



HOUSE OF LORDS

Library Note

Debate on 17 October: Commonwealth Heads of Government Meeting in Sri Lanka

This Library Note provides background reading for the debate to be held on 17 October:

“the future of the Commonwealth, in light of the Commonwealth Heads of Government Meeting in Sri Lanka in November”.

The Note provides a brief overview of the origins and structure of the Commonwealth, before turning to recent developments and proposals for reform, including the recommendations of the Eminent Persons Group to the Commonwealth Heads of Government Meeting in 2011. The Note also examines recent comment and criticism of the decision to hold the next Commonwealth Heads of Government Meeting in Sri Lanka.

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1. Introduction

The Government has withdrawn its membership of the British Commonwealth and decided that the Gambia will never be a member of any neo-colonial institution and will never be a party to any institution that represents an extension of colonialism.

*Statement by the Government of Gambia*¹

[We] exhort Members of the Commonwealth to reconsider holding the next Heads of Government Meeting in Sri Lanka as to do so will... call into grave question the value, credibility and future of the Commonwealth.

*Commonwealth Lawyers Association et al*²

The question for the international community is whether to criticise the lack of progress from afar... or to make a practical difference. The Commonwealth has opted for the latter... We are active in Sri Lanka in advancing Commonwealth values, including human rights, the media, judiciary and building mutual respect and understanding in communities. Our Commonwealth soft power and behind the scenes contributions can often be at risk of negative judgment in the short term, but our success is invariably measured positively in the longer term in the form of real progress. To walk away and not to stay the course would be to the Commonwealth's lasting discredit.

*Kamalesh Sharma, Commonwealth Secretary-General*³

In recent weeks, the Commonwealth has appeared to be an organisation in crisis. In early October 2013, the Gambia announced its decision to withdraw from the Commonwealth, the first country to do so since Zimbabwe in 2003. At the same time, Canada, the second largest financial contributor to the Commonwealth, has confirmed it will review its financial support for the organisation in protest against alleged human rights abuses in Sri Lanka.⁴

The purpose of this Note is to provide background reading for Lord Luce's debate "that this House takes note of the future of the Commonwealth, in light of the Commonwealth Heads of Government Meeting in Sri Lanka in November". It begins by briefly outlining the history and structure of the modern Commonwealth, before moving on to examine recent developments, including the Eminent Persons Group report *A Commonwealth of the People: Time for Urgent Reform* (2011). The Note then examines some of the issues facing the Commonwealth and proposals for addressing them. It concludes by looking at the upcoming Commonwealth Heads of Government Meeting which is due to be held in Sri Lanka in November 2013.

2. Background

2.1 Origins of the Commonwealth

The Commonwealth is a voluntary association of 54 independent countries⁵ spanning Africa, Asia, the Americas, Europe and the Pacific, and including 2.2 billion citizens.⁶ The

¹ Statement by the Government of Gambia, 2 October 2013, as reported in the *Guardian*, '[Gambia Quits the Commonwealth](#)', 3 October 2013.

² Commonwealth Lawyers Association, Commonwealth Legal Education Association and Commonwealth Magistrates' and Judges' Association, 'Resolution on the Rule of Law and Judicial Independence in Sri Lanka', 17 April 2013

³ Kamalesh Sharma, Commonwealth Secretary-General, 'Letters to the Editor', *Financial Times*, 28 June 2013

⁴ BBC News, '[Canada Reviews Commonwealth Support in Sri Lanka Protest](#)', 7 October 2013

⁵ These figures include the Gambia, which in October 2013 announced its intention to leave the Commonwealth.

Commonwealth includes in its membership both large and small, developed and developing countries. Amongst its members are two of the world's largest ten economies (the UK and India), two members of the G7 (Canada and the UK) and five members of the G20 (the UK, India, Canada, Australia and South Africa). In contrast, 32 Commonwealth member countries are classified as small states, meaning countries with a population size of 1.5 million people or less. A full list of member countries is provided in Appendix I.

The origins of the Commonwealth can be found in Britain's colonial past and date back to the nineteenth century. In 1884 Lord Rosebery, who later became Prime Minister, first referred to the British Empire as the 'Commonwealth of Nations'. However, the modern Commonwealth has evolved significantly from its British roots. At the Commonwealth Heads of Government Meeting in 1949, held in London, the Commonwealth adopted the London Declaration. This agreed that all member countries would be "freely and equally associated", and stated that India, which had recently attained independence and sought a republican constitution, 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, while two of the Commonwealth's newest member states, Mozambique (joined 1995) and Rwanda (joined 2009), have no historical links to the British Empire.

The London Declaration of 1949 is recognised as the birth of the modern Commonwealth. The voluntary nature of the organisation distinguishes it from other international bodies, such as the United Nations or the European Union, and it has no founding treaty to bind its members. However, in the past the Commonwealth has 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). More recently, the Commonwealth's guiding principles were set out in the [Charter of the Commonwealth](#), signed by the Queen in March 2013. The Charter "brings together the values and aspirations which unite the Commonwealth—democracy, human rights and the rule of law—in a single, accessible document".⁷

2.2 Commonwealth Structure

While member countries of the Commonwealth are readily identifiable, defining the 'Commonwealth' as a body or organisation is more problematic. The final report of the 2009–2010 'Commonwealth Conversation' distinguished between the following aspects of the Commonwealth:

Member States: All 54 countries that are members of the Commonwealth.

Intergovernmental Commonwealth: The Commonwealth's official organs funded by and serving member states.

Commonwealth Civil Society Organisations: The non-governmental organisations that work to promote the Commonwealth, often accredited to the inter-governmental Commonwealth.

⁶ Commonwealth Secretariat website, '[About Us](#)', accessed 10 October 2013

⁷ Commonwealth Secretariat website, '[Our Charter](#)', accessed 10 November 2013

Commonwealth ‘Family’: All organisations, member governments and peoples who work on Commonwealth issues.⁸

The intergovernmental Commonwealth includes: 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.⁹ The Commonwealth Secretary-General, currently Kamallesh Sharma of India, is responsible for representing the Commonwealth publicly and for the management of the Commonwealth Secretariat, of which he is also Chief Executive. The Secretary-General is nominated by Commonwealth leaders and can serve a maximum of two four-year terms.

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. In addition, Commonwealth meetings between member states take place throughout the year, examples being the Commonwealth Health Ministers Meeting, the Commonwealth Finance Ministers Meeting and the Commonwealth Foreign Ministers Meeting.

Examples of the intergovernmental work of the Commonwealth can be seen in efforts to tackle climate change, initiatives such as youth programmes and in helping member countries with trade negotiations. A network of expertise is also available for members to draw upon, with recent examples such as the Meeting of Law Ministers and Attorneys-General of Small Commonwealth Jurisdictions in September 2013.

