist	Chair of the Governance Committee, Victoria University Council. After posts in the New Zealand public service, the UK Government Economic Service, and the OECD, Helen specialised in development, governance, and anti-corruption at the World Bank.
Geoff Fougere	Sociologist	Senior lecturer, Department of Public Health, University of Otago, Wellington. Geoff is a former member and chair of several ministerial and other advisory committees on health policy.
Te Huia Bill Hamilton, Ngāti Kahungunu, Ngā Rauru, Ngāti Raukawa, Kotimana	Manager, Human Rights Commission	Manager for Te Mana i Waitangi and works with Māori communities at the New Zealand Human Rights Commission. Bill has a background in education, union work, and iwi governance.
Michael Macaulay	Acting Director, Institute of Governance and Policy Studies	Associate Professor (Public Management), School of Government, Victoria University, Wellington. Michael was lead researcher for the UK National Integrity System Assessment.
Hemi Toia, Te Mahurehure	Māori business management specialist	General Manager, Ngati Rarua Iwi Trust, and a specialist in Māori business development. Hemi is a former academic from Victoria University of Wellington and the University of Auckland.
Michael Powles	Former Ambassador and Human Rights Commissioner	Former New Zealand Ambassador in Asia–Pacific countries and at the United Nations, and later, a Human Rights Commissioner with Treaty of Waitangi responsibilities and founding Chair of the Pacific Cooperation Foundation.
Robert Gregory	Emeritus Professor of Political Science, Victoria University of Wellington	Emeritus Professor of Political Science in the School of Government, Victoria University of Wellington. Robert has specialised in public administration and policy, with particular reference in recent years to issues of accountability, responsibility, and corruption.
Deborah Battell	Banking Ombudsman	Deborah previously held senior management positions at the Commerce Commission. These positions aimed to hold New Zealand businesses to the highest standards of integrity, ensuring that consumers have information to enable good purchasing or investment decisions.

Terms of reference for the External Advisory Group (EAG)

Purpose

The purpose of the external advisory group is to provide a forum for sharing of information about and communicating the results of Transparency International New Zealand's (TINZ) National Integrity Study to promote understanding and improvement in New Zealand's system of national integrity.

Membership

The external Advisory Group is chaired by former Governor General, Ombudsman and patron of TINZ, the Rt Hon Sir Anand Satyanand. Its initial membership is from representatives across the pillars including SSC, Statistics, Treasury, MSD, Office of the Ombudsmen, Human Rights Commission, Transport, DoC, and Defence from entities providing funding support to the National Integrity System (NIS). Other stakeholders will be solicited. The Office of the Auditor-General (OAG) is the Secretariat for the Advisory Group. Meetings are attended by officers of Transparency International New Zealand and of the NIS project team and steering committee as required.

The External Advisory Group and its member entities are not involved in the governance, management or operation of TINZ or the NIS project to preserve the need for independence of:

TINZ in its decision -making and activity for itself (including for the NIS): each member entity in respect of its responsibility to carry out the mandate of its organisation.

Preserving independence

To achieve this independence, the External Advisory Group's focus is on matters to achieve its purpose through activities set out below. The Group does not have decision -making for the NIS research programme or the NIS Assessment Report.

Activities

The External Advisory Group will support TINZ in carrying out the project through:

being aware of and supporting TINZ in carrying out of the study;

providing expert advice and offering recommendations on matters related to the areas of the study;

providing feedback on matters of factual accuracy, emphasis and fairness on the draft study report; and

supporting the project by participating in and promoting workshops and forums.

Following completion of the study the External Advisory Group will identify from the Study report's recommendations mutually beneficial work, including through:

disseminating and communicating report findings and recommendations within our organisation and with our stakeholders;

carrying out joint seminars and presentations to encourage shared knowledge about integrity and transparency trends, challenges and risks;

devising projects and initiatives to make progress on the NIS recommendations.

Endeavouring to share the information

Appendix 3: Excerpts from the United Nations Convention against Corruption

Article 5. Preventive anti-corruption policies and practices

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.
2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.
3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

Article 7 Public Sector

3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organisations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:
 - (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
 - (b) Ensuring that the public has effective access to information;
 - (c) Undertaking public information activities that contribute to nontolerance of corruption, as well as public education programmes, including school and university curricula;

(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

(i) For respect of the rights or reputations of others;

(ii) For the protection of national security or ordre public or of public health or morals.

