Report of the one-day conference

The Commonwealth in crisis – is reform possible?

15 November 2012, Deller Hall, University of London, UK
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LIST OF ACRONYMS

CHOGM Commonwealth Heads of Government Meeting
CLA Commonwealth Lawyers' Association
CLEA Commonwealth Legal Education Association
CLGF Commonwealth Local Government Forum
CMJA Commonwealth Magistrates' and Judges' Association
CMAG The Commonwealth Ministerial Action Group
DfID Department for International Development
EAC East African Community
EPG Eminent Persons Group
FAC Foreign Affairs Committee
G8 Group of Eight (forum of leaders from the eight most-industrialised countries)
G20 Group of 20 (forum of finance ministers and central bank governors from 20 major world economies)

GDP Gross Domestic Product
HRU Human Rights Unit
IMF International Monetary Fund
LGBT Lesbian, Gay, Bisexual and Transgender
MDG Millennium Development Goals (eight international development goals officially established following the 2000 UN Millennium Summit)
MOU Memorandum of Understanding
SIDS Small Island Developing States
WTO World Trade Organisation
The Commonwealth in crisis – is reform possible?

Introduction

The Institute of Commonwealth Studies and The Round Table: The Commonwealth Journal of International Affairs have brought together a range of distinguished Commonwealth and other figures to assess the current state of the Commonwealth’s reform process and to ask whether the organisation faces a more deep-rooted crisis which would inhibit genuine change and renewal. At the same time, the meeting also looked ahead to future issues which should be of concern to the Commonwealth.

The one-day conference coincided with the release of the report of the Foreign Affairs Committee (FAC) of the UK House of Commons entitled: ‘The Role and Future of the Commonwealth’, which provided a valuable perspective on many of the key issues before the conference.

This report summarises the keynote speeches, panel contributions and discussions arising from the conference sessions. These included keynote speeches from two members of the Commonwealth Eminent Persons Group — Senator Hugh Segal, of Canada, and Sir Ronald Sanders, of Guyana — and also contributions from H.E. Aloun Ndombet Assamba (High Commissioner of Jamaica) and Rachael Cooper (Australian High Commission).

Other contributors were:

Professor Philip Murphy (Director, Institute of Commonwealth Studies, University of London)

Daisy Cooper (Director, Commonwealth Advisory Bureau)

Amitav Banerji (Director, Political Affairs Division, Commonwealth Secretariat)

Dr Karen Brewer (Secretary-General, Commonwealth Magistrates and Judges Association)

Dr Purna Sen (Director, African Leadership Programme, London School of Economics)

Steve Cutts (Assistant Secretary-General, Commonwealth Secretariat)

Vijay Krishnarayan (Director, Commonwealth Foundation)

Carl Wright (Director, Commonwealth Local Government Forum)

Stuart Mole (Chairman, The Round Table)

Dr Alex May (Hon. Secretary, The Round Table)

Victoria Schofield (Editorial Board member, The Round Table)

The Rt. Hon. Sir Malcolm Bruce MP (Chairman of the UK House of Commons International Development Select Committee)

Professor Myles Wickstead (former Director, Commission for Africa)
Session 1: Commonwealth reform – the challenges ahead

Chair: Professor Philip Murphy (Director, Institute of Commonwealth Studies, University of London)

Speaker: Senator Hugh Segal (Canada’s Special Envoy for Commonwealth Renewal)

Professor Philip Murphy opened by pointing to the timely nature of the event. The day’s proceedings coincided with the publication of the UK House of Commons FAC report on ‘The Role and Future of the Commonwealth’. The low level of media coverage given to the report was a reflection of the crisis faced by the Commonwealth, he said. Insofar as there had been coverage, the media had tended to focus on the recommendation that David Cameron should not attend the 2013 Commonwealth Heads of Government Meeting (CHOGM) in Colombo, Sri Lanka.

Professor Murphy pointed to two of its main findings. First, that: ‘in recent years the moral authority of the Commonwealth has too often been undermined by the repressive actions of member governments’. The Committee was: ‘disturbed to note the ineffectiveness of the mechanisms for upholding the Commonwealth’s values, despite its efforts to improve governance and the conduct of elections in member states’. Second, that the Secretariat: ‘should sharpen, strengthen and promote its diplomatic performance’. These findings showed marked alignment with the focus of the day’s discussion.

The tone of the report was striking, given that everyone who had direct contact with it would recognise that the FAC members were broadly well disposed to the Commonwealth as an institution. It was difficult not to contrast the current FAC report with the Committee’s previous major enquiry in 1996, which saw the Commonwealth as an organisation of vast untapped potential. The caution in the FAC’s most recent report must be read as a sign that the Commonwealth was in crisis.

In concluding his introductory remarks, Philip Murphy expressed his personal thanks to all participants, with particular gratitude to the guest speakers. He introduced Senator Hugh Segal, whose position as Canada’s Special Envoy for Commonwealth Renewal and a member of the 2010–11 Commonwealth Eminent Persons Group made his vantage point on the Commonwealth irreplaceable.

Senator Hugh Segal began with a reminder that the process of reform and renewal could not be treated as a private matter and he encouraged participants to engage in frank and open discussion. He noted that the initiative of the Commonwealth Advisory Bureau of the Institute of Commonwealth Studies and The Round Table was praiseworthy. He recalled how the Eminent Persons Group (EPG) was formed in Port of Spain in 2009 in response to concern over the Commonwealth’s efficacy. The mandate of the EPG was to create recommendations that would strengthen the Commonwealth, its underlying purpose and its instrumentality for consideration at the 2011 Perth summit.

Under the distinguished Chairmanship of Tun Adbullah Badawi, Malaysia’s former Prime Minister, EPG members produced a report: A Commonwealth of the People: Time for Urgent Reform. This included a proposal for a ‘People’s Charter’, and the assumption that a Commonwealth-wide process of discussing the proposed Charter among the many civil society organisations, schools and universities in the Commonwealth would serve to renew and invigorate commitment to the association. Commonwealth Foreign Ministers met in New York on 29 September 2012, in the margins of the 67th Session of the United Nations General Assembly, to discuss the EPG’s recommendations, including the proposal for a People’s Charter. Of the 106 recommendations in the report, 90 had been approved by the Ministerial Task Force and had been sent to Heads of Government for their approval.