While the intergovernmental aspects of the Commonwealth often garner the most press attention, it is argued the importance of the wide network of societies, institutions, associations, organisations and charities which are associated with the Commonwealth should not be underestimated. In a recent letter to the *Financial Times*, Lord Howell of Guildford, former Minister of State for the Commonwealth, stressed the importance of these networks:

[Government-to-government aspects of the Commonwealth] are only the tip of a vast range of interlocking citizen-to-citizen Commonwealth activities—non-governmental, professional, educational, scientific, parliamentary, judicial and business and investment related—which are not only thriving today but, thanks to the digital revolution, fast weaving the whole Commonwealth network into an ever-closer system. It should be no surprise that several countries are queuing up to apply to join this “platform of the future”, as HM The Queen has described it. Britain is only one part of this new pattern but a supremely well placed one, given that English is the working language and given our hub position in communications and finance.¹⁰

⁸ Royal Commonwealth Society, [An Uncommon Association, A Wealth of Potential: Final Report of the Commonwealth Conversation](#), March 2010, p 2

⁹ Although the role was also held by her father, King George VI, the succession to the office by any new British monarch is not automatic, and would need to be agreed by Commonwealth Heads of Government.

¹⁰ Lord Howell of Guildford, ‘Letters to the Editor’, *Financial Times*, 23 July 2013

There are around 90 international civil society organisations¹¹ associated with the Commonwealth, which aim to promote professional, cultural and development cooperation between Commonwealth countries and to uphold the Commonwealth principles and values. These include the Commonwealth Parliamentary Association, the Commonwealth Games Federation, the Institute of Commonwealth Studies and the Commonwealth Lawyers Association.

An example of the informal networks created by the Commonwealth can also be seen through its scholarship programme. The Commonwealth Scholarship and Fellowship Plan was established in 1959, and is an international programme under which member governments offer scholarships and fellowships to citizens of other Commonwealth countries. Approximately 27,000 individuals are said to have benefited from this scheme since its inception.¹²

2.3 The Commonwealth and its Members

One of the often cited reasons for being a member of the Commonwealth is the respectability and prestige that being a Commonwealth member is said to confer. In its report, the Eminent Persons Group, established to investigate possible reform of the Commonwealth, stated:

The Commonwealth is a badge of honour—an acknowledgement that their admittance by the other members of the association bestows upon them acceptance that they are committed to the broad ideals of peace, democracy, the rule of law, liberty, human rights and progress not only in their own countries, but also in the rest of the world.¹³

While the House of Commons Foreign Affairs Select Committee noted:

Membership of the Commonwealth is widely seen as implying a guarantee that a country is upholding high standards in democracy and human rights.¹⁴

The principles and values which Commonwealth member countries espouse are outlined in a number of declarations and, more recently, in the Commonwealth Charter. The Commonwealth employs both formal and informal mechanisms to ensure that these principles are adhered to.

Kamlesh Sharma, the Commonwealth Secretary-General, mentions “Commonwealth soft power and behind the scenes contributions”¹⁵, which are employed to persuade member countries to modify their actions. Giving evidence to the House of Commons Foreign Affairs Select Committee, Lord Howell of Guildford, former Minister of State for the Commonwealth, likened the Commonwealth to a family, where constant family pressure could be exerted.

In addition, more formal measures exist. In 1995, triggered by the execution of opposition figures by the military regime in Nigeria, the Commonwealth Ministers Action Group (CMAG) was set up. The CMAG aims to “deal with serious or persistent violations in [the Harare] Declaration” and to “assess the nature of the infringement and recommend measures for

¹¹ A full list of Commonwealth organisations is available in a [directory](#) maintained by the Commonwealth Secretariat.

¹² More information on the Commonwealth Scholarship and Fellowship Plan can be found their [website](#).

¹³ Eminent Persons Group, *A Commonwealth of the People: Time for Urgent Reform*, October 2011, pp 27–8

¹⁴ House of Commons Foreign Affairs Select Committee, *The Role and Future of the Commonwealth*, 15 November 2012, HC 114 of session 2012–13, p16

¹⁵ Kamlesh Sharma, Commonwealth Secretary-General, ‘Letters to the Editor’, *Financial Times*, 28 June 2013

collective Commonwealth action aimed at the speedy restoration of democracy and constitutional rule”.¹⁶

The Group is convened by the Commonwealth Secretary-General, and is made up of a representative of the Commonwealth’s Chairperson-in-Office (currently Australia) and a rotating group of foreign ministers from eight countries. It is reconstituted at every Commonwealth Heads of Government Meeting (CHOGM), and Ministers generally serve two terms. The CMAG’s composition, terms of reference and operation is decided and reviewed every two years. The CMAG, which last met in September 2013, included representatives from Bangladesh, Australia, Canada, Jamaica, Maldives, Sierra Leone, Tanzania, Trinidad and Tobago and Vanuatu.

The CMAG can place the matter of the conduct of a member country on its agenda for consideration at its next regular bi-annual meeting, or if deemed necessary, immediately, through a specially convened meeting. The threat of being on the CMAG’s agenda is said to hold considerable sway with member countries, who do not wish to be identified as having violated Commonwealth values or who do not feel that the Commonwealth should be involved in what they might consider to be domestic politics.

In addition, the CMAG can also recommend the suspension of members of the Commonwealth. This could be “suspension from the Councils of the Commonwealth”, meaning that the member state’s government is excluded from ministerial meetings of the Commonwealth, including the CHOGM. Alternatively, a country can be subject to “full suspension” which entails preventing attendance at meetings, ceasing provision of technical assistance, and removing the country’s flag and signage from Commonwealth settings, as well as other measures.

The Commonwealth Heads of Government Meeting can also make a statement, or take a decision to suspend a member country, and the Commonwealth Secretary-General can make a statement about the situation.

Recent examples of the way in which the Commonwealth has interacted with its member countries include:

Nigeria—suspended between 11 November 1995 and 29 May 1999, following the execution of Ken Saro-Wiwa and several other members of the opposition by the Nigerian military regime. During this period, the CMAG received delegations from the Government of Nigeria for high level talks, sent two ministerial missions to meet General Abacha and his government, held discussions with members of Nigerian civil society and took representations from a range of human rights and Commonwealth organisations. Following successful elections in the early spring of 1999, the CMAG recommended to the Commonwealth Heads of Government that Nigeria return to full Commonwealth membership.

Pakistan—suspended on 18 October 1999 following a military coup by Pervez Musharraf. The CMAG halted some financial assistance to Pakistan and called for the release of members of the former government and a timetable for a return to civilian rule. Following the restoration of its constitution, Pakistan’s suspension was lifted on 22 May 2004. Pakistan was again suspended

¹⁶ More detailed information about history of CMAG can be found in the Commonwealth Advisory Bureau’s [Review of the Commonwealth Ministerial Action Group: On the Side of the People?](#), 2011.

from 22 November 2007 when Musharraf called a state of emergency, although on this occasion the suspension was only to last six months.

