This article was downloaded by: [Ronald Sanders]

On: 29 January 2014, At: 08:25

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered

office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



The Round Table: The Commonwealth Journal of International Affairs

Publication details, including instructions for authors and subscription information:

http://www.tandfonline.com/loi/ctrt20

The Commonwealth after Colombo: Can it Become Meaningful Again?

Sir Ronald Sanders^a

^a Member, Eminent Persons Group (2010-11), former High Commissioner of Antigua and Barbuda to the UK, and Senior Fellow, Institute of Commonwealth Studies, University of London Published online: 27 Jan 2014.

To cite this article: Sir Ronald Sanders, The Round Table (2014): The Commonwealth after Colombo: Can it Become Meaningful Again?, The Round Table: The Commonwealth Journal of International Affairs, DOI: 10.1080/00358533.2013.874158

To link to this article: http://dx.doi.org/10.1080/00358533.2013.874158

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at http://www.tandfonline.com/page/terms-and-conditions



The Commonwealth after Colombo: Can it Become Meaningful Again?

SIR RONALD SANDERS

Member, Eminent Persons Group (2010-11), former High Commissioner of Antigua and Barbuda to the UK, and Senior Fellow, Institute of Commonwealth Studies, University of London

ABSTRACT The Commonwealth Heads of Government Meeting (CHOGM) held in Colombo in 2013 was attended by fewer than half the number of Heads of Government. The "retreat" – created as a private meeting of Heads with only the Secretary-General present – was even less well attended by Heads, some of whom left the Meeting early. In part, this situation was due to the controversy that surrounded the hosting of the Meeting by the Sri Lankan government over its human rights record, but that is not the full explanation. In recent years, a North-South divide has crept into way that governments perceive the Commonwealth and its purposes. CHOGM itself has become devalued and has lost the special character that made it appealing to Heads. In arguing that the Commonwealth is in dire crisis, an initiative is proposed for the Commonwealth to be rescued at the 2015 CHOGM in Malta. A strong argument is made for a preparatory process involving Heads of Government representing Commonwealth regions and under the guidance of the Maltese Prime Minister to be launched immediately.

KEY WORDS: North-South divide, democracy at expense of development, devalued Heads of Government Conference, poor attendance at "retreat", initiative to rescue the Commonwealth, Maltese Prime Minister, preparatory process involving regional heads, search committee, new Secretary-General, call for resignation of Secretary-General

Introduction

The 2013 Commonwealth Heads of Government Meeting (CHOGM) in Colombo, Sri Lanka, was the lowest point in the history of the association so far. Stuart Mole, the Chairman of the Round Table who went to Sri Lanka for the Summit, summed it up in a report entitled 'The Lost Summit' as follows:

If mere words were the measure, the outcomes were extensive. In addition to the communiqué, there was the Colombo Declaration on Sustainable, Inclusive and Equitable Development, the Kotte Statement on International Trade and Investment and the Magampura Declaration of Commitment to Young People—some 11,000 words in all. But, in truth, achievements were meagre. There were some valuable initiatives buried beneath a permafrost of decayed rhetoric and abandoned cliché, but locating them was scarcely worth the trouble. \(^1\)

This is a particularly telling judgement coming from a committed Commonwealth advocate who has served in senior positions in the Commonwealth Secretariat and the Royal Commonwealth Society. It is a judgement shared by experienced Commonwealth observers and analysts, and it is one that was predictable and unavoidable.

No CHOGM, mired in the widespread controversy over the host government's human rights record and the open declaration by three important Heads of Government that they would not attend, could possibly have been rated as a success. The Heads of Government were Stephen Harper of Canada, Manmohan Singh of India, and Navinchandra Ramgoolam of Mauritius. The latter said he was not attending because of the Sri Lankan government's poor human rights record. He was scheduled to host the 2015 CHOGM but he withdrew the offer because he said he was told by the Commonwealth Secretary-General that in order to be accepted as host, he had to be present at the Colombo Summit.²

At best, the CHOGM could do little more than try to paper over the deep cracks that had developed in the 53-member association at the highest level. It did not succeed in doing even that. Only 26 of the Commonwealth's 53 Heads of Government, including the host President Mahinda Rajapaska, attended. The 'retreat'—conceived in 1971 as a private meeting of Heads of Government only, and regarded since then as the heart and brain of the Commonwealth association—was even less well attended. It was dominated by ministers and officials.

To be sure, the Colombo CHOGM was not the first to face controversy—there were at least three where differences between a majority of Commonwealth countries and Britain were contentious³—but none involved charges of human rights violations against the host government by bodies no less authoritative than the UN Secretary-General's Panel of Experts and the UN High Commission for Human Rights. In this regard, the Colombo CHOGM was unique, for many regarded it as the Commonwealth weakening itself and eroding its credibility by bestowing honour upon a government that had violated values for which the association claims to stand.⁴ On that count, in holding the CHOGM in Sri Lanka, the doubt that already existed about the Commonwealth's position as a strong supporter of human rights was increased, and as one legal scholar has observed, 'once a precedent is set, as it was here (Sri Lanka), to not take action has a much more serious consequence of enabling impunity to continue'.⁵ At a press conference at the CHOGM's conclusion, Commonwealth Secretariat spokesman Richard Uku was forced to ask whether any reporter had a question not related to Sri Lanka or human rights. None did.⁶

The Commonwealth in Crisis

The purpose of the rest of this paper is to look beyond the Colombo CHOGM to the real issues of existence and definition that confront the Commonwealth—issues that now haunt the association and that should be given focused attention by governments if the Commonwealth is to survive as a worthwhile association for the future.