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

Appendix 4. United Nations Guiding Principles on Business and Human Rights

Protect, Respect, Remedy: United Nations Guiding Principles on Human Rights and Business – brief summary

The first international, definitive framework establishing principles for implementation, to address human rights issues in the context of business. Guiding Principles were endorsed by the UN Human Rights Council on 16 June 2011

Major step as UN institutions not traditionally focused on private sector actors. This left a so-called international governance gap (often outside of domestic frameworks and international laws). This gap was recognised by the UN in the 2000s with the appointment of the UN Special Representative.

The Guiding Principles provide an implementation framework for the Protect, Respect and Remedy Framework which was endorsed by the Human Rights Council in 2008

The core ideas of the framework are, as the name indicates:

- Protect, Respect, Remedy; and
- Do no harm

The framework is an internationally agreed roadmap for addressing human rights impacts and aspects of business. Taken together, the framework and the Guiding Principles can be seen as emerging international human rights norms in this area, however, they do not create new international law obligations

The Guiding Principles are grounded in recognition of:

- States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- The role of business enterprises as specialised organs of society performing specialised functions, required to comply with all applicable laws and to respect human rights;
- The need for rights and obligations to be matched to appropriate and effective remedies when breached.

The Guiding Principles apply to all States and all business enterprises – transnational and others, regardless of size, sector, location, ownership and structure.

They should be implanted in a non-discriminatory manner and with particular attention to rights and needs of individuals from groups or populations which may experience heightened risk of vulnerability, and with regard to the differing risks faced by women and men.

The Guiding Principles are focused on implementation of the framework – giving clear recommendations for how to uphold and protect human rights in business operations, and defining the duties incumbent on business. This involves:

- risk assessment
- development of policies and procedures

The Guiding Principles are divided in the following three sections:

Role of the State – duty to protect

The core principle here is that “States must protect against human rights abuse within their territory and jurisdiction by third parties, including business enterprises, and this includes taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication”.

Corporate social responsibility to protect

The foundational principle here is that “Business enterprises should respect human rights. This means they should avoid infringing on the human rights of others and should address adverse human rights impact with which they are involved”.

Operationally, this requires that businesses have policies and processes in place to support this:

- A policy commitment to meet their responsibility to respect human rights
- A human rights due diligence process to identify, prevent, mitigate and account for how they address their impact on human rights
- Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.”

The concept of human rights due diligence is clearly outlined in guiding principle 17. It should identify human rights risks, put in place procedures to prevent violations, and put in place procedures to mitigate negative impacts if violations occur, and should be ongoing to identify risks over time

Additionally, to gauge human rights impacts, businesses should undertake human rights impact assessments and integrate the findings into their operations appropriately, and track effectiveness over time, and in instances where human rights violations occur, businesses must undertake appropriate remedial action.

Access to remedies

The core principle here is that States must take appropriate steps to ensure, through judicial, legislative, administrative and other appropriate means that when business related human rights abuse occurs within their territory or jurisdiction, that those affected have access to an effective remedy

Note that corporate legal accountability is a growing field of human rights litigation. This is really coming to bear in legal regimes with extraterritorial reach, such as the Alien Tort Claims Act in the United States. A helpful place for more information on case law in this area is the *Corporate Legal Accountability Portal*.

UN Global Compact

The UN Global Compact is another UN led initiative that is important to mention in the business and human rights context

Established in 2000, the UNGC is a strategic policy initiative for businesses that are committed to aligning their operations and strategies with 10 universally accepted principles in the areas of human rights, labour, environment and anti-corruption.

Overall, the Global Compact pursues two core goals:

- Mainstream the 10 principles in business activities around the world
- Catalyse actions in support of broader UN goals, including the Millennium Development Goals

Six UN agencies support the UNGC: UNEP, ILO, OHCHR, UNDP, UNIDO, UNODAC.

The Ten Principles that the UNGC asks companies to embrace, support and enact within their sphere of influence are grouped into 4 categories:

Human Rights

- 1) Businesses should support and respect the protection of internationally proclaimed human rights; and
- 2) make sure that they are not complicit in human rights abuses.