Zimbabwe—on the CMAG’s agenda from 2000 onwards, Zimbabwe was suspended in 2002 following concerns about the electoral and land reform of Robert Mugabe’s ZANU-PF party. Zimbabwe withdrew from the Commonwealth in 2003, following the Commonwealth’s refusal to lift Zimbabwe’s suspension.

Fiji—suspended from 6 June 2000 to 20 December 2001 following a coup. Suspended from the Councils of the Commonwealth from 8 December 2006 following a military overthrow of the civilian government. Fully suspended on 1 September 2009 after missing the Commonwealth deadline for 2010 national elections. The September 2013 CMAG meeting was positive about the new constitution of Fiji, which was seen as a step towards the restoration of democracy, and urged Fiji to go ahead with national elections planned for 2014. Fiji remains on full suspension, although still a member of the Commonwealth.

2.4 Recent Developments: The Commonwealth Conversation and the Eminent Persons Group

Recent research has shown confusion amongst the public about what the Commonwealth is, and what it is for. The ‘Commonwealth Conversation’ was a public consultation launched in 2009 by the Royal Commonwealth Society to coincide with the Commonwealth’s sixtieth anniversary. It used public opinion polls, expert groups, online focus groups and events to consult with a wide range of people from different nationalities and backgrounds about their views of the Commonwealth.

Emerging findings were published under the title [Common What?](#) in November 2009, prior to the 2009 Commonwealth Heads of Government Meeting held in Port of Spain, Trinidad and Tobago. The final report, [An Uncommon Association, A Wealth of Potential](#), was published in March 2010. Results showed a widespread lack of awareness about what the modern Commonwealth is, and an uncertainty about what member countries have in common that sets the Commonwealth apart from other international groupings.

Although the relevance and future of the Commonwealth had previously been discussed, the Commonwealth Conversation represents the largest public consultation about the Commonwealth undertaken. In addition, the Commonwealth faced other challenges, discussed below, which were leading to growing questions about the future of the Commonwealth.

At the 2009 Port of Spain CHOGM, Commonwealth leaders sought to address issues about the role, relevance and future of the Commonwealth with the creation of an Eminent Persons Group (EPG). The EPG consisted of ten members and was chaired by Tun Abdullah Ahmad Badawi of Malaysia¹⁷. The Group was the first of its kind since the Eminent Persons Group set up in 1985 to investigate apartheid in South Africa. In its final report, the 2009 EPG noted:

This [the setting up of the EPG] was a timely decision because, prior to the Port of Spain meeting, the sentiment had grown in civil society organisations, media and some

¹⁷ The EPG comprised Tun Abdullah Ahmad Badawi (Malaysia/Chairperson), and Dr Emmanuel Akwetey (Ghana), Ms Patricia Francis (Jamaica), Dr Asma Jahangir (Pakistan), Mr Samuel Kavuma (Uganda/Commonwealth Youth Caucus), The Hon Michael Kirby (Australia), Rt Hon Sir Malcolm Rifkind (UK), Sir Ronald Sanders (Guyana), Senator Hugh Segal (Canada) and Sir Ieremia Tabai (Kiribati).

member governments that the Commonwealth was in danger of becoming irrelevant. Many doubted its ability to continue to be a significant organisation amongst its own member states, let alone influential in the wider global community.¹⁸

The aim of the 2009 Eminent Persons Group was to sharpen the impact, strengthen the networks and raise the profile of the Commonwealth. The Group was also tasked with looking at the format, frequency and content of Commonwealth ministerial meetings. The EPG held five meetings between July 2010 and July 2011 in London and Kuala Lumpur. It received numerous oral presentations and more than 300 written submissions from Commonwealth organisations, government representatives and individuals from throughout the Commonwealth.

Its report, [*A Commonwealth for the People, Time for Urgent Reform*](#) (October 2011), included 106 recommendations which focussed on the following criteria:

- Safeguarding and upholding the declared values of the Commonwealth
- Renewing effective measures to protect and advance the values of human rights, democracy and the rule of law
- Ensuring that democratic practices, including electoral integrity, are maintained and respected
- Expanding and improving the work of the Commonwealth in advancing the economic development aspirations and requirements of its developing member states
- Providing determined advocacy in the international community to advance the interests and concerns of small and vulnerable states
- Reforming the Commonwealth Secretariat and making it fit to carry out the purposes assigned to it by member governments
- Creating partnerships with public-spirited foundations and the private sector
- Developing an integrated and stronger network of all Commonwealth intergovernmental and civil society organisations

The report identified 14 core recommendations including: a Commonwealth Charter; a Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights; a new strategy for the Commonwealth Secretariat; greater collective work to support vulnerable and small economies and to deal with climate change; a Commonwealth Youth Corps; a repeal of 'discriminatory laws' that effect countries ability to deal with HIV/Aids epidemic; changes to ensure that the specific needs of women are addressed by member countries; and changes to Commonwealth Ministerial meetings. The report concluded:

The recommendations map the road that the Commonwealth must take if it is to re-establish itself as an instrument for the progress, prosperity and fundamental rights of its peoples, and as a strong influence for good in the world. We are aware that applying these recommendations will not be easy. However, we are convinced that their time

¹⁸ Eminent Persons Group, [*A Commonwealth of the People: Time for Urgent Reform*](#), October 2011, p 17

has come, and there is now a need for urgency in their implementation. Reinvigoration and refocus do not happen through complacency and inertia. It is complacency and inertia in vital aspects of the Commonwealth's values that currently pose the most serious threats to the continued relevance and vitality of the Commonwealth itself.¹⁹

In a letter accompanying the report, the EPG requested that the Commonwealth Heads of Government release the report publicly prior to the Perth CHOGM so that the organisations and individuals who fed into the report could “give the Commonwealth's political directorate the benefit of their views”. In the event this was not to occur and the report was published on the last day of the CHOGM, leading to claims that some countries were blocking publication in an attempt to suppress the EPG report. While denied by the Commonwealth Secretary-General, the episode has led to criticisms about the Commonwealth's willingness or ability to reform itself with Malcolm Rifkind, the British member on the EPG, branding the incident a “disgrace” and commenting “it's purpose is being questioned, its relevance is being questioned... the Commonwealth is not a private club of governments or the secretariat. It belongs to the people of the Commonwealth”.²⁰ The House of Commons Foreign Affairs Select Committee concluded “the treatment of the Eminent Persons Group report by a number of Heads of Government at Perth has damaged the Commonwealth's reputation”.²¹

By December 2012, the Heads of Government had adopted 90 of the 106 recommendations made by the EPG. The rejected recommendation which received the most media coverage was the refusal to appoint a Commissioner for Democracy, the Rule of Law and Human Rights. In addition, proposals for changing the format and frequency of Commonwealth meetings and aimed at strengthening the relationship between foreign ministers and civil society organisations were rejected, while changes proposed for the Commonwealth Ministers Action Group were seen to have been superseded by reform proposals made to the 2011 CHOGM by the CMAG themselves.