All is not well in the Commonwealth now, and it would be unproductive and unhelpful to pretend otherwise. The inter-governmental Commonwealth is experiencing troubling times. Evidence of this includes the following:

 A North-South divide has developed centred on the comparative importance of upholding democracy, human rights and the rule of law as against the imperative

- of economic and social development.
- The Secretariat is under-resourced. For financial year 2012/2013, the budget was a meagre £16.1 million. For the current financial year, there has been no real increase in the budget, which was settled for the current year only after unprecedented manoeuvrings and disagreements among government representatives over priority areas for spending.
- The budget of the Commonwealth Fund for Technical Co-operation (CFTC) for 2012/2013 was a mere £29.7 million. Even if the total resources were divided only among its 32 small states, they would each have received less than £1 million; indeed, none got more than £400,000.
- Approximately 70% of the budgets of the Secretariat and CFTC is funded by
 only three countries—Britain, Canada and Australia. The other 50 members are
 reluctant to increase their contributions and more than half of the member states
 are more than two years in arrears of their contributions. This suggests that the
 Commonwealth does not now rank high among the instruments for pursuing
 their goals.
- The Secretariat needs at least another £3 million per annum to carry out effectively the mandates it now has.
- The government of Canada has also announced that it will be reviewing the level of its contributions, presumably to the CFTC, and the British government has decided to reduce its voluntary contributions to the fund to its statutory 30%.
- There is a general lack of knowledge about the Commonwealth in its member states—even among government ministers and officials—and little or nothing is being done to explain and promote it.
- The media consider it to be of such little relevance that it gets coverage only in
 the case of some dramatic event such as the unheralded announcement by the
 president of The Gambia just weeks before the Colombo CHOGM that he has
 withdrawn the country from the Commonwealth.

Serious Problems before Colombo

Even before the Colombo CHOGM, the inter-governmental Commonwealth was beset by these troubling issues, which were exacerbated by open contention between government representatives on the Commonwealth Secretariat's Board of Governors over the Secretariat's Strategic Plan and Budget. This was complicated further by a small group of representatives on the Board of developing countries insisting on wanting to micromanage the Secretariat, including by usurping the Secretary-General's role in the appointment of Deputy Secretaries-General and other senior staff. It took more than 18 months of bickering and fractious debate to settle a Strategic Plan and Budget, but even then disharmony lingered and continued to be played out in meetings of the Committee of the Whole and Foreign Ministers in Colombo on the very eve of the CHOGM.

The focus of the peevish debate was the assertion by some developing countries that the developed nations were pushing an agenda of human rights and democracy at the expense of development matters. The actual financial allocations and expenditure of the Secretariat and the CFTC reveal a starkly different picture, with the majority of funds spent on development and far less on democracy, the rule of law and human rights. In the last financial year 2012/2013, of the combined budgets of the Secretariat and the CFTC, £14.3 million was spent on development and £2.7 million on democracy.

If ever there was a CHOGM that needed to focus on healing rifts, clearing-up misunderstandings and finding consensus on an agenda that Commonwealth countries could take forward jointly, the 2013 Summit was it. But Colombo was never going to be such a CHOGM. Commonwealth member governments were too polarised, and it was not in the interest of the Chairman, Sir Lankan President Mahinda Rajapaska, to seek to bridge the differences; and the Secretary-General could hardly introduce a discussion that would have included the problems posed by Sri Lanka itself without the support of key leaders from every region of the Commonwealth, including Rajapaska.

Therefore, no dialogue on these corrosive problems took place in Colombo. Similarly, there was no discourse on other existential and distinguishing issues that confront the Commonwealth. In these areas too, CHOGM 2013 was 'a lost Summit'. The vital importance of CHOGMs to the existence and meaning of the Commonwealth was neglected—a process that started some years before as meetings were made shorter and the 'retreat' of Heads became a meeting more of ministers and officials than of Heads.

The Secretariat and CFTC Under-resourced

Both the Secretariat and the CFTC are under-resourced. But, if Commonwealth governments want the Commonwealth to mean something, they cannot be mean with the Commonwealth. At the moment, as stated earlier, three governments—Britain, Canada and Australia—pay almost 70% of the costs, while all countries have benefited, including a few whose economies have grown considerably and should be able to pay more.

For the financial year 2012/2013, the total budget for the Secretariat and CFTC was £45.8 million, of which the Secretariat's was £16.1 million and CFTC's was £29.7 million. The total budget was reduced by £2 million from the previous year, and this year not only is there zero growth in the Secretariat budget, but also the British government has decided to reduce its voluntary contributions to CFTC, which gets only 0.07% of the total budget of Britain's Department for International Development. Yet British ministers expound the value of the Commonwealth and the opportunities it provides to Britain to expand its trade and attract investment.

This problem is worsened by the decision of the Canadian prime minister 'to review Canada's financial contributions to Commonwealth programmes and the Commonwealth Secretariat' in the wake of Sri Lanka's President Rajapaksa assuming the post of Chair-in-Office of the Commonwealth until November 2015. The Canadian review cannot mean that the government will not pay its agreed membership dues to the Secretariat for, if the dues are not paid within three years of their due date, Canada would be prohibited from participation in the Councils of the Commonwealth. But, it does mean that Canada could reduce its voluntary contributions to CFTC, in which case there will be a diminution in the capacity of the fund to deliver development assistance in a range of areas.

What is known for certain now is the meagreness of the contributions by all governments, but particularly by the larger economies, and especially by Britain—the largest economy of them all. Getting Britain to contribute more to the Commonwealth required persuasion by other governments not demands that were not supported by a workable plan and practical outcomes. The efforts of the Secretariat to produce such a plan were scuttled by Board representatives from some developing countries who were less inclined to negotiation. The Secretariat now has to cut its staff complement by 15%. Yet, the size of the entire staff of the Secretariat is smaller than the workers at the cafeteria of the UN in New York, as was pointed out in the report to the 2011 Perth CHOGM by the Eminent Persons Group (EPG), which was mandated by Heads of Government to recommend reforms for the Commonwealth to make it 'more relevant to its times and its people'.

All this has arisen because of a loss of confidence and trust between governments and between governments and the Secretariat. It is a problem urgently in need of fixing.

Commonwealth Co-operation in Development

The Commonwealth does not have the resources of the UN agencies—what it can do is respond to the urgent needs of its members, especially the (now) 31 small states, in a variety of areas in which they lack capacity and which are crucial to their economic and social well-being. Acting in the name of all of its member states, the Commonwealth can also be a powerful advocate for the development-related issues that confront developing states. The record speaks for itself. It was the Commonwealth that conceived and promoted the idea of relief for highly indebted poor countries with the World Bank and other financial institutions. It was in the Commonwealth that the concept of small states' vulnerability was identified, with all its harmful implications not only for trade and investment, but also for their resilience in the face of natural disasters and even drug-trafficking. Despite its limited resources, the Secretariat's development work, particularly in the field of policy analysis and related advocacy work, is widely respected and often triggers global policy discourse. Small vulnerable economies and many least-developed countries have benefited tremendously from the Secretariat's determined efforts to build their trade negotiation capacity, with the organisation regularly coming up with analytical and insightful studies on negotiating issues (such as the Doha Round and Economic Partnership Agreements). Its recent work on Aid for Trade, G20's role and priorities, and resilience-building for small states, among others, has earned global recognition. All this work has had a real impact on poverty reduction and the improvement of life in developing countries.

