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Library Note

Debate on 8 September: Commonwealth Parliamentary Association and the Role of the Commonwealth

This Library Note provides background reading for the debate to be held on 8 September 2011:

“To call attention to the ‘Century of Excellence’ of the Commonwealth Parliamentary Association and to the continuing role of the Commonwealth”

The Note briefly outlines the history and structure of the modern Commonwealth and the history and work of the Commonwealth Parliamentary Association. It also considers the role of the Commonwealth today, looking at the UK Government’s policy and at the wider debate on the Commonwealth’s continued relevance in world affairs, particularly its response to human rights abuses. It concludes by considering prospects for future reform.

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1. Introduction

The purpose of this Note is to provide background reading for Baroness Hooper's debate to call attention to the "Century of Excellence" of the Commonwealth Parliamentary Association and to the continuing role of the Commonwealth. It begins by briefly outlining the history and structure of the modern Commonwealth, before moving on to describe the history and work of the Commonwealth Parliamentary Association, with particular emphasis on the recent conference held in London, at which the Association celebrated its centenary. The second half of the Note considers the role of the Commonwealth today, looking at the UK Government's policy and at the wider debate on the Commonwealth's continued relevance in world affairs, particularly with regard to its response to human rights abuses. It concludes by considering prospects for future reform.

2. The Modern Commonwealth

The origins of the Commonwealth lie in Britain's colonial past. Whilst visiting Australia in 1884, Lord Rosebery, who later became Prime Minister, first referred to the British Empire as a "Commonwealth of Nations". The Balfour Declaration adopted at the 1926 Imperial Conference established that the United Kingdom and its dominions were "equal in status, in no way subordinate to one another in any aspect of their domestic or external affairs, though united by common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations". Soon after attaining independence in 1947, India declared that it wished to adopt a republican constitution, whilst remaining within the Commonwealth. At the Commonwealth Heads of Government meeting in April 1949, the [London Declaration](#) was adopted, which stated that India accepted King George VI as "the symbol of the free association" of the Commonwealth's member nations, and as such as Head of the Commonwealth. This paved the way for former British colonies to remain within the Commonwealth upon gaining independence. Thus, 1949 is recognised as the birth of the modern Commonwealth; the Commonwealth celebrated its sixtieth anniversary in 2009.

Today the Commonwealth is "a voluntary association of 54 countries that support each other and work towards shared goals in democracy and development".¹ (For a full list of members, see Annex.) The fact that two of the Commonwealth's newest member states, Mozambique (joined 1995) and Rwanda (joined 2009), have no historical links to the British Empire illustrates how the Commonwealth has evolved. The voluntary nature of the organisation distinguishes it from other international bodies such as the UN or the EU, for it has no founding treaty to bind its members. It has, however, issued declarations setting out its values and principles, notably the [Singapore Declaration of Commonwealth Principles](#) (1971), the [Harare Commonwealth Declaration](#) (1991), and the [Trinidad and Tobago Affirmation of Commonwealth Values and Principles](#) (2009). The latter reiterates members' commitment to the Commonwealth's core values: international peace and security; democracy; human rights; tolerance, respect and understanding; separation of powers; rule of law; freedom of expression; development; gender equality; access to health and education; good governance; and the role of civil society.

Commonwealth member states comprise both large and small, developed and developing countries across six different continents. The Commonwealth is home to over two billion citizens of many different faiths and ethnicities, over half of whom are 25 or

¹ Commonwealth Secretariat:
http://www.thecommonwealth.org/Internal/191086/191247/the_commonwealth/.

under.² The countries of the Commonwealth are collectively responsible for more than 20 percent of world trade, about 20 percent of investment and approximately 20 percent of world GDP, with over \$3 trillion in trade taking place within the Commonwealth every year.³ It has been argued that membership of the Commonwealth is of particular benefit to the smallest states—32 Commonwealth members have populations of less than 1.5 million—as it provides them “with access to a diplomatic infrastructure that is of immense value to them over a wide range of issues, including trade, security and climate change”.⁴

The Commonwealth Association consists of both intergovernmental organisations and non-governmental civil society organisations. There are three official intergovernmental bodies: the Commonwealth Secretariat, which executes plans agreed by Commonwealth Heads of Government through technical assistance, advice and policy development; the Commonwealth Foundation, which helps civil society organisations promote democracy, development and cultural understanding; and the Commonwealth of Learning, which encourages the development and sharing of open learning and distance education. The Queen is Head of the Commonwealth and acts as “a personal link and human symbol of the Commonwealth as an international organisation”.⁵ The Commonwealth Secretary-General, currently Kamallesh Sharma of India, is also Chief Executive of the Commonwealth Secretariat. Every two years, Commonwealth leaders gather at the Commonwealth Heads of Government Meeting (CHOGM), also usually attended by the Queen, to discuss global and Commonwealth issues and to agree on collective policies and initiatives.