As Sir Ronald Sanders, a member of the EPG, noted:

[This] should propel the Commonwealth forward if the 90 recommendations (or 85 percent of the total) are fully implemented. It is on ‘implementation’ of the recommendations that, in large measure, the future of the Commonwealth lies.²²

3. Issues Facing the Commonwealth

The following section examines some of the key issues affecting the Commonwealth, including those areas identified by the Eminent Persons Group and those that have been the focus of media attention and other reports.

3.1 Human Rights

One of the main sources of recent criticism of the Commonwealth has been the actions of some of its member countries with regard to human rights abuses. Human rights are central to

¹⁹ Eminent Persons Group, *A Commonwealth of the People: Time for Urgent Reform*, October 2011, p 23

²⁰ As reported in the *Guardian*, ‘[Commonwealth Leaders Under Fire for Refusing to Publish Human Rights Report](#)’, 29 October 2011.

²¹ House of Commons Foreign Affairs Select Committee, *The Role and Future of the Commonwealth*, 15 November 2012, HC 114 of session 2012–13, p 30

²² Sir Ronald Sanders, ‘[Editorial: Success of EPG Recommendations Depends on Leadership](#)’, *The Round Table: The Commonwealth Journal of International Affairs*, 2013, vol 102, no 1, p 1

several Commonwealth declarations. The 1971 Singapore Declaration talked of “equal rights for all citizens regardless of race, colour, creed or political belief”, while the 1991 Harare Declaration stated “we believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief”. More recently, the ‘Affirmation of Commonwealth Values and Principles’, agreed at the 2009 Commonwealth Heads of Government Meeting in Trinidad and Tobago, reaffirmed:

Our commitment to the [Universal Declaration of Human Rights](#)²³ and human rights covenants and instruments; and recalling our belief that equality and respect for protection and promotion of civil, political, economic, social and cultural rights for all without discrimination on any grounds, including the right to development, are foundations of peaceful, just and stable societies, and that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively.²⁴

However, the 2012 report by the House of Commons Foreign Affairs Select Committee noted:

The moral authority of the Commonwealth has too often been undermined by the repressive actions of member governments. We were disturbed to note the ineffectiveness of the mechanisms for upholding the Commonwealth’s values.²⁵

The Committee cited both Sri Lanka and Pakistan as Commonwealth countries with a poor human rights record, and highlighted the intolerance of homosexuality found in a number of Commonwealth countries such as Uganda, Nigeria, Cameroon, Malaysia and Jamaica. The Committee drew in particular upon the work of the Foreign and Commonwealth Office’s Human Rights report 2011. The more recent [Human Rights and Democracy: The 2012 Foreign and Commonwealth Office Report](#) (April 2013) showed that the situation with regard to Sri Lanka and Pakistan remained a troubled one, with both identified as countries of concern. In addition, the report provided case studies of human rights issues in Swaziland, political violence in Bangladesh, issues regarding freedom of association and expression in Rwanda, and the use of the death penalty in the Gambia.

Media reports also suggest human rights issues in a number of other Commonwealth countries. In the Maldives, the issue of women’s rights drew media attention when a 15 year old girl was sentenced to 100 lashes after being raped by her stepfather. Although the sentence was eventually overturned by the Maldivian High Court following an international campaign, the incident highlighted the area of women’s rights in the country. Maldivian government figures show that 90 percent of people sentenced to flogging are female, while one in three women between the ages of 15 and 49 have suffered physical or sexual abuse over the past five years. In addition, there have not been any convictions for rape in the past three years.²⁶

On some human rights issues there appears to be little agreement amongst Commonwealth member countries. For example, of the 58 countries where capital punishment is legal, 36 are in the Commonwealth—that is over 60 percent of the 54 Commonwealth countries.

²³ Rights outlined in the Universal Declaration of Human Rights include, amongst others, rights to life, liberty and security of person, freedom from torture, equal protection before the law and freedom from arbitrary arrest, the right to privacy, to freedom of movement and freedom of thought and conscience, and of opinion and expression and to an education and a standard of living.

²⁴ CHOGM 2009, ‘[Affirmation of Commonwealth Values and Principles](#)’, November 2009

²⁵ House of Commons Foreign Affairs Select Committee, [The Role and Future of the Commonwealth](#), 15 November 2012, HC 114 of session 2012–13, p 3

²⁶ Jane Merrick, [Britons Urged to Boycott Maldives Over Sexist Laws](#), *Independent*, 7 July 2013

Discrimination on the grounds of sexual orientation is another example. Partly seen as a legacy of British colonial rule, the [Human Dignity Trust](#) estimates that approximately 80 percent of the Commonwealth's 54 member countries have laws criminalising private, consensual sexual contact between adults of the same sex. With such a broad and diverse range of countries as members, the Commonwealth has struggled to obtain agreement as to what human rights should be upheld. However, Peter Kellner, chairman of the Royal Commonwealth Society has stated:

Commonwealth leaders should reject the canard that human rights are a white western idea that rich liberals foist on poor countries with different values. Earlier this year, when the UN Human Rights Council adopted a resolution attacking violations of human rights on grounds of sexuality, its main sponsor was not Britain or Canada or Australia but South Africa...The Commonwealth Secretariat should be leading the charge for all human rights to be respected in all 54 member states. Instead it has so far kept off the battlefield.²⁷

However, the Commonwealth faces difficulties in tackling human rights abuses on issues where member countries themselves disagree. The House of Commons Foreign Affairs Select Committee drew attention to what was perceived to be post-imperial guilt holding the UK back from playing a stronger leadership role in the Commonwealth. The Commonwealth's colonial roots have been noted in several recent disagreements between its member countries. In October 2011, the UK Prime Minister announced that British aid should "have more strings attached", and countries that persecuted homosexuals and refused to "adhere to proper human rights" faced losing British aid. Malawi had £19 million of budget support cut by Britain, while concerns were also raised with the Governments of Uganda and Ghana. In response, Ugandan presidential adviser John Nagenda accused the UK of having an "ex-colonial mentality", noting "Uganda is, if you remember, a sovereign state and we are tired of being given these lectures by people".²⁸

Furthermore, on 2 October 2013 the Gambia announced that it was leaving the Commonwealth, the first country to do so since Zimbabwe in 2003, calling it a "neo-colonial institution" and referring to the "British Commonwealth". Although to date the Gambian Government has not given specific details of the reason for its withdrawal, one possibility is cited as its different stance on human rights issues to some Commonwealth countries. In a speech to the United Nations General Assembly in September 2013, Gambia's President, Yahya Jammeh, commented on what he saw as one of the biggest threats to humanity:

Homosexuality in all its forms and manifestations which, though very evil, antihuman as well as anti-Allah, is being promoted as a human right by some powers.²⁹

The importance of the human rights issues facing the Commonwealth was recognised by the Eminent Persons Group, as can be seen in the prominence given to recommendations aimed at defining and enforcing the values and principles for which the Commonwealth stands. In a letter to the Secretary-General accompanying its 2011 report, the EPG stated:

²⁷ Peter Kellner, '[Does the Commonwealth Have a Bright Future? Yes, If It's Ready to Change](#)', *Guardian*, 29 October 2011

²⁸ BBC News, '[Uganda Fury at David Cameron Aid Threat Over Gay Rights](#)', 31 October 2011

²⁹ President Yahya Jammeh, '[Statement to United Nations General Assembly](#)', 27 September 2013

There is a growing perception that the Commonwealth has become indifferent because it fails to stand up for values that it has declared as fundamental to its existence. These values have been violated by some member countries without appropriate Commonwealth response except in the event of the unconstitutional overthrow of a government. The Commonwealth has to focus fresh attention on violations of human, political and civil rights if it is to continue to command attention on behalf of its member states and retain the respect of its own people.³⁰

The EPG report included several recommendations addressing human rights, including drawing up a 'Charter of the Commonwealth' to establish a Commonwealth 'spirit' among Commonwealth people and governments. This 'people's charter' would be based on wide consultation with civil society organisations and would encapsulate the values and principles of the Commonwealth.

Complementing the Charter was the recommendation to appoint a Commissioner for Democracy, the Rule of Law and Human Rights to provide well researched and reliable information simultaneously to the Secretary General and Chairperson of the Commonwealth Ministers Action Group (CMAG) on "serious or persistent violations of democracy, the rule of law and human rights in member states, and to indicate approaches for remedial action". The aim of this recommendation was to fill what was seen as a significant gap in the Commonwealth and provide full time separate assistance to the Secretary-General in providing timely, well targeted and proportionate action to remedy human rights abuses. In addition, recommendations were included regarding the CMAG:

There has been growing criticism that CMAG has only shown real interest, and responded, when there has been a coup d'état or a military seizure of power in a member state. We emphasise that, in terms of CMAG's remit, it is required to consider serious or persistent violations of other values too, such as the rule of law and of human rights.³¹

In addition, the EPG report recommended that the Secretary-General should have a greater mandate to speak publicly about the 'core Commonwealth priorities' established in previous Commonwealth Declarations. More specifically, the report advocated the repeal of discriminatory laws which impeded the effective response of Commonwealth countries to the HIV/AIDS epidemic and included recommendations regarding women rights.

The Commonwealth Charter was adopted by all 54 member countries in December 2012, and was formally signed by the Queen, as head of the Commonwealth, in March 2013. Although adopted, the Charter faced criticism on the grounds that it was not legally binding and could not be effectively enforced. Critics also felt that the public consultation, suggested by the EPG in drawing up a 'people's charter', was not carried out; meaning that an opportunity to renew interest in, and knowledge of, the Commonwealth was lost.³²

Changes to the CMAG, aimed at giving it a greater focus on human rights violations, were seen to have been superseded by changes suggested to the 2011 Commonwealth Heads of Government Meeting (CHOGM) by the CMAG itself. The CHOGM accepted all 30

³⁰ Eminent Persons Group, [A Commonwealth of the People: Time for Urgent Reform](#), October 2011, p 14

³¹ *ibid*, p 36

³² More detailed information about the Commonwealth Charter can be found in the House of Commons Library Standard Note [In Brief: The Commonwealth Charter](#), April 2013, SN06611.

recommendations made by the CMAG in its report [Strengthening the Role of the Commonwealth Ministerial Action Group](#) (2011). These included a more proactive approach to member countries who violate Commonwealth principles and values, and more sustained engagement with member countries to develop a more constructive and positive approach to specific situations of concern.

Although the EPG recommendation for a Commissioner for Democracy, the Rule of Law and Human Rights was strongly supported by the UK, Canada and Australia, other countries—including India and South Africa—were less supportive saying that the Commissioner would allow richer Western Commonwealth members to interfere in the internal affairs of poorer members. The role of the Commissioner was also said to duplicate that of the Secretary-General and the CMAG. By the time of Commonwealth Foreign Ministers meeting in September 2012, there was no consensus on the proposal. However, the Secretary-General has announced that additional resources would be allocated to enhance engagement with member states, and to support the work of the CMAG and the Secretary-General’s Good Offices programmes.

Responding to the House of Commons Foreign Affairs Select Committee, the UK Government stated:

The Government is disappointed that the Commissioner proposal was not agreed. We agree with the Committee’s recommendation that even though the Commissioner proposal has now been dropped, the intention behind it remains important. Reliable and relevant information about serious or persistent violations of Commonwealth values in member states is essential to enable CMAG, and the Secretary-General to fulfil their roles.³³

The EPG recommendations regarding the repeal of discriminatory laws that impede the effective response of Commonwealth countries to the HIV/AIDS epidemic were adopted in December 2012. However, in adopting this recommendation, Heads of Government noted “member governments have the discretion to agree which, if any, laws are considered discriminatory, and the steps that are deemed appropriate to address these”.

3.2 China

The issue of human rights, and the values that the Commonwealth aspires to, cannot be considered without reference to China. China is currently the second largest economy, in terms of its GDP, after the United States, and the world’s number one trading nation.³⁴ China is Africa’s single largest trading partner; it has invested billions of dollars in loans and grants to the Caribbean, and has diplomatic and economic relations with over 40 Commonwealth countries.

In parallel to its growing economy, the influence of China on Commonwealth member countries has also increased. For example, it has been reported that China has made it clear to those Caribbean countries it helps that they should not vote for a permanent seat for Japan on the UN Security Council, when and if permanent membership is expanded.³⁵ In addition, it is

³³ House of Commons Foreign Affairs Select Committee, [Government Response to the House of Commons Foreign Affairs Committee Report HC 114 of Session 2012–13: The Role and Future of the Commonwealth](#), January 2013, Cm 8521, p 7

³⁴ Bloomberg News, ‘China Eclipses US as Biggest Trading Nation’, 10 February 2013

³⁵ Sir Ronald Sanders, ‘The Commonwealth and China: Upholding Values, Containing the Dragon?’, *The Round Table: The Commonwealth Journal of International Affairs*, June 2013, vol 102, no 3

important to note China's record on human rights; its view of democracy and the rule of law is at odds to the one professed by the Commonwealth. The trading and aid opportunities offered by China represent an alternative for Commonwealth member countries under scrutiny from the Commonwealth Ministers Action Group.

Attention has been drawn to apparent Chinese attempts to undermine the efforts of New Zealand, Australia and other Pacific nations to pressure Fiji to democratise, while the Government in the Maldives has threatened to leave the Commonwealth citing the emergence of China as one of the reasons for the growing irrelevance of the group. China has also been supportive of Sri Lanka at the UN Human Rights Council, arguing for a policy of non-interference in what it sees as domestic issues arising from the end of the civil war, but what other commentators have cited as human rights abuses.