With regard to the Commonwealth bringing the G20's serious attention to the challenges faced by developing countries and especially small states, the present Secretary-General deserves particular credit. It is he who took the imitative to enmesh the Commonwealth in a significant way in the G20 when it was conceived. His efforts produced beneficial results on two tracks: political engagement with the incoming G20 Chairs and practical work with the G20 Working Group on Development. This started when the Canadian prime minister, Stephen Harper, chaired the G20 in Canada in 2010, and has continued. Most recently, the Russian government, as host of the Septem-

ber 2013 meeting of the G20, asked the Commonwealth Secretariat to attend its centrepiece development meeting to set out the developing world's agenda as it relates to the small and vulnerable.

Beyond the instrumental work detailed above, every day in every developing region of the Commonwealth, the Secretariat and CFTC work without a billboard and without neon lights to help developing states to improve their circumstances. This work includes: lodging submissions with the UN for their extended continental shelf; helping to settle maritime boundaries that had been unresolved for decades; strengthening public administration; negotiating bail-out packages for countries that urgently needed to reschedule their debts; and supporting developing countries in global and multinational trade negotiations so that they could benefit from outcomes that they could not achieve on their own.

What is remarkable about this unsung and often unrecognised work is that it is the result of genuine Commonwealth co-operation. The majority of the bill has been paid by three countries, while all countries have benefited. In this regard, the argument that the Commonwealth is being forced to allocate the majority of its resources to democracy and human rights and a smaller portion to development issues is simply unsustainable. Throughout the years of the Commonwealth's existence from 1965 when the Secretariat was established, an important hallmark of the Commonwealth has been the contribution by its richer countries to the development of its less well-off members—it has been an enviable example of North—South co-operation. It would be a great shame if this unique example of North—South co-operation were to be undone, particularly if it were to lead not only to diminution of the Commonwealth's work but also to a rapid decline in its worth to member states.

There is no question that, over the years, the collective Commonwealth has put its money where its mouth is in relation to its development responsibilities to the Commonwealth people. Of course, more could be done and should be done—but the good ought not to be discarded for the perfect, nor should any government, in trying to get more resources for development matters, reject the importance of democracy, without which development will not occur. By the same token, too great a focus on maintaining values without additional resources will make it very difficult for the Secretariat and CFTC to be sustained as beneficial organisations. Ideally, an emphasis on core Commonwealth values should be backed by good on-the-ground and advocacy-related work. To do so, the resources that governments provide to the Secretariat and CFTC have to be increased.

All this, however, is a matter of balance—balance that could be accomplished by rational discussion in the spirit of compromise and consensus that has been the hallmark of every successful Commonwealth venture and initiative. It is this spirit that is disappearing from the Commonwealth discourse, and that urgently requires rebuilding and re-establishment.

Governments Ducked the Issue of Sri Lanka's Suitability to Host a CHOGM

In the lead-up to Colombo, the Commonwealth faced all the problems detailed above, but the most crucial were the different perspectives on human rights and democracy that began to come to the fore at the end of the Cold War in 1990, showed themselves as

early as 1993 in the Harare Declaration, and reached their apogee at the 2011 Perth CHOGM when a recommendation by the EPG to establish a Commissioner for Democracy, Rule of Law and Human Rights was hotly debated and rejected by the majority of developing country governments.¹⁰

The controversy over Sri Lanka hosting the 2013 CHOGM could have been avoided, however, if Commonwealth governments had been more alert to the importance of maintaining the Commonwealth's credibility, and less concerned about what many perceived as a North–South issue on human rights in relation to Sri Lanka.

Sri Lanka had been scheduled to host the 2011 CHOGM, but before the 2009 Summit in Trinidad and Tobago Secretary-General Sharma had recognised that Sri Lanka's hosting of the CHOGM would pose a problem for the Commonwealth's believability as a values-based organisation. Therefore, in mid-2009 he persuaded President Rajapaksa to opt out of his government's offer to host the meeting, and he wrote to all leaders on behalf of Rajapaksa saying that Sri Lanka had withdrawn given its pressing post-war preoccupations at the time. However, this did not play well among the Sri Lankan ruling political directorate, who placed great value in hosting the event as validation of their government's policies and as a counter to mounting criticism of their human rights record. Consequently, they persuaded the president to change his mind. Thus, at the 2009 CHOGM, the Sri Lanka delegation demanded to be reinstated as a forthcoming host. In the Foreign Ministers meeting on the very eve of the CHOGM along with a coterie of supporters—the Sri Lankans actually demanded Sharma's resignation, linking their demand to the Secretary-General's efforts to get the much -criticised Commonwealth Ministerial Action Group (CMAG) to reform itself and to widen its mandate beyond dealing only with unconstitutional overthrows of governments to other violations of democracy and human rights. The Heads of Government rejected the Foreign Ministers' call for Sharma's resignation, but they failed to deal frontally with the undesirability of Sri Lanka hosting a CHOGM. Instead, they concocted the formula of announcing three CHOGM venues in advance (Australia in 2011, Sri Lanka in 2013 and Mauritius in 2015) in the hope that, in the ensuing four years, the government of Sri Lanka would address the human rights issues it was facing including an independent investigation into the reported killing of up to 40,000 Tamil civilians at the end of a civil war with the savage Liberation Tigers of Tamil Eelam, the so-called Tamil Tigers.