Without reform and focused implementation, all the discussions and debates, the hard graft of setting out the EPG’s recommendations, and reviewing and agreeing to them, would be a waste of time, energy and resources. He emphasised that urgent reform was not served by endless delay. If the price we had
to pay for defending Commonwealth values was a smaller Commonwealth, it was one worth paying, he said. The ability of the Commonwealth to be a force for good, an instrument for improvement and an ally to all its members in ways that were supportive and not threatening, constructive and not destructive, had never mattered more, or been more necessary.

The specificity of arrangements for Commonwealth action depended upon country circumstances; whether through the Secretary General’s good offices, technical assistance, or bilateral relationships between Commonwealth countries. The commonality in a Commonwealth approach rested on building trust. This trust and flexibility could only work if the values of the Commonwealth, consolidated in the EPG proposal for a Charter, were enforced and defended. These standards needed to be higher precisely because the only ties that bound the Commonwealth were its declared values and principles.

Senator Segal recalled the public declaration by the EPG in Malaysia on matters of human rights and development that ‘silence is not an option’. There was a difference between discretion and silence, critical observation and compliance, and sovereignty and impunity, he said. Increased tempo, vision and energy would maintain and strengthen Commonwealth relevance. What the Commonwealth needed now was the clarity and energy of frank and positive advocacy for its values and principles.

Asserting the need for collective engagement, Senator Segal addressed some of the key EPG reforms. These included, first, improved technical assistance and capacity-building to small island states, including reform of the World Trade Organisation (WTO) and the International Monetary Fund (IMF); second, a realistic ‘human rights tether’ between the Secretary-General’s special advisors and the Commonwealth Ministerial Action Group (CMAG) to strengthen CMAG’s role; third, advocacy on women’s rights and the prioritisation of education for girls; fourth, a strategic focus on public health; and, fifth, the promotion of the good governance agenda through sharing best practices and skills transfer. Senator Segal closed with the reflection that: ‘the Commonwealth needs our collective determination now more than ever because the world – divided by intolerance, suspicion, unfairness and fear – needed the Commonwealth with its example of cooperative diversity, as it never had before’.

Discussion

- Questioned on the need to avoid delay, Senator Segal explained the EPG’s processes. Before recommendations could be implemented, they had to be processed by the Ministerial Task Force and then put before the Foreign Ministers’ meeting. Waiting until July 2013 for recommendations to be implemented would result in both a loss of momentum and obviate the work of the Foreign Ministers’ meeting in New York. Serious dithering was not intentional, he added.

- Asked how racism impacted on Commonwealth decision-making, Senator Segal commented that in the work of the EPG, as in all other Commonwealth consultations, all members took care to ensure that there was no racial intolerance. The EPG was not affected by broader questions of racial inequality — he pointed out the broad range of nationalities represented on the group — and it was beyond his remit to comment further.

- On the question of democracy in Sri Lanka, Senator Segal remarked that racism could not be eradicated without democracy and accountability. This was the basis of the EPG’s specific recommendations on accountability. Sri Lanka was very much a part of a series of EPG discussions prior to the conclusion of the report and openness about the issues would benefit Sri Lanka.

- Asked to comment on the statement that: ‘if the price we pay for defending these values is a smaller Commonwealth, that’s a price worth paying’, Senator Segal said that this was a statement that showed that diplomacy had its place and time. Diplomacy was often about process and not results – in other words, they needed an activism exemplified by the engagement of Sir Sonny Ramphal in fighting
apartheid. The notion that the Commonwealth made a decision and stuck to it was sadly no longer true. He did not oppose a larger Commonwealth — he thought the association would have been weaker had it looked away from South Africa — yet South Africa’s exit from the organisation in 1961 was the price for upholding the Commonwealth’s values. It left a smaller but stronger organisation. This was, in his view, the Commonwealth at the peak of its performance. If countries had no interest in making progress on issues that related to the organisation’s commonality, then it was necessary to stand by those values, he said.

Senator Segal remarked on the ethos of making recommendations. He said that Canada was of the view that it was necessary to persist with those which you knew were right, even if they had not been accepted. Respect for the new remit of CMAG was now possible because it was no longer just about constitutional legitimacy but about upholding a range of Commonwealth principles. Special Envoys were not, in themselves, sufficient to strengthen the work of CMAG and more progress on the ground was needed. However, the EPG was pleased that 85 per cent of its recommendations had been accepted.

• Questioned on the Pakistani school girl, Malala Yousafzai, who was shot by the Taliban after advocating education for girls, Senator Segal asked how it could be beneficial to the majority to have a small minority dictate in this way? He added that the high level of support for Malala showed that there was a larger family united in its revulsion of this act. The Commonwealth could have said more. Similarly, the 33 per cent of the world’s population contained in the Commonwealth accounted for over 60 per cent of HIV infections. This challenge was not purely a public health issue, but a matter of social and human rights and an issue of basic equality. The Commonwealth had only engaged with HIV as a public health issue and had stood back when new laws were passed, which made it harder for people to get access to treatment, he added.

• Asked how member states could best use the Commonwealth Charter to raise the profile of the Commonwealth, Senator Segal argued that the Secretariat should draft a plan for broad distribution. Civil society groups needed to be targeted through a comprehensive digital media strategy. He hoped that before the end of the Jubilee year (of 2012), the Charter might be presented formally to the Queen.

• In response to an enquiry on the EPG’s position on the proposal for a Commissioner on Democracy, the Rule of Law and Human Rights.
Session 2: CMAG, good offices and human rights — an enlarging Commonwealth role?

Chair: Daisy Cooper (Director, Commonwealth Advisory Bureau)

Speakers: Amitav Banerji (Director, Political Affairs Division, Commonwealth Secretariat)

Dr Karen Brewer (Secretary-General, Commonwealth Magistrates and Judges Association)

Dr Purna Sen (Director, African Leadership Programme, LSE)

Amitav Banerji began by saying that the Commonwealth was not in crisis but was constantly evolving, reforming and finding new ways of upholding its values. Certainly the Commonwealth had come to a crossroads on two occasions; once in the 1960s with the independence of Rhodesia and again in the 1980s during the struggle over apartheid in South Africa. Those were truly difficult days, when the integrity and cohesiveness of the Commonwealth were indeed in peril.