There are around 90 international civil society organisations associated with the Commonwealth which work to promote professional, cultural and development cooperation between Commonwealth countries and to uphold the Commonwealth principles and values. A full list of Commonwealth organisations is available in a [directory](#) maintained by the Commonwealth Secretariat. One of the best known is the Commonwealth Games Federation, which organises the Commonwealth Games every four years; the Commonwealth Parliamentary Association is another.

Given this mix of intergovernmental structures and numerous and wide-ranging non-governmental bodies, it can be difficult to define “the Commonwealth”. Many commentators speak of the “Commonwealth family”, which encompasses “all organisations, member governments and peoples who work on Commonwealth issues”.⁶ One academic uses the plural formulation “Commonwealths” to cover “its nonstate as well as interstate character and the many links it has to professional associations, diasporic communities and cultural (especially literary and sporting) organizations”.⁷

² Commonwealth Secretariat:

http://www.thecommonwealth.org/Internal/191086/191247/the_commonwealth/.

³ Sir Ronald Sanders, ‘The Work of the Eminent Persons Group: Preliminary Ideas’, *The Round Table*, 100:412 (2011), p 37.

⁴ Philip Murphy, ‘Britain and the Commonwealth: Confronting the past—Imagining the future’, *The Round Table*, 100:414 (2011), p 279.

⁵ Official website of the British Monarchy:

<http://www.royal.gov.uk/MonarchAndCommonwealth/TheCommonwealth/TheQueensroleintheCommonwealth.aspx>.

⁶ Joanna Bennett et al, *An Uncommon Association—A Wealth of Potential: Final Report of the Commonwealth Conversation*, Royal Commonwealth Society (March 2010), p 2.

⁷ Timothy Shaw, ‘[The Commonwealth\(s\) and Global Governance](#)’, *Global Governance* 10 (2004), p 515 note 4.

3. Commonwealth Parliamentary Association

The Commonwealth Parliamentary Association (CPA) is the parliamentary arm of the Commonwealth, and the professional association of parliamentarians in Commonwealth legislatures. It aims to “advance parliamentary democracy by enhancing knowledge and understanding of democratic governance” and to “build an informed parliamentary community that is able to deepen the Commonwealth’s democratic commitment and furthers cooperation among parliaments and legislatures”.⁸ The CPA is composed of autonomous branches formed in legislatures in Commonwealth countries. Whereas most international parliamentary institutions are only open to members of national parliaments, members of state and provincial legislatures within the Commonwealth are eligible to form a branch and join the CPA.

The CPA was originally founded as the Empire Parliamentary Association in 1911. At that time the organisation was administered by the UK branch. In 1948, it adopted its present name, established a secretariat to manage its affairs and changed its rules to allow all member branches to participate in the Association’s management. This year marks the Association’s centenary, and the CPA’s “Century of Excellence” was celebrated at the 57th Commonwealth Parliamentary Conference, held in London in July 2011. More than 600 parliamentarians and parliamentary staff from 137 Commonwealth parliaments and legislatures came to Westminster to take part in discussions on themes such as “reinforcing democracy” and “women as agents of change”.

The website of the Commonwealth Parliamentary Conference (CPC) 2011 highlights some of the significant achievements and strengths of the CPA:

The work of the CPA over the last 100 years has been key in supporting emerging democracies such as Rwanda, which demonstrated its commitment to the values of the Commonwealth and CPA as evidenced by its application to join, with no prior relationship to the UK, in 2009.

The CPA is unique in bringing together legislators from a vast range of nations, from all geographic regions and at all stages of development, from established and wealthy states such as the UK and Australia, to fast-growing powerhouse economies, such as India, to fledgling democracies such as Rwanda.