Essentially, at the Trinidad and Tobago CHOGM, governments ducked the issue of Sri Lanka hosting a Summit meeting and gave the Secretary-General a basket to carry water. The mandate was clear from Heads of Government, and they repeated it at the Australia CHOGM in 2011—Sri Lanka would host the 2013 Summit. It would have been quite impossible in the circumstances for Sharma again to seek to move the 2013 CHOGM from Sri Lanka in the absence of strong expressions so to do from a majority of Commonwealth governments. As it turned out, only the government of Canada showed any resolve to reject Sri Lanka as host, even though it was the judgement of the UN High Commission on Human Rights and several other international bodies not only that the Sri Lanka government had not done enough, but also that it had taken further measures that had created even more concerns about democracy and human rights.

Chair-in-Office Issue Could Have been Avoided

The Sri Lankan president being Chair-in-Office of the Commonwealth for two years until 2015 could also have been avoided. The position was established only in 1999, and after careful study the EPG had recommended to the Australia CHOGM in 2011 that both the position of the two-year Chair-in-Office and the Troika of past, present and future Chairs of Commonwealth meetings be abolished. We made the point that 'the Commonwealth has not benefitted from the current arrangements'. This recommendation was rejected; but, had it been accepted, the Commonwealth would not now be exposed to the criticism that the president of Sri Lanka is Chair-in-Office while he and his government are subject to scrutiny by the United Nations Human High Commission on Human Rights and several internationally respected bodies, including Amnesty International and Human Rights Watch.

The Democracy and Human Rights Debacle

In the event, the issue of upholding Commonwealth values simmered in the period after Perth, particularly over Sri Lanka, with flashpoints occurring when meetings of the CMAG were held. The government of Canada, as a member of the group, tried to place Sri Lanka on the agenda, and even though it did not succeed there were heated informal discussions during meetings in April and September, notwithstanding there was no mention of it in the Secretariat's official communiqués at the end of both meetings. The subsequent emergence of the news that Secretary-General Kamalesh Sharma had withheld from the CMAG's consideration opinions by two Commonwealth legal luminaries on the legality of the removal from office of the Chief Justice of Sri Lanka angered the Canadian government even more. Both opinions indicated the unconstitutionality of the removal. ¹²

By way of explanation, the Secretary-General wrote to the Canadian Foreign Minister John Baird on 19 November 2013, saying: 'Any Opinion solicited by the Secretary-General can either be protected or public in nature; but not both at the same time'. He said 'the material was commissioned in confidence for the purposes of the Secretary-General's Good Offices (in Sri Lanka)', and he revealed that the Secretariat had 'evaluated' the opinions, together with 'other contributions' in constructing for the Sri Lankan government 'political advice together with suggestions on associated practical remedial changes required'. The Canadian government maintained that the opinions should have been given to the CMAG and that withholding them materially affected its deliberations and decision on Sri Lanka. Relations between the Canadian government at the highest levels and the Secretary-General became extremely strained.

Then, in a statement to the UN General Assembly on 24 September 2013, the president of Sri Lanka rejected any notion of serious and persistent human rights violations by his government. Instead, he characterised efforts to criticise his government's record as unjustified and interfering by saying: 'It is disturbing to observe the growing trend in the international arena of interference by some in the internal matters of developing countries in the guise of security and guardians of human rights', and continuing: 'This turmoil results from attempts to impose a type of democracy upon countries with significantly different cultures, values and history. The world needs no policing by a few states'. ¹⁴ His statement provoked a public and formal response from Canada's prime

minister, Stephen Harper, on 7 October 2013, when he said: 'The absence of accountability for the serious violations of human rights and international humanitarian standards during and after the civil war (in Sri Lanka) is unacceptable', and he announced that neither he nor any minister of the Canadian government would be attending the Summit in Sri Lanka. Mr Harper gave as his reason for non-ministerial representation at the meeting in Sri Lanka: 'Canada believes that if the Commonwealth is to remain relevant it must stand in defence of the basic principles of freedom, democracy, and respect for human dignity, which are the very foundations upon which the Commonwealth was built. It is clear that the Sri Lankan government has failed to uphold the Commonwealth's core values, which are cherished by Canadians'. 15

And therein lies the rub.

Upholding Values or a Sinister Purpose

President Rajapaksa's statement at the UN General Assembly and the reasons given by Prime Minister Harper for Canada's non-ministerial representation at the Summit in Sri Lanka go to the core of serious dissension within the Commonwealth. It is a dissension that is also reflected in the decision by President Yahya Jammeh of The Gambia to withdraw his country from the Commonwealth effective 3 October 2013, just seven weeks before the Colombo CHOGM, and in a statement in November 2013 by the former president of the Maldives, Maumoon Abdul Gayoom, that Maldives should withdraw from the Commonwealth following what he termed 'the group's interference with the Maldives' internal affairs' over the conduct of presidential elections. ¹⁶ Earlier in April 2013, when the CMAG contemplated placing Maldives on its agenda, Gayoom's daughter Dunya Maumoon, then State Minister of Foreign Affairs, had said the Maldives would leave the Commonwealth if it were not removed from the CMAG agenda. ¹⁷

In the case of The Gambia, its President Yahya Jammeh's objection to the Commonwealth's urging for improved human rights was particularly pronounced. According to a public statement by the country's information minister, the president did so because he no longer wishes to 'associate with Great Britain' and 'will never be a party to any institution that represents an extension of colonialism'. ¹⁸ In its 2012 Annual Report on Human Rights and Democracy, the British Foreign and Commonwealth Office had devoted a full-page case study to The Gambia's deteriorating human rights record, ¹⁹ which angered Jammeh. He clearly linked the British study to efforts by the Commonwealth Secretariat to persuade governments—his among them—to establish national human rights institutions. It is also significant that shortly after withdrawing The Gambia from the Commonwealth, Jammeh broke diplomatic relations with Taiwan, believing that this might lead to an embrace by China, which, as is well known, does not place any store by human rights in determining its relations with countries. A China expert at an Australian university said: 'It appears that Jammeh broke off relations with Taiwan after it would not provide more money. He either did this in a fit of pique or because he misunderstood the nature of the diplomatic truce (between China and Taiwan) and thought China would play along'.²⁰

In any event, the point is that there is now a resiling by some governments from the values that all Commonwealth governments have declared they support. They justify

this backtracking with an accusation that those governments that seek to uphold those values have a sinister purpose. All of this is a consequence of poor management of the Commonwealth's diversity.