The Commonwealth was the first organisation to create a Commonwealth Ministerial Action Group (CMAG) in 1995, with the right to suspend and expel members. CMAG’s functionality had been at the centre of the EPG’s proposals. The Perth CHOGM gave CMAG an enhanced role, seeking to make it more proactive and pre-emptive. Benchmarks had been set to govern CMAG’s actions. They included the degree to which constitutions were respected; the extent to which fair and credible elections were held, in a timely manner and on a level playing field; and the degree to which the rule of law and independence of the judiciary were respected. These yardsticks also included whether human rights were adequately protected; whether political space was guaranteed for the opposition; and if freedom of the media and of civil society were respected. This had resulted in CMAG responding in more innovative ways, but it had not yet achieved the full degree of pre-emptive and proactive actions expected of it under the new arrangements.

The Commonwealth Secretary-General had introduced the practice of briefing CMAG at each of its meetings on his various Good Offices initiatives, even where this involved countries which were not on CMAG’s agenda.

Amitav Banerji reminded his audience that the Commonwealth had never had an investigative role on human rights, especially given the substantive mechanisms available through the United Nations. Overall, however, the picture was one where steady progress had been made on human rights. This was also true of issues where the membership was divided, such as on questions of sexual orientation and the death penalty. At the Human Rights Council in Geneva the previous February, the Secretary-General had spoken out about discriminatory legislation on Lesbian, Gay, Bisexual and Transgender (LGBT) issues. He had said: ‘Our position continues to be that we oppose discrimination and stigmatisation on any grounds, including those of sexual orientation’. The Secretary-General also had stated that: ‘it is for member states to address incompatibilities between Commonwealth values and mostly inherited national laws in these areas’.

The fact was that there had been no consensus on the EPG’s proposal to establish a Commissioner for Democracy, the Rule of Law and Human Rights. There was recognition that using the title of ‘Commissioner’ did not help, as it enabled governments to talk about duplication, given that there was also a UN High Commissioner for Human Rights.

Amitav Banerji concluded by stating there had been progress in the Commonwealth on promoting its fundamental political values and the direction of travel had been the right one. In recognising the many challenges facing the Commonwealth, he pointed to the need to nurture Commonwealth values through constant alertness, commitment and perseverance. Upgrading the human rights promotional capacity of the Secretariat was central to reform, he felt. The Commonwealth approach, however — to engage quietly, to agree on shared values and to provide support on achieving these values — had made a real difference and remained the best way forward.
Dr Karen Brewer spoke of the time when the high standards of the Commonwealth were a reality, signifying the need for reflection on current Commonwealth relevance. Quoting a speech by Sir Sonny Ramphal in 2005, she stressed: ‘we must not take too much for granted. What our ancestors won by effort can only be kept by vigilance’. Yet the last three reports by the Latimer House Working Group to the Commonwealth Secretary-General had highlighted disregard for Commonwealth values. In his speech in 2005, Sir Sonny Ramphal had warned that: ‘instead of going forward, to a new era of global security that responds to law and collective will and common responsibility, we are going backwards. There should be no question of which way we go; but the right way requires the assertion of the values of internationalism’.

In May 2010, the Commonwealth Lawyers’ Association (CLA), the Commonwealth Legal Education Association (CLEA) and the Commonwealth Magistrates’ and Judges’ Association (CMJA) made a submission on the future of CMAG. This was done in their capacities as members of the Latimer House Working Group. The suggestion that there should be a mechanism for rapid response by CMAG appeared to be implemented in the case of the Maldives, with CMAG sending a ministerial mission, holding several meetings and consulting with those involved. However, the speed of the response was questionable given that the Chief Civil Judge had been illegally imprisoned four weeks before the Commonwealth had decided to send a medium-level mission to assess the situation.

The mandate for CMAG clearly stated that it should deal: ‘with serious or persistent violations of the principles contained in [the Harare] Declaration’. A number of organisations, including the CMJA and CLA, had expressed concern that this mandate had continued to be interpreted too narrowly and focused too much on the unconstitutional overthrow of governments. In August 2012, the President of the Gambia executed nine prisoners without warning. The Commonwealth issued a statement on 28 August 2012 condemning the executions, but this came too late. Previous calls by the CMJA and others for the Gambia to be on CMAG’s agenda had not been heard. The CMJA submission to the EPG in September 2010 stated that: ‘the Commonwealth has been a leader in the promotion and implementation of good governance, human rights and the rule of law but its institutional capacity has yet to match its intentions’.

Dr Karen Brewer reminded the meeting that it was over 30 years since the Harare Declaration was agreed, which stated that Commonwealth member states:

believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual’s inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.

Yet, argued Dr Brewer, this was not the lived reality in many Commonwealth countries. Without a strong independent judiciary and legal profession and freedom of the press, there could be no vibrant human rights environment. The Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence (of 1998) proposed, in Chapter XI, that an effective monitoring procedure should be devised. It also recommended that all Commonwealth jurisdictions should accept an obligation to report on their compliance with these core values to Law Ministers and Heads of Government. The absence of a formal mechanism for Commonwealth associations and other stakeholders to present findings to CMAG or the Secretary-General was a pressing concern.

The need to interpret CMAG’s role more widely was evident in relation to South Africa’s Traditional Courts Bill. The legislation intended to create a separate legal system for 18 million rural South Africans, allowing Chiefs in traditional societies to act as judges in legal disputes among residents within their jurisdiction. The judicial officers in these traditional courts would not be legally qualified and the existing qualification requirements for judicial officers in South Africa would not apply. The most vulnerable members of society would not be allowed legal representation as these courts did not allow for this or for a choice of court. Women and children’s rights, as well as LGBT rights, were at serious risk of being disregarded despite
South Africa's obligations under international law, she argued.

The CMJA had been playing its role and would continue to do so. At its General Assembly held in Uganda in September, the following CMJA Council resolution was endorsed:

The Council expressed concern that stronger action has not been taken by governments to ensure that the Commonwealth (Latimer House) Principles are being respected and adhered to by governments throughout the Commonwealth with particular reference to the independence of the judiciary; and directs the CMJA to take such steps as it considered appropriate to ensure that the Commonwealth Secretariat continues to promote adherence to that aspect of those Principles and to maintain the momentum that was noted by the Commonwealth Secretary-General at the Colloquium Meeting in Edinburgh in 2008.