On issues such as the global economy, food security and climate change, it allows a range of viewpoints to be shared from more varied circumstances than organisations such as the G8/G20. It also values national, state/provincial and overseas territories’ legislatures equally and extends this equal voice to parliamentarians from government, opposition and minority parties, and is the only organisation of its kind to do so.⁹

As well as holding an annual Commonwealth Parliamentary Conference, the CPA pursues its aims through small branches conferences (for branches covering jurisdictions with populations of less than half a million people); regional conferences; seminars, including regional, local and post-election seminars; election observation; communications, including *The Parliamentarian* journal, newsletters, conference documents and specialist publications; running the Parliamentary Information and Reference Centre; study groups of experienced parliamentarians who examine and

⁸ CPC 2011 website: <http://www.parliament.uk/mps-lords-and-offices/offices/bicameral/cpa-home/cpc2011/cpc-2011-an-introduction/frequently-asked-questions/>.

⁹ CPC 2011 website: <http://www.parliament.uk/mps-lords-and-offices/offices/bicameral/cpa-home/cpc2011/cpc-2011-an-introduction/frequently-asked-questions/>.

report on good practice; projects to support the professional development of parliamentarians and parliamentary staff; and inter-parliamentary visits.¹⁰

Speaking at the 2011 conference, Abdulla Shahid, Speaker of the Maldives Parliament, highlighted the value of the CPA to emerging democracies:

What we are going through, even though we have had the parliament for many years is the creation of the institution... we don't have traditions, we don't have a memory... everything has to be invented within the Maldives but while it exists elsewhere it is foreign culturally.

To be part of a family of nations like the Commonwealth or the IPU [Inter Parliamentary Union] allows us to benefit from the experience of others. We are very young and sometimes it is scary watching this process. We have been entrusted with this huge responsibility in making sure democracy is consolidated in the country. If we fail, we not only fail ourselves, we fail an entire generation and a country.¹¹

Robin Adams, Speaker of the Parliament of the Norfolk Islands (a self-governing territory of Australia), described the CPA as “the most wonderful place for a small place like us”.¹² She said that for small nations and island states the CPA offered a “fraternity” and important networking opportunities.

Sir Alan Haselhurst MP was elected as the new chair of the CPA International Executive Committee at the conference. He identified three major priorities he believes the CPA must address:

1. Greater attention and focus on the diverse and complex issues facing the island states and smaller branches.
2. The identification of subjects of interest to women parliamentarians and the strategic development of more seminars to address these.
3. Identifying and creating a new status for the CPA which makes sense to all regions.¹³

Sir Alan emphasised in his election campaign that it was imperative for parliamentarians from all over the world to speak out about human rights violations, and that the CPA should play a role in this regard:

We have to be respectful of differences but we lose something as a parliamentary association if we appear not to be looking at these issues and finding ways through.

We don't want to beat up gratuitously on other countries but we should face up to human rights issues however uncomfortable this might be. We are MPs and

¹⁰ Commonwealth Parliamentary Association, [Promoting Parliamentary Democracy](#) (2010).

¹¹ Commonwealth Parliamentary Association press release, '[57th Commonwealth Parliamentary Conference—looking to the future](#)' (undated).

¹² Ibid.

¹³ Commonwealth Parliamentary Association press release, '[Candidate profile—Election as Chairperson of the International Executive Committee: Rt Hon Sir Alan Haselhurst MP](#)' (undated).

would face these in our own countries... if a country behaves in a way that is beyond the pale it should be suspended from the Commonwealth and the CPA.¹⁴

Following his election, Sir Alan also said that more needed to be done to raise the CPA's international profile.¹⁵

4. UK Government Policy

Both the Prime Minister and the Foreign Secretary addressed the Commonwealth Parliamentary Conference and outlined their views on the continuing role of the Commonwealth in the twenty-first century. David Cameron stressed that the Commonwealth remained "modern, mainstream and practical".¹⁶ William Hague said that the current Government had "put the Commonwealth back at the very heart of British foreign policy". He explained:

The Commonwealth not only occupies a special place in our affections and our history here in Britain; it is a cornerstone of our foreign policy, alongside our role in the EU, our membership in NATO and our special relationship with the United States of America. It plays a key role in our thinking as we adjust to the new international landscape and the rise of the emerging economic titans of Asia, Africa and Latin America.