Democracy and Human Rights versus Development

The Commonwealth's diversity is a reflection of the realities of today's world: rivalry among nations for access to resources; clashes between states for economic advantage; threats to the very existence of some states exacerbated by poor environmental policies of others; deafness in the international financial institutions to the economic and financial challenges of developing states; resentment by developing countries over financial and trade rules imposed upon them by the interests of developed nations; and a position by some developing states that upholding and advancing human rights and democracy is an imposition by 'Western countries' and injurious to development.

Over the years, there has been an assumption that the Commonwealth comprises states that naturally cling together, sharing common interests and aspirations. Despite their diversity in ethnicity, religion, geography, size and culture, it has been assumed that they could remain cohesive under the Commonwealth banner because of their historical links to Britain and the legal and administrative systems that resulted from those links.²¹ But, in reality—and especially over the last two decades—more diversity and less commonality have evolved in Commonwealth membership, and diversity has produced division.

In any event, tension has now developed between Commonwealth governments, with some developing country governments claiming that human rights concerns are 'Western exports', incompatible with more urgent development issues and cultural differences. This argument—although persistent—skates on thin ice, for it was to secure their human rights that slaves revolted in the Caribbean against their exploiters and abusers, it was to secure human rights that Mahatma Gandhi encouraged passive resistance in India, and it was to secure human rights that freedom-fighting organisations were created in Southern Rhodesia and South Africa. These were not 'Western imports'; they were manifestations of people yearning for their freedom and their rights. Human rights are not a Western concept, they are ancient quests of all mankind; and, as US President Barack Obama recently pointed out to the General Assembly of the United Nations, 'they are the birth right of every person'.²²

Even more tellingly, some of the most radical, leading thinkers of the developing world have long argued, based on careful and informed study, that development cannot be separated from democracy. These leaders from the South included Julius Nyerere (Tanzania), Manmohan Singh (India), Michael Manley (Jamaica), Shridath Ramphal (Guyana), Gamani Corea (Sri Lanka), Abdus Salam (Pakistan) and Simba Makoni (Zimbabwe). They concluded, in the comprehensive review of the International Economic Order from the perspective of the South, that:

In the final analysis, the South's plea for justice, equity and democracy in the global society cannot be disassociated from its pursuit of these goals within its own societies. Commitment to democratic values, respect for fundamental human rights—particularly the right to dissent—fair treatment for minorities, concern for the poor and

underprivileged, probity in public life, willingness to settle disputes without recourse to war—all these cannot but influence world opinion and increase the South's chances of securing a new world order.²³

Nonetheless, different perceptions about the comparative importance of democracy and development now dominate the unspoken agenda of the Commonwealth. These different perceptions, arising out of the diversity of Commonwealth membership, poisoned the discussions by the Secretariat's Board of Governors of the recently adopted Strategic Plan for the Secretariat. The sometimes acrimonious discussions, engineered by a few government representatives who went beyond the remit of the Board of Governors, were prolonged, causing agreement on the Secretariat's budget to be delayed, halting work programmes, putting Secretariat jobs in jeopardy and draining staff morale.

Commonwealth's Diversity is a Weakness unless Managed Properly

At the heart of the Commonwealth's present difficulties is the very diversity that the Commonwealth has touted as a strength. The Commonwealth is now an association of 53 nations. It is no longer the eight countries that fashioned the modern Commonwealth in 1949 or even the 20 that agreed to establish a Secretariat in 1965. It is a very diverse grouping.

Diversity is a variety of differences, not of sameness. Diversity is only a strength if it is harnessed and co-ordinated; if room is made to accommodate dissimilarities. Otherwise, diversity is a weakness. Diversity means that small countries see survival differently from large ones; and developed countries have priorities and perspectives dissimilar to developing ones. What is more, Commonwealth member states have forged alliances with other countries and with other groups of countries on vital matters such as trade and investment, and defence and security. These alliances now play a larger part in their affairs in practical ways and have, to some extent, dwarfed their links to the Commonwealth.

Particularly important in this regard is the emergence of China as the second largest economy in the world and the holder of the largest foreign exchange reserves (US\$3.2 trillion), a bigger provider of concessionary loans to many developing Commonwealth countries than the World Bank, and the biggest trading partner of many of them. It is well known that China places no premium on democracy as we know it, or on respect for human rights as an international standard. China does not make democracy and human rights conditions of its economic relationship with Commonwealth developing countries. Hence, even though it may be unintended, China's policies undermine the Commonwealth's core political values of respect for democracy, the rule of law and human rights.²⁴

Of course, China's importance as a market and as a source of investment is not limited to developing countries. In the Commonwealth, China is vitally important to Australia and New Zealand, and it is being hotly pursued by the governments of Canada and the UK. None of the developed Commonwealth countries is showing anything but unbridled enthusiasm for deals with China, and human rights issues with China have been set aside in the process. In this connection, accusations have already been made that developed Commonwealth countries are practising a double standard on human rights—ignoring

them in China and insisting on them in developing countries. This charge will intensify over the next two years leading up to the 2015 CHOGM in Malta.

If the diversity of the Commonwealth member states in their economic ambitions and their political aspirations is not managed to create mutual understanding and goodwill and to pursue shared goals, it is their differences and divergences that will prevail. The Commonwealth will be nothing more than any other multilateral or international organisation in which North–South animosity predominates in every discourse, intensifying division. The association will continue the drift away from the goodwill and trust that were the beneficial offshoots of its evolution. Alternatively, it could be rejuvenated and reinvigorated to continue a beneficial role for its member states and the international community as it had done in the past. It is with this latter point that the rest of this paper is concerned.

Defining the Commonwealth

When the EPG submitted our report on reform of the Commonwealth to the 2011 Perth CHOGM, we said in the first sentence of our letter of transmittal to the Secretary-General the following:

Each of us came to this group as a supporter of the Commonwealth association; at the end of our work we are even more convinced of the Commonwealth's potential as an influence for human advancement within its member states and in the wider global society.²⁵

Our conviction of the Commonwealth's continued potential as an influence for human advancement was informed by over 300 submissions to us from governments, non-governmental organisations and individuals. Those submissions were wide and varied in their content and in their urgings for the Commonwealth to do more, not less. While there was a strong call for reform of the organisation to make it relevant, not one of the submissions called for the Commonwealth to close-up shop, and not one of them expressed a single doubt that the association at the levels of governments and civil society is valuable and necessary, particularly in today's world in which mankind is confronted with common threats regardless of the size, wealth or poverty of the states in which they reside.