While the strengthening of CMAG was necessary, other processes must also be reinforced. Special Envoys should have complete terms of reference encompassing all stakeholders in the democratic process; especially the judiciary who were the guarantors of human rights in the Commonwealth. Responses to capacity-building requests must be examined more thoroughly in order to avoid the Secretariat indirectly supporting existing undemocratic practices.

The UK FAC Report on the future of the Commonwealth said that they: 'heard disturbing evidence that the badge of respectability has become tarnished and that the Commonwealth’s best years as a promoter of democracy and human rights in its own member states are behind us.' Dr Brewer closed with the reminder that if the Commonwealth was to respond effectively to this concern it must do more than build consensus.

Dr Purna Sen began by emphasising the fundamental role of institutional analysis in reform. She spoke of her experience as the Head of the Human Rights Unit (HRU) at the Commonwealth Secretariat, alluding to her resignation as evidence of her position on Commonwealth reform. The need for courage and boldness was essential if the Commonwealth was to be committed to human rights. If we could not make a difference to the state delivery of national obligations, then we were missing the point, she said. Delivering a lived reality that upheld and promoted human rights would require dramatic institutional changes and a shift in ethos towards a more balanced approach to diplomacy, away from silence.

The tragic paucity of resources dedicated to human rights, and the low status it was given in the Secretariat, were evidence of the relative unimportance of human rights in the organisation. Comparing the human and financial resources on the human rights team to other areas of work (some funded in millions of pounds, compared with an HRU peak of £33,000) underlined this discrepancy. Similarly, human rights’ work was housed in a unit rather than a division. The toxicity of their work was also evidenced by the Gender Section's response when a merger of work was under discussion – they feared their work would be less favoured by member countries should it be associated with human rights.

An institutional analysis of the Secretariat gave some explanation of its conservatism. Recruitment policies favoured civil servants from member countries, whose agenda was often to keep things neutral for when they returned. For example, Ugandan officials from the Secretariat were reluctant to engage in discussions with their government representatives on the Anti-Homosexuality Bill, due to the possible implications for them on their return. The Bill was an explicit signal that Uganda had retracted its existing commitments to human rights.

A refusal to include in public statements any references to the human rights situation in Sri Lanka, during the final stages of the civil war, also illustrated a remarkable degree of timidity when the rest of the world was showing considerable concern. The institutional default setting had become caution and silence. Appointing outsiders and risk-takers seemed to be anathema to the organisation. Indeed, the Secretariat itself might no longer be appealing to such people, creating a cycle that was difficult to break.
This was just one of many indications that the institutional environment for upholding human rights in the Secretariat needed urgent attention.

Dr Sen argued that the Secretariat’s advocacy work on human rights remained sensitive to the point at which it had become toxically silent. This was demonstrated when Dr Sen spent two years drafting and consulting across the organisation on a human rights policy, approved by the senior management team, which by all accounts had still to be signed off. There remained a need for a more nuanced and informed understanding of standards, principles and culture so that diversity did not become a cloak for inaction.

One problem that influenced the nature of the discussion in and around the Commonwealth was its post-colonial essence. Conversations were flavoured with unspoken colonial and post-colonial power relations, she said. The majority of funding for the Secretariat came from Australia, the UK and Canada, which some saw – and therefore resisted – as having a taste of colonial power relations. The lack of visibility of human rights abuses in these countries, including the UK, and therefore the failure of HRU to work in/on these states could be interpreted as structural superiority or impunity. The Secretariat had not spoken out on police killings and extended detention in the UK. There was a distinct failure of intervention to hold all member states accountable to the same standards. Silence was really the preferred option, she said.

The question whether reform was possible or necessary was one which needed honest reflection. It was a tragedy that the Secretariat was losing good people. The Commonwealth was too comfortable to be creative, innovative or bold. Yet without these attributes, it would continue to lose influence. Its authority was too often undermined by the repressive actions of governments. However, within this picture there was an opportunity for the Commonwealth to focus on institutional reform and the delivery of state obligations. There was hope for a more proactive and pre-emptive Commonwealth, but this was not simply a matter of leadership.

Discussion

• Amitav Banerji was questioned on his assertion that the Commonwealth was not in crisis. Quoting the recommendation of the FAC report on CHOGM, the questioner stated that when Heads threatened to not attend the summit – to vote with their feet – this was clear evidence of a crisis. Similarly, CMAG’s enhanced powers had been agreed at a time when there were serious challenges. Human rights concerns in Sri Lanka were equally not being fully addressed. Amitav Banerji responded by agreeing the need for CHOGMs to be well-attended, at the highest level, and to have an ability to focus collectively on issues that matter. He accepted that if leaders consciously decided not to attend CHOGM, there was cause for concern. However, he argued that the Commonwealth was working with the Sri Lankan authorities to promote implementation of its Lessons Learned and Reconciliation Commission. Sri Lanka was the first example of a government establishing an institution of the sort to investigate its own actions.

• The question of whether a formal mechanism existed for civil society organisations to feed issues proactively into CMAG or to the Commonwealth Secretary-General was raised. The absence of such a measure was widely considered to severely hamper CMAG’s effectiveness. Dr Brewer said that there was no active mechanism within the Commonwealth Secretariat whereby the expertise of Commonwealth and civil society organisations involved in governance could be systematically sought. Nor was any advice proffered as to whether any information or briefings sent by such organisations had been used to further the Commonwealth’s fundamental values.

• The panel were questioned on their commitment to reform. All the panellists expressed a strong desire to remain committed to Commonwealth reform, renewal and adaptation.
• The breadth and depth of scrutiny among Commonwealth countries was raised as an area for further work. For example, concern was expressed that no challenge was being made to violations arising out of the Indian caste system. It was agreed that the modalities for monitoring which countries needed greater scrutiny needed strengthening.

• The Panel were asked to comment further on CMAG’s involvement in the issue of the removal of the Chief Justice in Sri Lanka. In response, Mr Banerji said that this was a matter on which the Secretariat was engaged with the Government of Sri Lanka. Whether parliament needed to move to impeachment before going through a judicial mechanism was currently a matter of debate. It was reported that the Secretariat had been discussing issues with Sri Lanka in a candid way for some time.

Session 3: The EPG report and the strategic plans of the intergovernmental organisations: what's new?