For it is a striking fact that although the Commonwealth has its historical roots in the 19th century, and is 62 years old this year, it is perhaps one of the international organisations or platforms that is most suited to the world of the 21st century.

In a world that is dominated by networks and not by the power blocs of old, the Commonwealth is the ultimate network.¹⁷

This is not a new theme for Mr Hague; in summer and autumn 2010, he made a series of four keynote speeches in which he set out the priorities that would underpin his foreign policy. In his third speech, he addressed Britain's values in a networked world:

I have long championed the Commonwealth as an overlooked and undervalued vehicle for the promotion of democratic values. Critics of the Commonwealth have often questioned what such a disparate organisation can achieve. But it is in fact an unparalleled network which could play a greater role in advocating human rights and democratic development and supporting conflict prevention. Its 54 member states subscribe to a common framework of democratic norms and institutions and have reach into regions, like Africa, where many pressing foreign policy challenges arise. We have often pointed to Zimbabwe as a country where the Commonwealth could play a future role. So we will work with other members to reinvigorate the organisation. We will support its Legal Services division which helps promote judicial administration and the rule of law, since entrenching these

¹⁴ Commonwealth Parliamentary Association press release, '[Candidate profile—Election as Chairperson of the International Executive Committee: Rt Hon Sir Alan Haselhurst MP](#)' (undated).

¹⁵ Commonwealth Parliamentary Association press release, '[57th Commonwealth Parliamentary Conference—looking to the future](#)' (undated).

¹⁶ Commonwealth Parliamentary Association press release, '[Commonwealth is 'modern, mainstream and practical' says Prime Minister at 57th Commonwealth Parliamentary Conference](#)' (27 July 2011).

¹⁷ William Hague, speech on '[The Commonwealth is 'back at the heart of British foreign policy'](#)' (27 July 2011).

things in developing countries, alongside democratic government is the best guarantee against human rights violations.¹⁸

In a written statement in December 2010, Mr Hague announced that the Foreign and Commonwealth Office (FCO) would “lead a co-ordinated cross-Whitehall approach to help the Commonwealth to achieve its potential and to underline the United Kingdom’s commitment to this unique global organisation”.¹⁹ Key elements of the FCO’s Commonwealth strategy were to:

- Define and develop ways in which the modern Commonwealth can add value to the delivery of United Kingdom policy goals and act as a global soft power network;
- Use the Commonwealth to develop trade and investment opportunities for the United Kingdom and to promote intra-Commonwealth trade;
- Support Commonwealth development programmes and bilateral assistance in Commonwealth countries;
- Reform, strengthen and renew the Commonwealth structures and purposes through the Eminent Persons Group, the Commonwealth Ministerial Action Group reform process and in concert with key partners ahead of the Commonwealth Heads of Government Meeting in 2011;
- Focus Commonwealth activity where it has strengths and conclude activity where others are better placed and better resourced;
- Strengthen the Commonwealth through expanded membership and partner and observer agreements;
- Work with the Commonwealth Secretariat better to demonstrate the benefits of membership to the public in Commonwealth nations;
- Use the Commonwealth in other international institutions (eg the United Nations, the Group of 20) where we can develop common foreign policy aims;
- Connect with the “internal Commonwealth”, the many United Kingdom communities with close ties to Commonwealth countries, to the benefit of social cohesion within British society.²⁰

In a lecture in March 2011, Lord Howell of Guildford, FCO Minister for the Commonwealth, explained that he had asked officials to draw up this new Commonwealth strategy, thinking about what the Commonwealth could do for the UK, and what the UK should do for the Commonwealth, whilst throwing off “any traditional thinking about the Commonwealth being an organisation in genteel decline, and [abandoning] any residual colonial angst”.²¹ The new strategy was “ambitious and unashamedly brings the Commonwealth back into the Foreign and Commonwealth

¹⁸ William Hague, speech on ‘[Britain’s values in a networked world](#)’, Lincoln’s Inn (15 September 2010).

¹⁹ HL *Hansard*, 9 December 2010, cols [WS39–40](#).

²⁰ *Ibid.*

²¹ Lord Howell of Guildford, ‘The Commonwealth: A global network for the 21st Century’, *The Round Table*, 100:414 (2011), p 253.