Of course, there are more than a few sceptics about the Commonwealth. Described by one scholar as 'the absurdity of sovereign mice and sovereign elephants consorting together as equals', ²⁶ others have asserted that 'If the Commonwealth did not exist, there would not be an international compulsion to invent or re-invent it'. ²⁷ Both of those observations contain an element of truth. But, what is also true is that the Commonwealth does exist; it exists as a grouping of one-third of all humanity drawn from every continent in the world, from countries of varying size and economic standing. It is a microcosm of the world with all its frailties and challenges, but also with all its prospects and potential. Its membership of 'sovereign elephants' and 'sovereign mice' meeting as equals is not an 'absurdity'; it is a special opportunity. For, only the Commonwealth spans all the network of groupings across the globe that deal with the varied concerns and priorities of the world's nations. Commonwealth countries are participants in the G20, the G7, NATO, the Organisation for Economic Co-operation and Development, the

European Union, the North American Free Trade Area, the Organisation of American States, the African Union, the Southern African Development Community, the Caribbean Community and Common Market, the Pacific Forum, the Association of South East Asian Nations, the African, Caribbean and Pacific Group, and the Asia-Pacific Economic Co-operation Forum.

Consensus reached in Commonwealth councils on global matters and on issues of particular interest to the well-being of member states—individually, regionally and globally—can be taken into each of the multilateral organisations of which Commonwealth countries are members and into the UN and its agencies, into the World Bank and the World Trade Organisation. The Commonwealth has done so successfully in the past and it can continue to do so. In this sense, the Commonwealth is a gift—a gift to its member states and to the world—and one which none of its member states should squander.

In a troubled global reality, there remains an urgent and practical need for the Commonwealth association. Making this assertion is not an attempt to overstate its importance. For, as the EPG said in our report:

We are aware that the Commonwealth will never wield the same kind of influence as multilateral or treaty bodies with members that are rich and powerful and which exercise military or economic clout or both. Nevertheless, we have witnessed the Commonwealth's influence and we place a high value on it.²⁸

As former Commonwealth Secretary-General Shridath Ramphal repeatedly observed, 'the Commonwealth cannot negotiate for the world, but it can help the world to negotiate'. If the Commonwealth can continue to transcend the bigotry of race and religion, to accommodate differences in size and economies, and to build understanding and goodwill through consultation and co-operation, it can remain valuable to all its member states and to the world.

But What Is the Commonwealth?

This begs the question: what is the Commonwealth? Often, it is defined as what it is not: it is not a treaty organisation, it has no legal personality; it is not a defence and security organisation; it is not a trade organisation; it is not a health and education organisation; and, despite the modest resources of the CFTC, it is not an aid organisation. It does provide technical assistance, advice and advocacy in all the areas just listed, but although these contributions are important to developing Commonwealth countries, other agencies and other alliances with far greater resources fulfil bigger needs and, therefore, command greater allegiance.

The Commonwealth is what it has always been—fundamentally, a club; a club with rules. Membership is voluntary and governments can choose to withdraw at any time. But, to get into it and to remain a part of it, members are expected to conduct themselves according to the rules that are embodied in the many declarations that Commonwealth governments have made over the years setting out the values and principles for which 'the club' stands.

In March 2012, all Commonwealth Heads of Government established a Charter of the Commonwealth that recommitted every member state to the values of the Commonwealth as set out in all 11 of its declarations from 1971 to 2011. Under the Charter, governments declared their commitment to 'equality and respect for protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies'. They noted 'that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively'. It is these values, taken collectively, that so far have defined the Commonwealth; it is adherence and commitment to these values—all of them—that distinguishes the Commonwealth; it is pursuit of these values that give the Commonwealth relevance within its own member countries and influence in the international community.

The cynical argument has been advanced in some circles that when governments signed-up to the Charter and the previous declarations they issued, they did so only because the Commonwealth is a not a treaty organisation and, therefore, none of its declarations or its Charter could legally bind them, and their national laws would prevail. Thus, discrimination against homosexuals and lesbians could continue, and so could discrimination against women, and discrimination against minorities. Further, the Commonwealth would have no uninvited role in the internal affairs of member states, including the conduct of general elections.

It is, of course, correct that national laws are paramount in member states. But, with respect to being a member of the Commonwealth Club, the Charter and the many declarations of the Commonwealth are conditions of membership. They are the rules of the club, and if governments do not want to abide by them, they have the choice not to join the club. If, having joined, they find the rules burdensome or restrictive, they have the choice to leave. South Africa did so in 1961, as did Pakistan in 1971 and Zimbabwe in 2003.

In reality, when countries decided to join the Commonwealth, the attraction was not the rules just described; many of the rules were made after countries joined the association. What attracted them was the unique opportunity that the Commonwealth provides —especially through CHOGMs—for leaders of countries of the North and South, of rich and poor, of small and large to sit together as equals and to debate the issues that face them nationally and in the international community and to get consensus on matters that could be advanced jointly. No other organisation presents such an opportunity; an opportunity that is beneficial not only to small and developing countries, but also to large and developed ones. The price that all countries pay for this unique opportunity to achieve understanding, co-operation and joint action is adherence to the values of the Commonwealth—the rules of the club. Unless Commonwealth governments change the rules, when they sign up for membership of the Commonwealth, they sign up to all these values—not just the ones that suit them from time to time.

Nor must we forget in counting Commonwealth assets the substantial non-governmental Commonwealth. The trinity of 'language, learning and the law' has been the base from which has sprung a multitude of Commonwealth fraternities that meet and work together giving substance to membership of the 'club'—such as the Commonwealth Games Federation, the Association of Commonwealth Universities, and the Lawyers and Magistrates Association.