Labour

- 3) Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- 4) the elimination of all forms of forced and compulsory labour;
- 5) the effective abolition of child labour; and
- 6) the elimination of discrimination in respect of employment and occupation.

Environment

- 7) Businesses should support a precautionary approach to environmental challenges;
- 8) undertake initiatives to promote greater environmental responsibility; and
- 9) encourage the development and diffusion of environmentally friendly technologies.

Anti-corruption

- 10) Businesses should work against corruption in all its forms, including extortion and bribery.

Relevant links:

- UN Office of the High Commissioner for Human Rights – Business and Human Rights page: www.ohchr.org/EN/Issues/Business/Pages/BusinessIndex.aspx
- Business and Human Rights Resource Centre – Portal of the UN Secretary-General’s Special Representative on business and human rights: www.business-humanrights.org/SpecialRepPortal/Home
- United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises: www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx
- UN Global Compact: www.unglobalcompact.org/Issues/human_rights/index.html
- OECD Guidelines for Multinational Enterprises: www.oecd.org/daf/inv/mne/48004323.pdf
- The Arc of Human Rights Priorities: A new model for managing business risk: www.unglobalcompact.org/docs/issues_doc/human_rights/Human_Rights_Working_Group/9June09_Arc_of_Human_Rights_Priorities_-_Road_Testing_Version.pdf

Appendix 5: Open Government Partnership

Open Government Declaration

September 2011

As members of the Open Government Partnership, committed to the principles enshrined in the Universal Declaration of Human Rights, the UN Convention against Corruption, and other applicable international instruments related to human rights and good governance:

We acknowledge that people all around the world are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable, and effective.

We recognize that countries are at different stages in their efforts to promote openness in government, and that each of us pursues an approach consistent with our national priorities and circumstances and the aspirations of our citizens.

We accept responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and harness the power of new technologies to make government more effective and accountable.

We uphold the value of openness in our engagement with citizens to improve services, manage public resources, promote innovation, and create safer communities. We embrace principles of transparency and open government with a view toward achieving greater prosperity, well-being, and human dignity in our own countries and in an increasingly interconnected world.

Together, we declare our commitment to:

Increase the availability of information about governmental activities. Governments collect and hold information on behalf of people, and citizens have a right to seek information about governmental activities. We commit to promoting increased access to information and disclosure about governmental activities at every level of government. We commit to increasing our efforts to systematically collect and publish data on government spending and performance for essential public services and activities. We commit to proactively provide high-value information, including raw data, in a timely manner, in formats that the public can easily locate, understand and use, and in formats that facilitate reuse.

We commit to providing access to effective remedies when information or the corresponding records are improperly withheld, including through effective oversight of the recourse process. We recognize the importance of open standards to promote civil society access to public data, as well as to facilitate the interoperability of government information systems. We commit to seeking feedback from the public to identify the information of greatest value to them, and pledge to take such feedback into account to the maximum extent possible.

Support civic participation. We value public participation of all people, equally and without discrimination, in decision making and policy formulation. Public engagement, including the full participation of women, increases the effectiveness of governments, which benefit from people's knowledge, ideas and ability to provide oversight. We commit to making policy formulation and decision making more transparent, creating and using channels to solicit public feedback, and deepening public participation in developing, monitoring and evaluating government activities. We commit to protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association, and opinion. We commit to creating mechanisms to enable greater collaboration between governments and civil society organizations and businesses.

Implement the highest standards of professional integrity throughout our administrations. Accountable government requires high ethical standards and codes of conduct for public officials. We commit to having robust anti-corruption policies, mechanisms and practices, ensuring transparency in the management of public finances and government purchasing, and strengthening the rule of law. We commit to maintaining or establishing a legal framework to make public information on the income and assets of national, high ranking public officials. We commit to enacting and implementing rules that protect whistle-blowers. We commit to making information regarding the activities and effectiveness of our anti-corruption prevention and enforcement bodies, as well as the procedures for recourse to such bodies, available to the public, respecting the confidentiality of specific law enforcement information. We commit to increasing deterrents against bribery and other forms of corruption in the public and private sectors, as well as to sharing information and expertise.