Office". At a time of efficiencies and savings across government, the Commonwealth Unit within the FCO has tripled in size which, said Lord Howell, "speaks volumes of the commitment this government has in making the most of the opportunities the Commonwealth holds in the future globalised landscape". The FCO had also sought to establish and reinvigorate practical working relationships with key Commonwealth networks and organisations such as the CPA, the Commonwealth Business Council and the Royal Commonwealth Society.

Alongside these initiatives for greater engagement with the Commonwealth, William Hague has identified three main areas where he believes that the Commonwealth needs to adapt:

The first is to strengthen the Commonwealth's work on human rights and democracy.

We see an even greater role for the organisation to speak out against political oppression, religious intolerance and racism, with all the authority its broad membership affords, and building on its proud track record from South Africa to Sierra Leone.

... Second, we see great potential for the Commonwealth to increase its engagement on global economic issues. It includes many of the fastest growing technologically advanced economies in the world—the great markets not just of today but of tomorrow—a combined GDP that has more than doubled in the last twenty years.

... In our view, the Commonwealth could and should become one of the leading voices in the global economy, working to liberalise trade and break down barriers for international business.

... Third, we would also like to see the Commonwealth assert an even greater role in development and conflict prevention in the coming years. Part of this is what the Commonwealth can do for other countries through its example or through practical assistance... But the other vital part of this work is what we do for each other as members of the Commonwealth... For many of its members, the Commonwealth's support in their own development is one of its most important functions. We are already doing our part to help, and development aid to Commonwealth countries is a substantial part of Britain's aid programme.²²

5. The Continuing Role of the Commonwealth

5.1 Debates

The debate about what the role of the Commonwealth should be is not a new one. In 1962, Norman Brook, the then Cabinet Secretary, posed a number of questions which have not lost their relevance today:

What is the significance and purpose of the Commonwealth in the years ahead?
What function and value will this new Commonwealth have in the modern world?
What are the links that bind the members together?²³

²² William Hague, speech on '[The Commonwealth is 'back at the heart of British foreign policy'](#)' (27 July 2011).

²³ Quoted in Philip Murphy, 'Britain and the Commonwealth: Confronting the past—Imagining the future', *The Round Table*, 100:414 (2011), p 269.

Detractors of the Commonwealth today dismiss it as an anachronistic talking shop. The main criticisms against it were succinctly put in an article in the *Independent* which appeared in the Commonwealth's sixtieth anniversary year:

Some see the Commonwealth as a peculiarly British consolation prize for the loss of Empire that bolsters the UK's sense of importance while doing almost nothing else. A collection of not very important states brought together by the unhappy accident of having been colonised by the English.

It talks in high ideals but trades in a much more compromised reality, offering abusive regimes a fig-leaf of legitimacy and a platform that they would otherwise have to look for at the more crowded but equally grubby UN. Considering that it confers no trade privileges [sic], has no influence on defence or economic policy, no executive authority and no sensible budget to play a global role it remains a talking shop at best and at worst a costly junket. The countries that can would be better served by spending their time and money on organisations like NATO, the UN or trade blocs like the European Union.²⁴

However, supporters of the Commonwealth point to both the concrete achievements it has made in recent times, and its potential to be a greater force on the world stage in the future. According to one academic:

It has made a really significant contribution in helping to relieve debt for the poorest countries and in securing maritime boundaries. It conducts important work in the area of election monitoring and democratic capacity-building more generally. Its ministerial meetings foster important contacts at a government level, and the good offices of the Secretary-General exert an influence that can sometimes take decades to be properly acknowledged... The intergovernmental Commonwealth of Learning has proved extremely successful in supporting innovative projects to improve the education and skills of Commonwealth citizens. The Commonwealth Human Rights Initiative is an important and genuinely international campaigning body, and the Commonwealth Scholarships Commission provides life-changing opportunities for some of the Commonwealth's brightest citizens.²⁵

Some argue that amongst the plethora of international organisations, many of which are better funded and/or more tightly focused, it is difficult for the Commonwealth to "maintain a niche in a world of competing regional to global arrangements".²⁶ The converse view is that the Commonwealth's unique origins give it a particular role in addressing important global issues today:

It is precisely because that heritage has bequeathed so many problems to the present—including failed states, patterns of inequality, authoritarian habits and structures of government, and ethnic and racial tensions—that the Commonwealth remains such an important forum for discussing these issues,

²⁴ Daniel Howden, "[The Big Question: What is the Commonwealth's role, and is it relevant to global politics?](#)", *Independent* (26 November 2009).