This had led some commentators to argue that China is loosening the bonds of the Commonwealth. As John Kampfner, former Chief Executive of Index on Censorship, wrote in the *Guardian*:

The role of governments in proselytising about human rights has been hugely compromised. In most instances nowadays it is counterproductive. African and Asian countries can simply look to China and its allies and reap the rewards of a less squeamish approach to individual liberty.³⁶

In response, others have argued that while countries will naturally seek to gain more trade, aid and loans from an emerging economy, this does not spell the end of the Commonwealth. Economic links with China and democracy are not mutually exclusive. Sir Ronald Sanders, a member of the EPG from Guyana, has said that the Commonwealth must respond to the challenge that growth of Chinese influence presents. This, he argued, can be achieved by building a genuine Commonwealth of democracies, adhering to the Commonwealth's core values, that constructively engages with China. However, he commented "China is very much the Elephant in the Commonwealth room".³⁷

3.3 The Commonwealth and Development

Human rights issues and the way in which the Commonwealth should champion values, were a significant theme of the Eminent Persons Group's (EPG) report, and arguably the one that attracted the most attention. However, the role of the Commonwealth, particularly in relation to its development work, makes up a substantial part of the EPG recommendations. The report noted:

On issues such as development, trade and investment, climate change and global pandemics, the Commonwealth is in danger of becoming immaterial as beleaguered nations look elsewhere for the help they need.³⁸

Within its report the EPG included several recommendations that sought to improve the development role of the Commonwealth—something which submissions showed was highly

³⁶ John Kampfner, '[At the Commonwealth Summit, the Human Rights Proselytisers No Longer Hold Sway](#)', *Guardian*, 31 October 2011

³⁷ Sir Ronald Sanders, '[The Commonwealth and China: Upholding Values, Containing the Dragon?](#)', *The Round Table: The Commonwealth Journal of International Affairs*, June 2013, vol 102, no 3, p 224

³⁸ Eminent Persons Group, '[A Commonwealth of the People: Time for Urgent Reform](#)', October 2011, p 34

valued by members of the Commonwealth. The Commonwealth's role in this area, particularly as a provider of development aid, has been criticised in recent years. In 2011, the Department for International Development carried out the *Multilateral Aid Review*³⁹ to assess the value for money that the UK received by putting UK aid through different multilateral organisations. The Review found that the Commonwealth was providing poor value for money for UK aid, although the *2013 Update*⁴⁰ did suggest that some progress was being made.

The EPG concluded that the comparative advantage of the Commonwealth as a direct provider of aid was limited, and instead the organisation should focus on advocacy and consensus building, for example on issues such as debt relief and climate change. Examples of potential work could include articulating the priorities of small states within the G20 Development Working Group, trade facilitation for small Commonwealth states and assisting their cause for differentiated treatment in the World Trade Organisation.

In addition to specific recommendations regarding the way in which different areas could be addressed, the report also proposed reform of the way in which the Commonwealth Secretariat operates. Recommendations included producing a clear strategy for the Commonwealth's development work, reviewing and retiring programmes of Commonwealth work where the Commonwealth had limited impact, and reviewing the operations of the Secretariat to improve cohesion and efficiency. Recommendations also included reforming the mandate of the Commonwealth Foundation to mobilise civil society around global issues.

The [Commonwealth Secretariat Strategic Plan](#) 2013/14–2016/17 was adopted in July 2013.

4. 2013 Commonwealth Heads of Government Meeting in Sri Lanka

It has been argued that attempts to identify and address the issues facing the future of the Commonwealth, seen in the substantial report of the Eminent Persons Group (EPG) and the acceptance of 85 percent of its recommendations, have been undermined, particularly in the area of human rights, with the announcement that the next Commonwealth Heads of Government Meeting (CHOGM) would be held in Sri Lanka:

It is hard to imagine a greater or bleaker irony, than passing the chair of the Commonwealth to Sri Lanka in the very year that human rights and the rule of law were officially enshrined as two of the core values of the Commonwealth.⁴¹

Although the initial decision to hold the 2013 CHOGM in Sri Lanka was taken in 2009, and reaffirmed at the 2011 CHOGM, it is a decision which has faced increasing criticism as evidence of Sri Lanka's poor human rights record has attracted more attention and critics have argued that the CHOGM should be relocated.

In May 2009, the 26 year civil war in the country between the Sri Lankan government and the separatist Liberation Tigers of Tamil Eelam (LTTE) ended. Since then accusations of human rights violations, by both sides, in the final stages of the war have come to light. The UN [Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka](#) (31 March 2011) accused

³⁹ Department for International Development, [Multilateral Aid Review: Assessment of the Commonwealth Secretariat](#), February 2011

⁴⁰ Department for International Development, [The Commonwealth Secretariat: Multilateral Aid Review \(MAR\) Update 2013](#), 2013

⁴¹ Kate Allen, '[Commonwealth Endorsement of Sri Lanka is a Sham—the Country's Human Rights Record Still Appals](#)', *Independent*, 27 September 2013

Government forces of large-scale and widespread shelling which killed numerous civilians. The heavy Government shelling of 'No Fire Zones' where the Government had encouraged civilians to concentrate attracted particular criticism, as did the shelling of the UN hub, food distribution lines and ships belonging to the Red Cross. The report also accused the separatist movement, the Tamil Tigers, of using civilians as human shields, saying the rebels shot those who tried to escape. It also said that the rebels positioned heavy weapons in hospital grounds. The report cites as credible claims that up to 40,000 civilians were killed by both sides in the final stages of the conflict—a figure which the Sri Lankan Government refutes claiming the report was biased and fraudulent.

The Sri Lankan Government established a Lessons Learnt and Reconciliation Commission in May 2010 which reported in November 2011.⁴² Criticised by the UN and various human rights organisations for its limited mandate and alleged lack of independence, the Commission cleared the military of allegations that it had deliberately attacked civilians, while noting that there had been some violations by troops on an individual level and adding that specific instances of alleged wrongdoing should be investigated. Amnesty International, Human Rights Watch and International Crisis Group refused to appear before the Commission, stating that the Sri Lankan Government was using the Commission as a tool to prevent an independent international investigation of alleged abuses.

In addition to human rights violations committed during the civil war, particularly during its final stages, there is also an increasing focus on the current human rights situation in Sri Lanka. The Foreign and Commonwealth Office report on *Human Rights and Democracy in 2012*⁴³ cited Sri Lanka as a country of concern, noting the number of abductions and disappearances, and highlighting the intimidation of human rights defenders, members of the legal profession and the media. In addition, an increase in religiously motivated violence, continued torture, a heavy military presence in the North and other human rights issues, such as a poor record on women's rights and the illegality of homosexuality, were identified.