Increase access to new technologies for openness and accountability. New technologies offer opportunities for information sharing, public participation, and collaboration. We intend to harness these technologies to make more information public in ways that enable people to both understand what their governments do and to influence decisions. We commit to developing accessible and secure online spaces as platforms for delivering services, engaging the public, and sharing information and ideas. We recognize that equitable and affordable access to technology is a challenge, and commit to seeking increased online and mobile connectivity, while also identifying and promoting the use of alternative mechanisms for civic engagement. We commit to engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government. We also recognize that increasing access to technology entails supporting the ability of governments and citizens to use it. We commit to supporting and developing the use of technological innovations by government employees and citizens alike. We also understand that technology is a complement, not a substitute, for clear, useable, and useful information.

We acknowledge that open government is a process that requires ongoing and sustained commitment. We commit to reporting publicly on actions undertaken to realize these principles, to consulting with the public on their implementation, and to updating our commitments in light of new challenges and opportunities.

We pledge to lead by example and contribute to advancing open government in other countries by sharing best practices and expertise and by undertaking the commitments expressed in this declaration on a non-binding, voluntary basis. Our goal is to foster innovation and spur progress, and not to define standards to be used as a precondition for cooperation or assistance or to rank countries. We stress the importance to the promotion of openness of a comprehensive approach and the availability of technical assistance to support capacity- and institution-building.

We commit to espouse these principles in our international engagement, and work to foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.

Appendix 6: Author biographies and report responsibilities

Author	Responsibility
Sophie Bond – Senior Lecturer, Geography Department, University of Otago.	Supplementary paper on environmental governance
Howard Broad, CNZM, LLB (VUW), Dip NZ Pol (RNZPC) – former New Zealand Commissioner of Police, Transport Accident Investigation Commissioner, Public Sector Consultant, Acting Chief Executive, Turn Your Life Around Youth Development Trust.	Assistance with law enforcement agencies (pillar 5)
Liz Brown, ONZM, MA (Oxon), MPP (VUW) – former Banking Ombudsman.	Ombudsman (pillar 7), Chapter 1, and general oversight
Ralph Chapman – Associate Professor and Director, Graduate Programme in Environmental Studies, Victoria University of Wellington.	Supplementary paper on environmental governance
Claire Charters, BA (Otago), LLB(Hons) (Otago), LLM (NYU), PhD (Cantab) – Ngāti Whakāue, Ngā Puhī, Ngāti Tūwharetoa, and Tainui – Senior Lecturer, Faculty of Law, University of Auckland.	Chapter 2 (Treaty of Waitangi)
Keric Chin, BS (United States Air Force Academy), MA (East-West Center Graduate Degree Fellow, University of Hawaii), JD (Honours) (University of Texas), LLM (The Judge Advocate General's Legal Center and School).	Supplementary paper on public procurement and assistance with public sector (pillar 4)
Stephen Drain – Director in PwC's Forensic Services team, specialising in the prevention of, detection of, and response to financial crime, particularly fraud, corruption, and money laundering.	Chapters 3 and 4
Dr Bryce Edwards – Lecturer in politics, University of Otago, teacher and researcher in aspects of New Zealand politics, in particular, elections, political parties, public policy, and political communications.	Electoral management body (pillar 6), political parties (pillar 10), media (pillar 11), parts of Chapter 2 (political-institutional and socio-political foundations)
Eddie Goldberg – independent environmental consultant	Supplementary paper on environmental governance
Nicky Hager, BSc (physics), BA Hons (philosophy) – author and investigative journalist, Wellington.	Law enforcement agencies (pillar 5), assistance with Chapters 3 and 4 and business (pillar 13)
Ash Johnstone, Dip Bus Studies (ACC) – Senior Investigator, Interpol, New Zealand Police.	Assistance with Chapters 3 and 4, law enforcement agencies (pillar 5), business (pillar 13)