²⁵ Philip Murphy, "Britain and the Commonwealth: Confronting the past—Imagining the future", *The Round Table*, 100:414 (2011), p 279.

²⁶ Timothy Shaw, "[The Commonwealth\(s\) and Global Governance](#)", *Global Governance* 10 (2004), p 509.

and that the bond of mutual obligation based on a shared history remains so crucial.²⁷

In July 2009, the Royal Commonwealth Society (with financial support from the FCO) launched a public consultation about the future of the Commonwealth, called the “Commonwealth Conversation”. The consultation gathered opinions from members of the public and key opinion leaders throughout the Commonwealth, uncovering “a widespread lack of awareness about what the modern Commonwealth is and an uncertainty about what exactly its member states have in common that sets the association apart from other international groupings”.²⁸ The results showed that:

While it seems that few people actively dislike the Commonwealth, the majority polled simply do not care about it. Only a third of respondents could name anything the Commonwealth did and about half of those could name only the Commonwealth Games. Only half knew that the Queen was the head of the Commonwealth; a quarter of Jamaican respondents bestowed that honour upon President Obama and one in ten Indians and South Africans named Kofi Annan. For an organisation that prides itself on being people-based, these results are more than worrying.²⁹

The opinion leaders’ survey identified the Commonwealth’s greatest weaknesses as poor public demonstration of the value of the Commonwealth; a lack of publicity; insufficiently defending its values on an international stage; and the pursuit of too many diverging interest areas and goals.³⁰

The Commonwealth Conversation drew up ten detailed [recommendations](#) intended to set out a constructive way forward for the whole Commonwealth family, which may be summarised as: living out the Commonwealth’s principles; leading from the front; innovating; proving the worth of the Commonwealth; exploiting the Commonwealth’s unique strengths; investing; communicating clearly; communicating succinctly; greater interaction with the public and with civil society; reaching more people and being less elitist.

5.2 The Commonwealth and Human Rights

The first of those recommendations in particular touches on a criticism that has repeatedly been levelled at the Commonwealth in recent years, namely that it does not do enough to challenge undemocratic regimes and human rights abuses among its members, despite the fact that democracy and human rights are proclaimed as the core values and principles of the Commonwealth. The final report of the Commonwealth Conversation cited examples such as the Commonwealth’s silence in the face of comments made by the President of Gambia that he would kill anyone who “collaborates with human rights defenders”; its unwillingness to engage “in any meaningful way” in the aftermath of the civil war in Sri Lanka; and remarks made by the Chair of the 2009 CHOGM that a bill then being debated in the Ugandan parliament proposing life imprisonment for anyone convicted of homosexuality was “essentially related to domestic

²⁷ Philip Murphy, ‘Britain and the Commonwealth: Confronting the past—Imagining the future’, *The Round Table*, 100:414 (2011), p 280.

²⁸ Joanna Bennett et al, [An Uncommon Association—A Wealth of Potential: Final Report of the Commonwealth Conversation](#), Royal Commonwealth Society (March 2010), p 6.

²⁹ Joanna Bennett and Dhananjayan Sriskandarajah, [The Commonwealth at 60: Past, Present and Future](#), Royal Commonwealth Society (2009), p 108.

³⁰ Joanna Bennett et al, [An Uncommon Association—A Wealth of Potential: Final Report of the Commonwealth Conversation](#), Royal Commonwealth Society (March 2010), p 11.

matters” and “no part of the CHOGM agenda”. The Commonwealth Conversation report asserted that this “perceived disconnect between word and action creates cynicism and disillusionment”, particularly when contrasted with the Commonwealth’s “brave and pioneering” stance against apartheid in the past.³¹ A similar point was made by Sir Michael Kirby, a member of the Eminent Persons Group (see below):

A failure of action, particularly if it is persistent, and in the face of other worldwide condemnation, makes the Commonwealth look spineless, ineffective, irrelevant and even lifeless. Once that point is reached, the questioners and the doubters will hold sway. The future of the Commonwealth will be imperilled.³²