Chair: Stuart Mole (Chairman, The Round Table)

Speakers: Steve Cutts (Assistant Secretary-General, Commonwealth Secretariat)

Vijay Krishnarayan (Director, Commonwealth Foundation)

Carl Wright (Director, Commonwealth Local Government Forum)

Steve Cutts opened by stating that the preparation of the Commonwealth Secretariat’s Strategic Plan had to be taken forward in parallel with the EPG process. The fundamental character of many of the recommendations, and their impact on the work of the Secretariat, made this necessary. Criticisms that there was no agreed Strategic Plan at this stage had not accounted for the impossibility of finalising the plan until the fate of the EPG’s outstanding recommendations had been decided. Since late 2011 the Secretary-General had followed a consultation process on the new plan with High Commissioners, other Commonwealth organisations, management, staff and other stakeholders. From this there had developed a general recognition that the reality of limited human and financial resources must be intrinsic to the focus of the strategy.

Steve Cutts expressed the resolute determination of the Secretariat to avoid duplicating work that institutions with better resources were doing. The work programme would be guided by results-based management principles, with a strong monitoring and evaluation framework designed to show greater demonstrable impact. This included corporate outcomes for finance, IT and human resources. The effective and cost-efficient running of these areas in the Secretariat was absolutely fundamental to effective programme delivery. This approach built on significant progress made in the past two years on internal controls and corporate policies, which included new financial regulations, an organisation-wide
procurement policy, the adoption of an anti-fraud policy and completion of the move to International Public Sector Accounting Standards.

Health and education had been at the centre of discussions on restructuring. The Secretariat intended to work differently in these domains, but would not withdraw support. While it would continue to strengthen action in ministerial meetings, the Secretariat's unique advantages included its ability to promote consensus-building, undertake advocacy on behalf of members and develop effective networks. As such, the primary role of the Secretariat would be to facilitate intergovernmental linkages and pan-Commonwealth interaction between practitioners, which would lead to enhanced health and education outcomes in the Commonwealth.

The EPG had expressed a desire to see the Strategic Plan completed and approved by May 2012 in order to begin implementation by 1 January 2013. This had not been achievable and the Board would sit on 27 November 2012 to finalise decisions. Following this the Secretariat would be undergoing a thorough evaluation of resourcing needs, restructuring, and devising transitional arrangements and new systems to ease the Secretariat into the implementation of the new Strategic Plan. It was on this basis that the Secretary-General proposed that the implementation of the new Strategic Plan would begin on 1 July 2013, instead of 1 January 2013. There was strong support within the Secretariat for this proposal, as it was deemed essential for allowing it time to redesign itself effectively and ensure the optimal deployment of resources to deliver the new plan.

Vijay Krishnarayan began by emphasising that participatory governance was at the heart of what the Commonwealth Foundation would be doing over the period to 2016. Dialogue and interaction between stakeholders, required for participatory governance, was the basis of the Foundation’s new Strategic Plan. The Foundation’s track record on governance, coupled with the relative homogeneity of institutions across the Commonwealth, informed this decision. The EPG process, and the report’s specific recommendations, reflected the importance of civil society to the Commonwealth. Over 300 civil society organisations had contributed to the process and the title of the EPG report: ‘A Commonwealth of the People’, testified to this. Vijay Krishnarayan recalled Paragraph 9c of the Perth CHOGM Communiqué, which agreed: ‘a revised mandate and Memorandum of Understanding so that [the Commonwealth Foundation] can more effectively deliver the objectives of strengthening and mobilising civil society in support of Commonwealth principles and priorities’.

The Foundation’s approach was threefold. First, it viewed participatory governance as a question of supply and demand. Citizen’s organisations were demanding greater visibility in intergovernmental processes. Simultaneously, there was a need to provide help to governments to be more receptive to civil society inputs. In the past, the Foundation had arguably invested its resources on the demand side – focussing on civil society capacity. The new Plan recognised that civil society input would only have impact if governments had the capacity and mechanisms to be receptive.

Secondly, the Foundation had adopted a strong results-based management framework. Over 2013, baseline data would be collated to scope the landscape and enable progress to be charted. Greater discipline in resource allocation would shape the Foundation’s work plan. Resources would be aligned behind key outcomes, resulting in the re-evaluation of grant-making relationships.

Thirdly, the Foundation was adopting an incremental approach, recognising that change was a process. This involved reviewing commitments to projects and imaging projects in the context of participatory governance. The Commonwealth Writer’s Prize was a prime example of the opportunity to build a message for funders around issues of ‘participation’ and ‘voice’. The Foundation had given significant attention to developing its brand, in the process signalling the importance of doing so to other Commonwealth organisations.

Carl Wright prefaced by stating that, as a Commonwealth-associated organisation, the strategic
CHOGM had endorsed this recommendation, yet this was still to be translated into pragmatic mechanisms and processes. The benefits of a relevant organisation establishing a Memorandum of Understanding (MOU) with the Commonwealth Secretariat were highlighted. Institutionalising relationships without heavily relying on personalities, clarifying roles at CHOGM, and creating the ability to report to ministers in formal ways would dramatically enhance the CLGF's impact. There was an urgent need for reciprocal representation and more practical engagement in strategic planning processes.

Referring to the sentiment that the Commonwealth must demonstrate impact, Carl Wright endorsed Daisy Cooper's sentiments that the Secretariat should retire: (a) work that enjoyed no specific Commonwealth advantage; (b) work that could be better done by organisations with far greater resources; and (c) work that had demonstrated no particular impact. This was essential to pursuing work that would achieve demonstrable results.

Discussion

• Steve Cutts, asked to comment on the utility of MOUs between the Commonwealth Secretariat and organisations like CLGF, responded by pointing out that the shift to results-based management had made standards and systems of deliverance pivotal to new plans. In this respect, a clear identification of what the Secretariat and Foundation demanded of partners was critical in delivery. That said, the Secretariat's new systematic approach to individual projects cast some doubt on how useful a broad MOU between the CLGF and the Secretariat would be. However, the need for a more formal mechanism for blending Commonwealth associations into the intergovernmental process should not be ignored. Such a mechanism was agreed to be necessary if the Secretariat was to become more proactive and pre-emptive. Strategic linking with non-Commonwealth bodies would revitalise the Commonwealth's orientation, vision and relevance.