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Author	Responsibility
Rae Julian, QSO – National President, UN Women National Committee New Zealand, previously Executive Director, New Zealand Council for International Development, and Commissioner, New Zealand Human Rights Commission.	Assistance with civil society (pillar 12)
Justin Kerr, BCA (VUW), DipBank (Massey) – former Executive Director, Financial Services Federation.	Assistance with business (pillar 13, finance sector)
Rob Laking, BA (VUW), MPA (Harvard) – Senior Associate, Institute of Government and Policy Studies, Victoria University of Wellington.	Supreme audit institution (pillar 8)
Chris Livesey, BA (Hons), BSc – independent public policy (environmental and economic) consultant, owner and manager of a small commercial forest, co-owner of a block of native bush held for conservation purposes.	Chapter 2 (environment foundation) and supplementary paper on environmental governance
Alex Matheson, MA (Cantab), Master of International Law (ANU), DipMgt (Templeton College, Oxford), former New Zealand senior executive service member in three departments, senior public management adviser Commonwealth Secretariat, and Head, Budgeting and Management Division, Governance Directorate OECD.	Legislature (pillar 1), executive (pillar 2), public sector (pillar 4)
Kristin Mednis – studying bioethics and health law at the University of Otago, formerly with the Office of the Auditor-General.	Supplementary paper on Crown entities and assistance with public sector (pillar 4)
Taku Parai – Pou Arahi (Education Review Office), Chair of Te Rūnanga o Ngāti Toa, Kaumātua of Whitireia New Zealand and member of its Executive Team.	Assistance with Māori perspective in Civil Society and Business
William (Bill) Paterson, BE(Hons), PhD (Canterbury), MIPENZ – independent consultant (infrastructure governance) in Wellington, former Lead Infrastructure Specialist, World Bank.	Supplementary paper on public procurement and assistance with public sector (pillar 4)
Murray Petrie, MPA (Harvard) PhD (Public Policy) (VUW) – Lead Technical Advisor to the Global Initiative for Financial Transparency, worked for the New Zealand Treasury, since 1997 has consulted on public financial management for New Zealand government agencies, the International Monetary Fund, World Bank, and International Budget Partnership.	Supplementary paper on fiscal transparency, executive summary, Chapters 1 and 6
Dr Murray Sheard, BE, MA, PhD – Education and Advocacy Manager at TEAR Fund NZ; founder of The Kitchen, innovation hub for social entrepreneurs, former Director of Professional Integrity Education at Integrity Action (London and Jerusalem), former secretary of the <i>Arab Journal of Public Integrity Management</i> .	Chapters 3 and 4

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Author	Responsibility
Patrick Smellie – Wellington-based journalist and co-founder of the BusinessDesk business news wire service, which services all major New Zealand news sources and is distributed in Australia.	Business (pillar 13)
David Smyth – formerly previously a public servant in New Zealand, including appointments as Deputy Commissioner, State Services Commission, and Chief Executive, Ministry of Housing; recently a consultant on aspects of public sector governance, performance, and risk management.	Executive summary, Chapters 1 and 6
Suzanne Snively, MA Distinction (Victoria), BA Hons (Victoria), BA Econ (Reed College, Portland, Oregon) – economist, former partner PwC with experience in governance through civil society organisations and business.	Chapter 2 (socio-economic foundation) and assistance with business (pillar 13)
Alison Stephens, BA – has worked on policy projects in the justice sector for 18 years.	Chapter 2 (socio-cultural foundation)
Amanda Thomas – PhD candidate, Geography Programme, Victoria University of Wellington.	Supplementary paper on environmental governance
Fuimaono Tuiasau, LLB, BA (University of Auckland).	Assistance with Pasifika perspectives
Ian Tuke – leads the Counter Fraud Service for the New Zealand Deloitte Forensics team.	Chapters 3 and 4
Michael Wearne, BA, MPP, COP Public Sec Acctg (VUW), DipTP, MTP (UA), MNZPI (retired), MRTPI (until 2012) – international consultant, public sector modernisation, 1997–2010; Director, Research, Development and Training, then Manager Policy and Research, New Zealand Local Government Association Inc, 1989–1997; Planning Advisor, New Zealand Planning Council; Urban and Regional Planner, New Zealand, London (UK), Australia and Hong Kong, 1970–1989.	Additional paper on local government, assistance with public sector (pillar 4, local government)
Gavin White, MA (Hons) (University of Auckland) – Research Director with UMR Research.	Assistance with business (pillar 13, overseas trade)
Margaret Wilson, LLB(Hons), MJur (1st), Honorary Doctorate (University of Waikato) – Professor of Law and Public Policy, University of Waikato, former Attorney-General and Associate Minister of Justice, former Law Commissioner.	Judiciary (pillar 3)