An Initiative to Move the Commonwealth Forward

If Commonwealth governments truly believe that the Commonwealth association has the sort of worth and merit that has been described, an initiative should be taken by a small group of Heads of Government—representing the regions of the Commonwealth—to convene a two-day working meeting to define the organisation in the modern world, agree a practical and achievable set of objectives for its future, settle a structure for its management, and agree a realistic budget. This should not be a meeting that Heads delegate to ministers, for the most important element in the Commonwealth machinery—the heart and soul of its existence—is the CHOGM. Ministerial meetings evolved as the Commonwealth grew, but they are not—and should not be—a substitute for direct, personal meetings between Heads. If the Commonwealth is to rise above the bickering and disagreements that have eroded its standing, if it is to give significance to its existence and be imbued with renewed vigour, if it is to deliver value to its people, it is Heads of Government that must re-energise it. The overriding objective should be to restore trust and confidence between governments, and between governments and the Secretariat, without which the Commonwealth may well go over the cliff on which it is now dangerously perched, to irrelevance and disintegration.

Such trust, such confidence, such understanding and belief will not emerge by themselves, nor should they be presumed to exist. They require constant vigilance, promotion and advocacy by those who lead Commonwealth nations and those, such as the Secretary-General and Deputy Secretaries-General, who are charged with the Commonwealth's full-time stewardship.

In this connection, the prime minister of Malta, as the Chair of the next CHOGM in 2015, might consider taking the initiative described above as an essential step in preparing for a summit that would relaunch the Commonwealth association. Enough studies exist, including the 2011 Report of the EPG on urgent reform of the Commonwealth, for a small team of Commonwealth experts to formulate a short paper for a meeting of a group of representative Heads *alone* to consider. In turn, the recommendations of this small group of Heads could be the basis for substantive discussion by all Heads of Government in Malta, and the basis for relaunching the association.

The New Secretary-General

At CHOGM 2015 a vitally important task before Heads of Government will be to elect a new Secretary-General. Already discussions have begun among Commonwealth-interest groups and academics about the position. Several suggestions have been made about the qualities needed in the person who would fill the post, and how the methodology for electing the Secretary-General should be changed.²⁹

Among some governments the discussion has centred on whose 'turn' of the regions of the Commonwealth it is to get the position. An objective analysis of that enquiry produces the following facts. The Secretary-Generalship has been held as follows: 1965–1975 (Canada, 10 years), 1975–1990 (the Caribbean, 15 years), 1990–2000 (Africa, 10 years), 2000–2008 (the Pacific, eight years), 2008 until April 2016 (Asia, eight years).

If it is the 'turn' of any region, it should be the Mediterranean—either Malta or Cyprus—to put up a candidate for election in 2015, and then if the notion of a 'turn' persists, it should return to Canada in 2023. But, indeed, the notion of regional 'turns'

is a contrivance of recent vintage and not a concept ever envisaged for the post. When Arnold Smith of Canada was elected by Heads of Government in 1965, there was no question of a 'turn', and when Shridath Ramphal replaced him in 1975, the idea that it was the turn of another region never arose—the two men were elected unanimously as the best people for the job. When Emeka Anyouku was elected in 1990, the former Australian prime minister, Malcolm Fraser, was also a candidate; in 2000, Heads of Government chose Don McKinnon over Farooq Sobhan (Bangladesh), and in 2008 they elected Kamalesh Sharma instead of Michael Frendo (Malta). In none of these elections did any region have the exclusive right to put up a candidate for the job.

At any rate, the Commonwealth now requires the best person that it can get for the job, drawing from every country of the Commonwealth and not restricting itself to any one country or region. The person elected not only has to be a firm believer in the Commonwealth, but also has to have a vision for the organisation's role for its member states and for the part the Commonwealth can play in global affairs. He/she also has to have the capacity to advise Heads of Government prudently but fearlessly, to heal rifts between governments, and to find and promote common ground to advance the Commonwealth. Respected leadership in a relaunched Commonwealth will be integral to its success. Finding the right person cannot be left to the chance of regional 'turns'.

The Vital Importance of CHOGMs being a Meeting of Heads

Finally, and of overwhelming importance to the relaunching of the Commonwealth, is to recognise that its great success in the past emanated from CHOGMs that were fully and regularly attended by Heads of Government themselves, and by the relationships they developed among themselves and with the Secretary-General as the Chief Executive Officer of the organisation.

There is no substitute for the direct, interpersonal exchanges between Heads of Government, particularly in the 'retreat' at CHOGMs when they meet by themselves with no ministers or officials except the Secretary-General, to discuss in an intimate way the problems they face at a national level, the challenges they confront in the international community, the opportunities that might be created, and the actions their governments could take together. In the past, at retreats, Heads themselves narrowed differences and where they continued to disagree they did so with at least some appreciation of each other's difficulties; and, what they agreed became the Commonwealth's agenda for going forward.

Over the years, this vital mechanism of a CHOGM attended by Heads of Government has been eroded—only a little more than half of the Heads turned up in Perth in 2011, and even fewer at Colombo in 2013. This is because the practice evolved of allowing ministers and officials not just to participate in CHOGMs instead of Heads, but to speak at executive sessions and to attend retreats. The 'club' of Commonwealth Heads is no longer special, and no longer provides the private and intimate environment in which they can speak frankly. The CHOGM was the Commonwealth's very special mechanism that set it apart from any other multilateral or international grouping. It was the essence of the Commonwealth's cohesion and the substance of inter-governmental co-operation. At all costs, CHOGMs should be restored to Heads of Government only.

If the Commonwealth can remain cohesive, rooted in the values that authenticate it within its member states and in the international community, by managing and harmonising the diversity of its membership it can continue to play a vital role in the future as it did in the past by fighting racism in Southern Africa, by promoting North–South co-operation and by intellectual thinking on climate change, gender equality and social justice. As early as 1971, in their *Declaration of Commonwealth Principles*, Commonwealth countries stated that they were 'convinced that the Commonwealth is one of the most fruitful associations' for 'international co-operation (that) is essential to remove the causes of war, promote tolerance, combat injustice and secure development among the peoples of the world'. That declaration remains valid today.