• A questioner invited the panel to comment on the view that the Commonwealth's focus...
on democracy compromised its commitment to development. Carl Wright replied that the inextricable link between development and democracy underpinned the strategic approach of all Commonwealth institutions, including the CLGF. The CLGF was also a reminder to all Commonwealth bodies of the benefits of building relationships and work plans with institutions beyond the Commonwealth.

- The Commonwealth Foundation’s decision to change the Commonwealth Writer’s Prize was questioned, given the high reputation the Prize currently enjoyed. Vijay Krishnarayan responded that the Commonwealth Writer’s Prize needed to differentiate itself, not least because a new sponsor was needed. There was thus an opportunity to re-imagine the project with a new sponsor. The Prize would from now only be open to new authors, to encourage a wider circle of writers. The 2012 Prize Winner, Shehan Karunatiaka, had set his novel in Sri Lanka, addressing history through a questioning perspective. The representation of ‘voice’ in the Commonwealth was the axis linking the Prize to the Foundation’s new strategic plan.

- A questioner asked about the Commonwealth Games, which enjoyed a high profile among the Commonwealth’s 2.4 billion citizens. How could the Games better highlight the functions of the Commonwealth? Vijay Krishnarayan’s response was that the Foundation had been asked to investigate the feasibility of putting on a cultural festival, which would be held at the beginning of the 2014 Glasgow Games. Steve Cutts also affirmed that sport was an important component of the Secretariat’s plan.

- In pointing out that Canada, Australia and the UK largely funded Commonwealth activities, a questioner argued that this explained current funding priorities, particularly in downgrading education and health. Steve Cutts replied that it was a misunderstanding that health and education would disappear. The Secretary-General, in a letter to members, would spell out the importance that health and education would have and outline where the Secretariat could make a difference. This would mean refraining from doing what other agencies were carrying out, but instead creating a balanced programme with demonstrable impact. Otherwise, carrying on an activity where it was making no observable difference was surely pointless.

- Comments on the economic meltdown since 2008 prompted the reflection that the Commonwealth was fragile at the current time. This made the process of review and renewal all the more important.

Chair: Dr Alex May (Hon. Secretary, The Round Table)

Keynote Speaker: Rt. Hon. Sir Malcolm Bruce MP (Chair of the International Development Select Committee of the UK House of Commons)

Respondent: Professor Myles Wickstead (former Director, Commission for Africa)

Sir Malcolm Bruce began by saying that the adoption of the Millennium Development Goals (MDGs) prompted the need for quantifiable impact. However, in reality measures of poverty and per capita income failed to account for distributional inequalities. Although net Gross Domestic Product (GDP) was rising in some countries, inequality had never been higher and remained a predominant challenge in the global governance agenda. The demographics of poverty were changing, with the majority of poor people now living in middle-income countries. This represented new challenges for any multilateral organisation, including the Commonwealth.

In 2012, the UK government was committed to spending 0.7 per cent of its GDP on aid, the first of the G8 countries to do so. This signalled a strong commitment to development and democracy in a challenging economic climate. David Cameron had been appointed by the UN Secretary-General Ban Ki Moon to the High-Level Panel on the post-2015 framework. The UK presidency of the G8 also offered opportunities to build sustainability into the fabric of the post-2015 agenda. Sustainability did not refer only to the use of finite natural resources, but to the impact of human activity on the planet and to fairer rules of access to resources for developing countries.

The International Development Committee was currently conducting an enquiry into the post-2015 development goals. It was clear from preliminary discussions that memorable and quantifiable outcomes were essential. Secondly, there must be the widest possible ownership. A focus on women and children, and on education and health, were givens. President Kim of the World Bank and David Cameron have suggested that an overriding commitment must be the elimination of absolute poverty by an agreed date. What this meant must be taken in the context of the limitations of current poverty measures. Any global measures must respond to the distinction between lower-middle-income countries and upper-middle-income countries.

Sir Malcolm Bruce continued by asserting the need for a ‘truly global compact’ in an international environment where ‘inertia and vested interests will frustrate progress’. David Cameron’s analogy of a golden thread of governance-related issues – absence of war, presence of good governance, property rights, rule of law, effective public services, strong civil institutions and free and open market – underpinned progress. Progress in the Asian tiger economies should be recognised as a distinct example. How Mr Cameron would take this golden thread into the post-2015 process was a key question.

The Commonwealth contained half of the world’s poor and a high proportion of those suffering as a direct result of derailed MDGs. It was imperative that the Commonwealth should act. It had the ability to inform the debate, and distil the views of countries which were too small to get the attention they needed and deserved. It could thus help shape the compromise needed to secure real agreement on development priorities. The best way for the Commonwealth to participate in these global consultative processes was to deliver authoritative evidence and provide leadership based on a consensus achieved across a representative cross-section of developed and developing states. For example, a small High-Level Panel and Task Force could be formed to present an agenda to the UN.

The development agenda was on the cusp of radical change. The greatest danger was that, faced with prolonged economic paralysis, the richer nations would use the excuse that poverty had reduced and emerging countries would scale down their commitments. Ultimately, the success of the post-2015 agenda would
depend on its clarity and simplicity and commitment would be contingent on the breadth of its ownership.

Professor Myles Wickstead gave an overview of the processes leading to the post-2015 agenda. While the UN High-Level Panel had set the framework for this agenda, there was a separate framework on sustainable development goals, tasked for the UN Secretary General in 2014. Professor Wickstead argued that these agendas needed to come together. The three pillars of development — growth, equity and sustainability — required policy and action to bind them as one. While the onus for achieving the MDGs had been on the developing countries, responsibility for delivering on them was shared. For example, the primary drivers of the human dimensions of climate change had been the OECD countries.

The opportunity for the Commonwealth to feed into the post-2015 consultation process should not be missed, as the Commonwealth Foundation’s ‘Breaking Point’ programme had demonstrated. As a representation of all manner of countries — large, small, developed, less developed, island, land-locked — the Commonwealth could add value to the post-2015 consultation process. Another mechanism for contributing to this process is via the Commonwealth Ministerial Working Group. Due to report shortly, the Group could offer its assistance in advancing post-primary education. This was an area of particular priority, particularly in countries which had high growth rates and low employment.

Australia’s presidency of the G20 in 2014 offered a significant opportunity for the results of consultations to be translated into action. Submissions from the Education Ministers’ Meeting in Mauritius were an example of where such progress had been made. The question of whether this report was in fact ready for circulation might be an indicator of current Commonwealth efficacy.