In October 2010, the *Guardian* published details of a leaked document it had obtained from the Commonwealth Secretariat in which the Secretary-General wrote: “The secretariat... has no explicitly defined mandate to speak publicly on human rights”. The *Guardian* interpreted this as an instruction to staff that “it is not their job to speak out against abuses by the 54 member states”, and claimed that this meant that the Commonwealth had “abandoned its commitment to defending human rights”.³³ Kamallesh Sharma, the Secretary-General, responded to these accusations by saying:

As an organisation, we accept that we are fallible, but when a member errs we see little point in naming and shaming—such crude megaphone diplomacy would be simply counter-productive—we’d rather proffer a helping hand.

The article questions whether such “quiet diplomacy... has been effective as states have little to fear from the Commonwealth”.

The Commonwealth has teeth: five members³⁴ have been suspended in the last 15 years. But even when we do take this most extreme measure, we do so with the offer of help to return a country to its democratic path.³⁵

5.3 Reform

It is the Commonwealth Ministerial Action Group (CMAG), a rotating group of nine Foreign Ministers, which reviews persistent or serious violations of the political values laid down in the Harare Declaration and recommends appropriate measures, which can include suspension. In a separate article, Mr Sharma described the CMAG as “what distinguishes the Commonwealth from other organisations, both in being able to censure its members, but also holding out to them the hand of non-judgmental support, which promises to help in strengthening their democracy and its institutions”.³⁶ The creation of the CMAG in 1995 was seen as “an international innovation without parallel, pointing the way towards an international society with far stricter membership standards”.³⁷

³¹ Joanna Bennett et al, [An Uncommon Association—A Wealth of Potential: Final Report of the Commonwealth Conversation](#), Royal Commonwealth Society (March 2010), p 35.

³² Sir Michael Kirby, ‘The Commonwealth of Nations today: historical anachronism or focus for universal values?’, *Commonwealth Law Bulletin*, 37:1 (2011), p 59.

³³ Julian Borger, [‘Commonwealth has abandoned human rights commitment—leaked memo’](#), *Guardian* (8 October 2010).

³⁴ Fiji Islands, Nigeria, Pakistan, Gambia and Sierra Leone. Zimbabwe was also suspended from the Commonwealth, but it is now no longer a member as it left the Commonwealth in 2003.

³⁵ Kamallesh Sharma, [‘The Commonwealth hasn’t reneged on its commitment to human rights’](#), *Guardian* (26 October 2010).

³⁶ Kamallesh Sharma, ‘Democracy and the Commonwealth’, *The Round Table*, 100:412 (2011), p 43.

³⁷ Robert Colville, ‘A Place to Stand: The problems and potential of the Commonwealth Ministerial Action Group’, *The Round Table*, 93:375 (2004), p 343.

As seen above, opinion is divided as to where the Commonwealth should draw the line between punishing and supporting those states that fall short of the Commonwealth's values, but there has been some discussion among Commonwealth Heads of Government about giving the CMAG greater powers to look not just at violations of constitutional principles, but also at wider abuses of the Commonwealth's fundamental values.³⁸ CHOGM 2009 called upon the CMAG to "explore ways in which it could more effectively deal with the full range of serious or persistent violations of such values".³⁹ The members of the CMAG discussed at their regular meeting in September 2010 how to improve the group's effectiveness; they are due to undertake further deliberations on this subject in advance of the next CHOGM to be held in October 2011 in Perth, Australia.⁴⁰

William Hague has expressed his hope that it will be possible "to extend the CMAG's remit beyond democracy to support respect for the rule of law and human rights, for example by working to support members to protect their citizens from forced marriages and by making the case against capital punishment in the more than 40 members where it is still practised".⁴¹ He endorsed the approach that the CMAG's role should "not just be about censorship when things go wrong, but also supporting members to get it right".

Strengthening the role of the CMAG is not the only reform currently being considered by the Commonwealth. At CHOGM 2009, in response to the issues identified in the Commonwealth Conversation exercise, Commonwealth leaders agreed upon the creation of an Eminent Persons Group to "undertake an examination of options for reform in order to bring the Commonwealth's many institutions into a stronger and more effective framework of co-operation and partnership".⁴² Ten members were appointed to the group, including Sir Malcolm Rifkind MP from the UK. The group has held a number of meetings and conducted a [public consultation](#). It is due to report to the CHOGM in Perth in October.