In January 2013, the country faced international criticism for the impeachment of Chief Justice, Dr Shirani Bandaranayake on charges of corruption. The opposition in Sri Lanka have claimed that Dr Bandaranayake was impeached in response to a number of Supreme Court rulings which went against the Government. In March 2013, the UN Human Rights Council adopted a second resolution, following one the previous year, calling on Sri Lanka to investigate allegations of widespread human rights violations committed during the final months of war. In August 2013, following a week-long visit to Sri Lanka, the UN Human Rights Commissioner, Navi Pillay, was highly critical of the Government of Sri Lanka noting:

I am deeply concerned that Sri Lanka, despite the opportunity provided by the end of the war to construct a new vibrant, all-embracing state, is showing signs of heading in an increasingly authoritarian direction.⁴⁴

In an oral update to the UN Human Rights Council in Geneva in September 2013, the UN Human Rights Commissioner also criticised the Sri Lankan Government for its failure to investigate allegations of war crimes against military officers and government officials. She stated

⁴²Commission of Inquiry on Lessons Learnt and Reconciliation, [Report of the Commission of Inquiry on Lessons Learnt and Reconciliation](#), November 2011

⁴³ Foreign and Commonwealth Office, [Human Rights and Democracy: The 2012 Foreign and Commonwealth Office Report](#), April 2013, Cm 8593

⁴⁴ United Nations in Sri Lanka, '[Opening Remarks by the UN High Commissioner for Human Rights Navi Pillay at the Press Conference held in Colombo](#)', 31 August 2013

that if significant steps were not taken before her full report was submitted, the international community would be forced to launch its own inquiry. However, she welcomed the recent elections which took place for a provincial council in the Tamil dominated Northern Province of Sri Lanka in September 2013. The polls were the first to have taken place for 25 years, and are seen as a key step towards reconciliation between Sri Lanka's minority Tamils and the majority Sinhalese. An alliance of Tamil parties opposed to the Government won a landslide victory in the poll, although the run-up to the election was marred by allegations of army intimidation, something which was firmly denied by the authorities.

In addition to being host country of the November 2013 CHOGM, there are also other impacts on the Commonwealth of Sri Lanka's role. By chairing the 2013 CHOGM, Sri Lanka would also become the Chair-in-Office of the Commonwealth, described by the Commonwealth as:

...the leader of the Commonwealth country that hosts a Commonwealth Heads of Government Meeting. The two-year role comes into effect at the start of the CHOGM. The Chair-in-Office voices Commonwealth positions at high-level international forums and reinforces the Good Offices role of the Commonwealth Secretary-General. The term 'Good Offices' refers to conflict prevention and resolution work carried out in Commonwealth countries.⁴⁵

As Chair-in-Office, Sri Lanka would also have a representative on the Commonwealth Ministers Action Group (CMAG).

As concern regarding the human rights situation grows, so does the criticism of the decision to hold the November 2013 CHOGM in Sri Lanka, with Human Rights Watch noting that "the Commonwealth will rightly face international ridicule if it goes ahead with its summit in Sri Lanka". Critics say that attending the CHOGM will be seen as a sign that the Commonwealth is endorsing Sri Lanka and its leader, President Mahinda Rajapaksa, and providing for his rehabilitation in the eyes of the world, following the abuses carried out during the war.⁴⁶

4.1 Commonwealth Response

The response of the Commonwealth to the location of the 2013 Commonwealth Heads of Government Meeting has been limited. Sri Lanka has not appeared on the agenda of the Commonwealth Ministers Action Group in relation to any violations of human rights, with engagement being the preferred option to censure. The location of the 2013 CHOGM has also not been considered by the CMAG, despite growing calls from human rights organisations for the issue to be discussed at the CMAGs' meetings in April and September 2013. It is unclear if the CMAG would be the relevant body to make a decision on the location of the CHOGM, with a spokesman for the Commonwealth Secretary General stating in March 2013 that the decision rested at Commonwealth Heads of Government level, and was not an issue that would be considered by the CMAG.

In his recent blog, Professor Philip Murphy highlighted the lack of precedent in moving a Heads of Government Meeting as a mark of disapproval at the actions of a member country—although noting this had occurred in the instance of the 1981 Commonwealth Finance Ministers meeting

⁴⁵ Commonwealth Secretariat website, '[Our Governance](#)', accessed 10 October 2013

⁴⁶ Callum Macrae, '[Sri Lanka: Slaughter in the No Fire Zone](#)', *Guardian*, 3 September 2013

due to take place in New Zealand.⁴⁷ Also of note, is the 2001 CHOGM which was due to go ahead in Australia from 6 to 9 October, but which the Secretary-General postponed citing security concerns following terrorist attacks on the US on 11 September 2001.

In both instances, the then Commonwealth Secretary-Generals (Sonny Ramphal and Don McKinnon respectively) appeared to have taken soundings and created a consensus around the issue, rather than obtaining formal agreement of member countries. In the instance of the 2001 CHOGM postponement, the host country, Australia, was willing to accept the Secretary-General's recommendation.

The current Commonwealth Secretary-General, Kamallesh Sharma, has made clear his belief that engagement and the use of soft power should be used to deal with Sri Lanka's alleged human rights violations, rather than censure and sanctions. Responding to criticisms that the location of the 2013 CHOGM damaged the reputation of the Commonwealth, the Secretary General commented:

I think the credibility of the Commonwealth is increasing right now because as far as the judicial sector is concerned, we are the ones who are working with them on what can be a solution to the pluralities and institutional confrontations which they've had in the past. I think the way in which we are acting and the way in which we are planning to make real progress on the ground is actually a sign of this institution's relevance in the difficulties which are faced by member states rather than the other way around.⁴⁸

The Secretary-General may also be bound by the lack of consensus concerning the CHOGM location to be found amongst member countries. The most vocal critic of the decision to hold the 2013 CHOGM in Sri Lanka is Canada. In 2011, Canadian Prime Minister, Stephen Harper, walked out of the Perth CHOGM when Sri Lanka was invited to speak, and has announced he will not attend the 2013 CHOGM unless the human rights situation in Sri Lanka improves. In April 2013, the Canadian Foreign Minister, John Baird, attacked Sri Lanka's 'appalling' human rights record:

It's not just Canada: the Commonwealth Journalists' Association; the Commonwealth Human Rights Initiative; the Commonwealth Lawyers' Association; the Commonwealth Legal Education Association; the Commonwealth Magistrates' and Judges' Association; Human Rights Watch; the United Nations Human Rights Council—all of these people have come out and unanimously have said that not only has Sri Lanka not made progress, but in many instances, is getting worse.⁴⁹

In response, Sri Lanka's High Commissioner to Canada stated:

The need of the hour from the Commonwealth is to assist and support Sri Lanka, as a Member State having experienced separatist terrorism for nearly three decades, and is expectedly now facing long term post conflict challenges to ensure sustainable peace...

⁴⁷ Professor Philip Murphy, '[Opinion: Sri Lanka CHOGM 2013: With Whom Does the Decision Lie?](#)', *Institute of Commonwealth Studies*, 26 April 2013. The Commonwealth Finance Ministers meeting that was moved was due to take place in New Zealand, but was moved as a reproach to the government of Robert Muldoon, which had failed to prevent the South African Springbok rugby team from touring the country in defiance of the 1977 Gleneagles Agreement.