The comparative advantage of the Commonwealth was its ability to facilitate relationships, encourage negotiations and build consensus. The Commonwealth could achieve structural change, not by replicating multimillion dollar projects but by giving voice to civil society, convening intergovernmental processes and promoting dialogue. The values that underpinned the progress required to meet the MDGs, laid out in the Millennium Declaration, needed affirming and building. The standards of governance necessary for outcomes on health and education would not be met if the underlying ethos of governance was not addressed. There was an increasing need to consider the security implications of development efforts for all member states, and this was an area where the soft power reach of the Commonwealth was invaluable.

Discussion

• A questioner raised the issue of direct aid, against loans which would have repayments due after 2015. The DfID predominantly gave grants, yet governments often preferred loans because of the substance of conditionalities. High levels of grant giving would not continue for ever, given that the nature of aid was changing.

• Sir Malcolm Bruce was asked if the International Development Select Committee had thought about the quantitative value of trade barriers. He responded that there had not been an academic value placed on what the UK accumulates through trade barriers. However, the main barriers to trade in developing countries were lack of infrastructure and an inability to meet quality control demands.

• It was recognised that the DfID was ‘too big to deal with small but real problems’. A questioner asked if there was a mechanism for the DfID to do things on a smaller scale, given its current funding criteria. This was particularly pertinent to small states, where the Commonwealth could add significant value. As more countries moved to middle-income status, the Department would need to think of new ways to channel funds. The creation of a DfID-led small business bank would make DfID funding more accessible.

• A questioner remarked on the relationship between corruption and poverty eradication. The panel responded that the Independent Commission on Aid Impact had addressed this in encouraging governments to address corruption.
But it was a significant challenge. The best way forward would be to deepen democracy, build capacity and strengthen institutions.

- The impact of China on the DfID's agenda was raised. China was increasingly showing respect for the rule of law in Africa, demonstrating a willingness to be pragmatic with European donors. Its position on human rights had enormous potential to influence human rights in Africa.

**Session 5: Commonwealth renewal after Perth: a reflection from governments**

*Chair: Victoria Schofield (Editorial Board, The Round Table)*

*Speakers: H.E. Aloun Ndombet Assamba (High Commissioner of Jamaica)*

*Rachael Cooper (First Secretary, High Commission of Australia)*

**Aloun Ndombet Assamba** began by remarking that the day's dialogue was an important opportunity for assessing what had been achieved since Perth, in anticipation of CHOGM 2013. Reflecting on renewal and reform was a necessary process for all inter-and non-governmental organisations. She noted that, although the Commonwealth had engaged in periods of self-examination prior to this, the utility of the current discourse had to be underscored because of the opportunity it provided member countries to reflect on the reform agenda. Commenting that much had been accomplished over the past year, she identified as noteworthy the fact that agreement had been reached on many of the recommendations emanating from the reports of the EPG and of CMAG, including — among other things — the adoption of the Charter.

The High Commissioner emphasised the importance Perth gave to building national and global resilience. Jamaica fully supported the focus on trade, HIV/AIDS, women's empowerment, gender equality, youth, climate change and natural disasters, democracy, food security, international peace and security, and the reform of the Secretariat. Jamaica was especially pleased with the continued focus on the needs and concerns of Small Island Developing States (SIDS). The Commonwealth had a history of support in this particular area and Perth had reaffirmed this commitment. Of the Commonwealth's 54 members, 24 were SIDS and over 40 were developing countries.

In elaborating further on where the Commonwealth currently stood as an organisation, she highlighted the Commonwealth's strength in creating strategic partnerships and engaging other international
organisations, such as the G20, as well as civil society groups. She also made a point of reiterating that Jamaica continued to endorse the core values and principles of the Commonwealth and remained committed to efforts to strengthen the work of CMAG to make it more effective and efficient, in order to better meet the needs of its members.

Building on the platform provided by Perth to give practical realisation to many of the issues discussed would require continued dialogue among member countries and dedicated resources. For this reason, she pointed to the ongoing deliberations on the 2013–16 Strategic Plan and how critical these discussions were to the overall process. The new Plan, which was intended to outline where the Commonwealth as an organisation needed to be, should ensure that there would be sustained progress through the technical assistance offered to member countries. Proposals to dilute the organisation’s work in the fields of education and health were therefore of particular concern, especially as Heads in Perth had supported work in these areas.

The High Commissioner recognised that reform and renewal took time and that it demanded commitment from all stakeholders — Commonwealth staff, member countries, and Commonwealth affiliated organisations. Reform proposals should also be given equal weight. The Commonwealth, with its diverse membership, had a tradition of working on the premise of mutual respect and understanding. On this basis, she expressed caution at divisive approaches to governance. She emphasised that, in order for the Commonwealth to get to where it needed to be, sufficient care should be taken to ensure a transparent consultation process in which member governments were assured that all ideas would be allowed to contend. She was clear that to do otherwise would make a lie of the assertion that the Commonwealth was an organisation in which all states had an equal voice. All reform proposals should be treated equally and none should be considered more important than others.

Concluding, the High Commissioner thanked the Commonwealth Advisory Bureau and The Round Table for hosting the event, which had provided much food for thought. She encouraged all in attendance to continue dialogue on the vital issue of Commonwealth reform.

Rachael Cooper commended the timely manner of the conference, as member states now looked towards implementing the EPG’s recommendations. The last 12 months of extensive and robust discussion on all the outstanding recommendations had entailed significant work. Most of the EPG’s recommendations had been adopted, and the significance of this should not be underestimated. The agreed recommendations provided a firm basis for the reform that was widely recognised as being needed.

She said it was disappointing it had not been possible to achieve consensus on the EPG’s recommendation for a Commissioner for Democracy, Human Rights and the Rule of Law. Nonetheless, extensive consideration was given by CMAG Ministers to CMAG’s new expanded role and how it should be best supported in that role by the Commonwealth Secretariat and Secretary-General, including through existing mechanisms such as the Secretary-General’s Good Offices. It was clear that the Secretariat needed to play an enhanced role in supporting CMAG to enable it to respond proactively and in a timely manner. It was critical that CMAG had ready and direct access to the best and most up-to-date information on a situation of concern, and was able to make requests and seek advice from the Secretariat and from any person appointed by the Secretary-General to work on the situation.