Notes

- 1. Stuart Mole (2013) 'The Lost Summit, Colombo Notebook', 23 November, posted on the website of *The Round Table*, http://www.moot.org.uk/pdf/Colombo%20notebook-3.pdf, accessed 1 December 2013.
- 'Mauritius pulls out of hosting 2015 CHOGM: PM', Business Standard, AFP/PTI, London, 16 November, 2013, http://www.business-standard.com/article/international/mauritius-pulls-out-of-hosting-2015-chogm-pm-113111600061 1.html, accessed 7 December 2013.
- The 1971 and 1979 Singapore and Lusaka CHOGM where Southern Rhodesia/Zimbabwe was a contentious issue, and the 1985 Nassau Summit where apartheid South Africa dominated.
- 4. See, for instance, The Missing Link: A Commonwealth Commission for Human Rights, Report of the Commonwealth Human Rights Initiative, New Delhi, 2013; and Asian Human Rights Commission (n.d.) Sri Lanka: Foreign Ministers Urged to Make Commonwealth Meeting in Sri Lanka Conditional on Significant Progress Concerning Human Rights, http://www.humanrights.asia/news/alrc-news/ALRC-OLT-002-2011, accessed 27 September 2013.
- Aofie O'Donoghue (2013) The Commonwealth and Sri Lanka: Perils of Joining Global Clubs, in EU
 International, 2 December, http://humanrights.ie/international-lawinternational-human-rights/the-commonwealth-and-sri-lanka-perils-of-joining-global-clubs/, accessed 3 December 2013.
- 'China seeks to cultivate Sri Lanka ties but without international reproach', South China Morning Post, 2
 December 2013, http://www.scmp.com/news/china/article/1370459/china-seeks-cultivate-sri-lanka-ties-without-international-reproach, accessed 2 December 2013.
- 7. 'The UK's relationship with the Commonwealth', Foreign and Commonwealth Secretary William Hague, Statement in Parliament, 9 December 2010, https://www.gov.uk/government/news/the-uks-relationship-with-the-commonwealth, accessed 7 December 2013; 'The Commonwealth has never been stronger', Hugo Swire, Minister for Commonwealth Affairs in the British Foreign and Commonwealth Office, The Telegraph, London, 2 January 2013, https://www.telegraph.co.uk/comment/9775008/The-Commonwealth-has-never-been-stronger.html, accessed 7 December 2013.
- Statement by the prime minister of Canada, Stephen Harper, issued on 7 October 2013 by the PMO Press Office, Ottawa, http://pm.gc.ca/, accessed 8 October 2013.
- 9. See A Commonwealth of the People: Time for Urgent Reform: The Report of the Eminent Persons Group to Commonwealth Heads of Government, Perth, October 2011. London: Commonwealth Secretariat.
- 10. Ibid. See pp. 40–42 for discussion of the recommendation.
- 11. Ibid. The argument to abolish the position of Chair-in-Office and the Troika can be seen from p. 117 to p. 120.
- The full text of the opinion of the late P. N. Langa, former Chief Justice of South Africa, can be read at: https://www.colombotelegraph.com/index.php/expose-full-text-of-sharmas-buried-report-impeachment-violated-cwealth-principles-sowed-seeds-of-anarchy/, accessed 4 December 2013.
- 13. Letter dated 19 September 2013 from the Secretary-General to the Canadian Foreign Minister.
- Full text of Rajapaksa's speech: http://wireceylon.com/wire/opinion/2013/09/25/full-text-of-speech-by-president-mahinda-rajapaksa-at-the-68th-session-of-the-un-general-assembly-2013.html, accessed 3 December 2013.
- 15. Op. cit., note 8.

- 'Former Maldivian president calls to withdraw from Commonwealth', Xinhua News Agency, 15 November 2013, http://news.xinhuanet.com/english/world/2013-11/15/c_132892090.htm, accessed 3 December 2013.
- Mariyath Mohamed (2013) 'Maldives likely to leave Commonwealth if not taken off CMAG agenda: Dunya', Minivian News, 6 September, http://minivannews.com/politics/maldives-likely-to-leave-common-wealth-if-not-taken-off-cmag-agenda-dunya-43484, accessed 3 December 2013.
- 18. Trevor Grundy report on 8 October 2013 of an interview with Nana Grey-Johnson, Gambian Minister of Information and Communication Infrastructure, with the Zambia-based monthly magazine *The Bulletin* and Record (shared by email with the Commonwealth Journalists Association).
- See Human Rights and Democracy; The 2012 Foreign and Commonwealth Office Report, http://www.hrd-report.fco.gov.uk/introduction-2/, accessed 30 September 2013.
- Joel Atkinson (2013) 'Gambia's break with Taiwan', *The Diplomat*, 2 December, http://thediplomat.com/ 2013/12/gambias-break-with-taiwan/, accessed 3 December 2013.
- The exceptions to this are Mozambique, Cameroon and Rwanda, whose membership of the Commonwealth is not based on traditional criteria.
- 'Remarks by President Obama in Address to the United Nations General Assembly', 24 September 2013, posted on the website of the White House, http://www.whitehouse.gov/the-press-office/2013/09/24/remarks-president-obama-address-united-nations-general-assembly, accessed 7 December 2013.
- (1990) The Challenge to the South: The Report of the South Commission. Oxford: Oxford University Press, p. 287.
- 24. For a deeper discussion of this matter, see Sir Ronald Sanders, (2013) 'The Commonwealth and China: Upholding values, Containing the dragon?', The Round Table: The Commonwealth Journal of International Affairs, 102(3), 223–234.
- 25. Op. cit., note 9, p. 13.
- 26. Dennis Austin (1998) The Commonwealth and Britain. London: Routledge and Kegan Paul, p. 11.
- 27. Stephen Chan (1988) The Commonwealth in World Politics: A Study of International Action 1965 to 1985. London: Lester Crook Academic Publishing, p. 72; and James Mayall, Emeritus Fellow in International Relations at Sidney Sussex College at the University of Cambridge, quoted in Jen Gerson (2013) 'How exactly does the Commonwealth work anyway?', The National Post, Canada, 7 October, http://news.nationalpost.com/2013/10/07/how-exactly-does-the-commonwealth-work-anyway/, accessed 8 October 2013.
- 28. Op. cit., note 9, p. 29.
- Selecting the Commonwealth Secretary-General, Stuart Mole and Daisy Cooper, Policy Briefing: Issues before Commonwealth leaders at Perth, Australia, October 2011, pp 29–34. Published for the CA/B by Nexus Strategic Partnerships, 2011.