⁴⁸ Commonwealth Secretariat website, '[Transcript of Commonwealth Ministerial Action Group Press Conference](#)', 26 April 2013

⁴⁹ Sam Jones, '[Canada Attacks 'Evil' of Sri Lanka Hosting Commonwealth Summit](#)', *Guardian*, 26 April 2013

Hostile criticism and unfair targeting of Sri Lanka by Canada only serves to further strengthen these evil forces working against Sri Lanka and does not contribute in any manner to the ongoing rebuilding and reconciliation process in the multi cultural society of the country'.⁵⁰

In October 2013, Canada's special envoy to the Commonwealth, and former EPG member, Senator Hugh Segal, accused Kamallesh Sharma, the Commonwealth Secretary-General, of "acting as a shill (stooge) for the Sri Lankan leadership, defending their every mistake".⁵¹ In the same month, the Canadian Prime Minister confirmed that he would not be attending the 2013 CHOGM, and announced plans to review Canadian aid to the Commonwealth in protest at the alleged human rights abuses in Sri Lanka.

Other Commonwealth countries do not appear to be following Canada's lead. Australia is said to be grappling with significant numbers of Sri Lankan refugees seeking entry into the country, and is working with Colombo on the issue. In February 2013, the then Australian Foreign Minister, Bob Carr, told ABC news that a boycott would be counterproductive stating human rights concerns could be best met through engagement with the country and that any boycott would "simply isolate the country and render it defiant of international opinion". In September 2013, the new Prime Minister of Australia, Tony Abbott, confirmed that he would be attending the November CHOGM. New Zealand's Prime Minister, John Key, also confirmed his attendance in September 2013. However, at the time of writing India, the Commonwealth's largest country, and home to a substantial Tamil population, was still to decide whether its Prime Minister would attend.

Speaking after the April 2013 CMAG meeting, Kamallesh Sharma stated that "no member government has indicated remotely that they wish to change the venue".

The Queen, as Head of the Commonwealth rather than a representative of the UK, will not be attending the November CHOGM. However, Prince Charles will be attending in her place, and the decision is said to reflect the wish of the Queen to limit her long distance travel.⁵²

4.2 UK Response

Reporting in November 2012, the House of Commons Foreign Affairs Select Committee noted:

We conclude that continuing evidence of serious human rights abuses in Sri Lanka shows that the Commonwealth's decision to hold the 2013 Commonwealth Heads of Government Meeting in Colombo was wrong. The Prime Minister should publicly state his unwillingness to attend the meeting unless he receives convincing and independently verified evidence of substantial and sustainable improvements in human and political rights in Sri Lanka.⁵³

⁵⁰ Sri Lanka High Commission in Ottawa, [Press Statement Issued by High Commissioner on the Recently Concluded Commonwealth Ministerial Action Group \(CMAG\) Meeting and Related Developments](#), 2 May 2013

⁵¹ Robert Booth, '[Commonwealth Chief is a Stooge of Sri Lanka Regime—Canadian Envoy](#)', *Guardian*, 8 October 2013

⁵² Commonwealth Secretariat, '[Statement from Commonwealth Secretary General following Buckingham Palace Announcement](#)', 7 May 2013

⁵³ House of Commons Foreign Affairs Select Committee, [The Role and Future of the Commonwealth](#), 15 November 2012, HC 114 of session 2012–13, p 3

Responding to the Foreign Affairs Select Committee report in January 2013, the Government stated that it was “too early to make decisions about UK attendance at the Commonwealth Heads of Government Meeting”.⁵⁴ In May 2013, it was confirmed that the Prime Minister, David Cameron, and the Foreign Secretary, William Hague, would attend. A Government spokesman commented that the attendance of world leaders and the global media would “shine a light on what is going on in the country”. In answer to a recent parliamentary question in July 2013, Baroness Warsi, Senior Minister of State at the Foreign and Commonwealth Office, stated:

We have been clear with the Sri Lankan government that we expect to see concrete progress on human rights, reconciliation, free, fair and peaceful Northern Provincial Council elections in September and that media and civil society have access and freedom of movement to the Commonwealth Heads of Government Meeting. We believe that CHOGM will either highlight Sri Lanka’s progress and respect for Commonwealth values, or draw attention to the absence of such progress. The Prime Minister [and Foreign Secretary]... will certainly take the opportunity to press UK concerns on Sri Lanka in line with our assessment of the situation on the ground in November.⁵⁵

While in September 2013, the Foreign Secretary, William Hague, noted:

The Prime Minister and I have decided to attend the Commonwealth Heads of Government meeting in Sri Lanka. We think that the Commonwealth and its future matter so much that we must do that, no matter what the location. However, we will do so in a way that draws attention to the issues. We and other countries will continue to press Sri Lanka on those issues over the coming weeks.⁵⁶

Commenting after the Commonwealth Foreign Ministers meeting in late September 2013, the Minister for the Commonwealth, Hugo Swire stated:

The decision to hold CHOGM in Sri Lanka has caused some to question the Commonwealth’s commitment to its core values and its credibility. I firmly believe, and made clear to my Commonwealth counterparts during today’s meeting, that members have a responsibility to uphold the values we agreed to in the Commonwealth Charter. Over the coming months, the Commonwealth has a great opportunity to build on the work we have already begun. We should remain ambitious but focus our attention on the areas in which we can add real value on the global stage.⁵⁷

⁵⁴ House of Commons Foreign Affairs Select Committee, [Government Response to the House of Commons Foreign Affairs Committee Report HC 114 of Session 2012–13: The Role and Future of the Commonwealth](#), January 2013, Cm 8521, p 5

⁵⁵ HL *Hansard*, 24 July 2013, col [WA217](#)

⁵⁶ HC *Hansard*, 3 September 2013, col [159](#)

⁵⁷ FCO press release, [‘Foreign Ministers look towards Commonwealth Heads of Government Meeting’](#), 26 September 2013

Appendix I: Commonwealth Member Countries

Region				
Africa	Americas	Asia	Europe	Pacific
Botswana	Antigua and Barbuda	Bangladesh	Cyprus	Australia
Cameroon	The Bahamas	Brunei Darussalam	Malta	Fiji
The Gambia ⁵⁸	Barbados	India	United Kingdom	Kiribati
Ghana	Belize	Malaysia		Nauru
Kenya	Canada	Maldives		New Zealand
Lesotho	Dominica	Pakistan		Papua New Guinea
Malawi	Grenada	Singapore		Samoa
Mauritius	Guyana	Sri Lanka		Soloman Islands
Mozambique	Jamaica			Tonga
Namibia	St Kitts and Nevis			Tuvalu
Nigeria	St Lucia			Vanuatu
Rwanda	St Vincent and The Grenadines			
Seychelles	Trinidad and Tobago			
Sierra Leone				
South Africa				
Swaziland				
The United Republic of Tanzania				
Uganda				
Zambia				

⁵⁸ In October 2013, the Gambia announced it was leaving the Commonwealth.