Australia was grateful for the efforts being made by the Secretariat to develop the new Strategic Plan, which would be critical to implementing the agreed reforms. Rachael Cooper affirmed the importance of fully utilising the Commonwealth’s extensive networks, which were among the Commonwealth’s greatest strengths. This included Commonwealth associations working in partnership with the Secretariat in various areas of Commonwealth work.
Session 6: Closing Remarks

Chair: Stuart Mole (Chairman, The Round Table)

Keynote speaker: Sir Ronald Sanders (Member, 2010–11 Eminent Persons Group and Member, International Advisory Board of The Round Table)

Sir Ronald Sanders, in concluding the conference, recalled that one of the respected and knowledgeable speakers present had questioned whether the Commonwealth was in crisis. The facts should speak for themselves, he said. Seventy per cent of the Commonwealth Secretariat’s budget was funded by only three of its members; more than 30 of the 54 member states were in arrears of their contributions; the Secretariat needed at least another £2 million per annum if it was to carry out its mandates; good staff were leaving the Secretariat, and it could not attract better personnel; a kind of North-South divide had developed in decision-making that had led to an unease in relations; there were governments that were reluctant to attend a CHOGM because of concerns over violations of Commonwealth values by the proposed host country; there was a general lack of knowledge about the Commonwealth in its member countries and the majority of its governments were doing little or nothing to explain and promote it; the media considered it to be of such little relevance that it got little coverage. This was evidence of a crisis, he said, and one that it was important to confront, not deny.

The similarity of sentiments in the report of the FAC and its endorsement of the work of the EPG had shown that there was a firm belief in the potential of the Commonwealth, with considerable anguish over its present situation; and a strong conviction that it urgently needed reform before it could fulfil its potential. Sir Ronald Sanders expressed his pleasure that the FAC had endorsed and supported the report and recommendations of the EPG. He observed that it was a sad commentary on the Commonwealth that, a year after the EPG report had been discussed at Perth, even the recommendations that had been accepted were still waiting to be implemented.

Discussion

- The absence of Caribbean personnel in top management in the Secretariat was posed as an area for concern. Aloun Ndombet Assamba agreed that the prevailing situation was a cause for disquiet and that there was a need to align the staffing complement of the Secretariat with the new Strategic Plan. She was forthright in her desire to see good people from the region ascend to high positions in the Secretariat.

- Anxiety was expressed about proposals to diminish the Secretariat’s contribution to education, particularly since measuring the impact of education took a long time. The Secretariat also performed a valuable role in assisting member countries in the area of health. Without this pivotal relationship, the Commonwealth contribution to development would be dramatically compromised. There was still confusion about the Secretariat’s remit to support different activities, while limiting its work in other ways.

- The High Commissioner and Rachael Cooper were asked to comment on the role of Commonwealth associations within member countries and in their relationship with the Secretariat. They agreed that an increased role in partnership with the Secretariat was necessary for the delivery of services. The High Commissioner commented that without having seen the Plan detail, she was unable to speak to what the structure of engagement with civil society would be. That said, the EPG had argued for civil society having an enhanced role. Both speakers agreed that the network of Commonwealth organisations was one of the association’s greatest strengths and central to its value.
The ability of CMAG to apply the appropriate penalties to states which persistently or seriously violated Commonwealth values was fundamental to CMAG’s efficacy and the Commonwealth’s role in upholding human rights. The decision to include recommendations by the Secretary-General among the triggers for CMAG action was welcome. Yet, the fundamental weakness of CMAG was a resistance to the very role for which it was devised; namely, to be a body that applied appropriate penalties to those states that persistently or seriously violated the values for which all Commonwealth member countries claimed to stand.

Allowing member states to institute restorative measures that could be gauged must therefore not become an exercise in simply biding time. The absence of an effective system to provide evidence-based early warnings on ‘serious or persistent violations’ of democracy, the rule of law and human rights in member states needed rectifying. The recommendation for a Commissioner for Democracy, Human Rights and Rule of Law was devised on this rationale. The current lack of consensus on such a mechanism was a matter of concern.

The concept of a Charter for the Commonwealth had been accepted by Foreign Ministers and the content of the Charter has been created by officials and transmitted to Heads of Government for approval. By failing to hold public consultations at the national level, Commonwealth governments had lost a golden opportunity to renew interest in, and knowledge of, the Commonwealth and to ground the Charter in the aspirations of the people. Whether the Charter as devised by officials will, in any way, enhance the Commonwealth was another matter. The Commonwealth was not a treaty organisation and the Charter could and would not bind member states any more than any of the many declarations by Heads of Government had bound them in the past.

The Commonwealth Secretariat, the Foundation and the other Commonwealth associations had renewed their commitment to impact, and proven results were essential to increasing their implementing capacity. That the Secretariat should retire: (a) work that enjoyed no specific Commonwealth advantage; (b) work that could be better done by organisations with far greater resources; and (c) work that had demonstrated no particular impact was an approach which was both intuitive and incremental in achieving results. The EPG had expressed the desire to see the Strategic Plan completed and approved by May 2012, so as to begin implementation by 1 January 2013. Delays were unfortunate, especially in the context of misplaced arguments that emphasising democracy was undermining efforts to enhance development. The majority of the Commonwealth’s resources were spent on development and it was important that speculation to the contrary ceased.

Sir Ronald Sanders closed by saying that reform and renewal were both necessary and possible, particularly in re-establishing trust among Commonwealth governments and in rebuilding confidence in the delivery mechanisms of the Secretariat. Institutional reform, leadership and resolve would make this possible, he said. He thanked the wide range of distinguished guests who had contributed to a reform process which was consultative, frank and appropriately self-reflective.
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The Commonwealth Journal of International Affairs is a scholarly journal published six times a year. Founded in 1910, The Round Table is Britain’s oldest international affairs journal, providing analysis and commentary on all aspects of international affairs. The journal is the major source for coverage of the policy issues concerning the contemporary Commonwealth and its role in international affairs. The Round Table first appeared in 1910 promising informed analysis of wider aspects of colonial and imperial affairs, and of international relations. It continues to take as its starting point that the Commonwealth remains an organisation of significance in international affairs, and that it deserves to be taken seriously by academics and others interested in contemporary international relations.