The group recognised the Commonwealth was "in danger of becoming irrelevant and unconvincing as a values-based association".⁴³ They released details of the package of measures they will present to Commonwealth leaders in October, including proposals to develop a Commonwealth Charter; to create a Commonwealth Commissioner on Democracy and the Rule of Law; to expand the measures available to the Secretary-General and the CMAG in responding to violations of Commonwealth values; to maximise the Commonwealth's influence in advocating for small and developing countries; and to focus the work of the Commonwealth Secretariat better.

Lord Howell of Guildford set out some of the UK's hopes for the Eminent Persons Group report in a speech in March 2011. He said that as well as seeing a strengthened CMAG, the UK would like the Commonwealth to become a leading voice in the global economy "working to liberalise trade, break down barriers for international business, resist

³⁸ Kamallesh Sharma, 'Democracy and the Commonwealth', *The Round Table*, 100:412 (2011), p 44.

³⁹ CHOGM, [Trinidad and Tobago Affirmation of Commonwealth Values and Principles](#) (29 November 2009), para 8.

⁴⁰ Commonwealth Ministerial Action Group, [Concluding Statement](#) (25 September 2010).

⁴¹ William Hague, speech on '[The Commonwealth is 'back at the heart of British foreign policy'](#)' (27 July 2011).

⁴² CHOGM, [Trinidad and Tobago Affirmation of Commonwealth Values and Principles](#) (29 November 2009), para 13.

⁴³ Commonwealth Secretariat press release, "[Now is the time for reform' declares Commonwealth Eminent Persons Group](#)" (23 March 2011).

protectionism and contribute to the Doha Development Agenda”.⁴⁴ The UK also wanted the Commonwealth to “grow its own powerful think-tank with semi-official status that could float and circulate new ideas and initiatives for discussion and inject them into public debate”.

⁴⁴ Lord Howell of Guildford, ‘The Commonwealth: A global network for the 21st Century’, *The Round Table*, 100:414 (2011), p 254.

Annex: Commonwealth Member States

Country	Year of Joining
Antigua and Barbuda	1981
Australia	1931 ¹
Bahamas	1973
Bangladesh	1972
Barbados	1966
Belize	1981
Botswana	1966
Brunei Darussalam	1984
Cameroon	1995
Canada	1931 ¹
Cyprus	1961
Dominica	1978
Fiji Islands	1970 ²
The Gambia	1965
Ghana	1957
Grenada	1974
Guyana	1966
India	1947
Jamaica	1962
Kenya	1963
Kiribati	1979
Lesotho	1966
Malawi	1964
Malaysia	1957
Maldives	1982
Malta	1964
Mauritius	1968
Mozambique	1995

Country	Year of Joining
Namibia	1990
Nauru	1968
New Zealand	1931 ¹
Nigeria	1960
Pakistan	1947 ³
Papua New Guinea	1975
Rwanda	2009
St Kitts and Nevis	1983
St Lucia	1979
St Vincent and the Grenadines	1979
Samoa	1970
Seychelles	1976
Sierra Leone	1961
Singapore	1965
Solomon Islands	1978
South Africa	1931 ^{1,4}
Sri Lanka	1948
Swaziland	1968
Tonga	1970
Trinidad and Tobago	1962
Tuvalu	1978
Uganda	1962
United Kingdom	—
United Republic of Tanzania	1961
Vanuatu	1980
Zambia	1964

Notes:

1. The 1931 Statute of Westminster granted full legislative independence to the six Dominions (Canada, Newfoundland, Australia, New Zealand, South Africa and the Irish Free State). The preamble to the Statute referred to the "British Commonwealth of Nations". Thus 1931 is regarded as the date from which Canada, Australia, New Zealand and South Africa became independent members of the Commonwealth, although the birth of the modern Commonwealth is regarded as 1949.
2. Fiji rejoined the Commonwealth in 1997 after a 10-year lapse. Fiji has been suspended from membership of the Commonwealth since 1 September 2009.
3. Pakistan left in 1972 and rejoined in 1989.
4. South Africa left in 1961 and rejoined in 1994.

Source: <http://www.thecommonwealth.org/Internal/191086/142227/members/>

