

A COMMONWEALTH OF THE PEOPLE

Time for Urgent Reform



The Report of the Eminent Persons Group
to Commonwealth Heads of Government

Perth, October 2011

A COMMONWEALTH OF THE PEOPLE

Time for Urgent Reform

The Report of the Eminent Persons Group
to Commonwealth Heads of Government

Perth, October 2011

Published by the Commonwealth Secretariat
Designed by Rob Norridge/norridgewalker.com
Printed by Hobbs the Printers, Totton, Hampshire

Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX
United Kingdom
info@commonwealth.int
www.thecommonwealth.org

Acronyms

ACP	African, Caribbean and Pacific Group of States
ACTA	Anti-Counterfeiting Trade Agreement
ARV	Anti-retroviral drugs
ASEAN	Association of South-East Asian Nations
AU	African Union
CBA	Commonwealth Broadcasting Association
CBC	Commonwealth Business Council
CFTC	Commonwealth Fund for Technical Co-operation
CGF	Commonwealth Games Federation
CHOGM	Commonwealth Heads of Government Meeting
CHRI	Commonwealth Human Rights Initiative
CiO	Chairperson-in-Office
CMAG	Commonwealth Ministerial Action Group
CMG	Commonwealth Media Group
CMGSS	Commonwealth Ministerial Group on Small States
COG	Commonwealth Observer Group
CS-DRMS	Commonwealth Secretariat's Debt Recording and Management System
CSFP	Commonwealth Scholarship and Fellowship Plan
CSO	Civil Society Organisations
CYC	Commonwealth Youth Corps
CYDF	Commonwealth Youth Development Fund
CYO	Commonwealth Youth Orchestra
CYP	Commonwealth Youth Programme
EPG	Eminent Persons Group
EU	European Union
Gt	Gigatonnes
G20	The Group of 20 major advanced and developing economies.
HIV/AIDS	Human immunodeficiency virus/acquired immunodeficiency syndrome
IDEA	International Institute for Democracy and Electoral Assistance
IEA	International Atomic Energy Agency
IMF	International Monetary Fund
MDGs	Millennium Development Goals
MFN	Most Favoured Nation
SPD	Sport for Peace and Development
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UNDP	United Nations Development Programme
WTO	World Trade Organization

Table of Contents

Foreword by Kamalesh Sharma, Commonwealth Secretary-General	9
Letter of Transmittal	13
Executive Summary	17
Introduction	27
Part 1: Championing Values	33
A Proposal for 'A Charter of the Commonwealth'	33
Enhancing Democracy, the Rule of Law and Human Rights	36
- Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights	40
- Commonwealth Ministerial Action Group	42
- Freedom of expression	43
- Objective criteria for CMAG	44
- National human rights institutions	45
- Strengthening democratic culture and practices	47
Silence is not an option: The Secretary-General's mandate	52
Part 2: Development and Functional Co-operation	57
Development: Maintaining the Commonwealth's focus	57
- A vision for the Commonwealth's development work	59
- The Commonwealth Fund for Technical Co-operation	61
- A new strategic plan	62
Migration and development: A major challenge	64
Reforming the international financial architecture	66
Empowering small states: Strengthening their economic capacity and resilience	69
Debt of small states: How to deal with it	74
The Commonwealth and trade: Advocating for change	76
- Trade follows investment	78
- The Doha Round: What to do about it	79
	5

Climate change and existential threats: Immediate Commonwealth concerns	81
- Reinvalidate the <i>Lake Victoria Action Plan</i>	82
- Recommit to Iwokrama	83
- Build a Commonwealth disaster management capacity	84
Cultivating the Commonwealth's cultural heritage	87
Part 3: Advocacy and Consensus Building	91
Young people: Involvement now for the future	91
- Launching a Commonwealth Youth Corps	91
- Reforming the Commonwealth Youth Programme	93
Women: Confronting the remaining challenges	95
Advocacy on HIV/AIDS: A Commonwealth health and economic development priority	98
Part 4: Institutions Fit for Purpose	103
The Commonwealth Secretariat: Making it productive and significant	103
- Improving the Secretariat's performance	104
- Financing the Secretariat's operations	105
- The Secretariat's legal personality	106
CHOGM and Ministerial Meetings: How to make them more effective	108
- Ministerial meetings	112
Chairperson-in-Office and Troika: A review	117
- Problems of the current arrangement	117
- The system in other organisations	118
Part 5: A Commonwealth of People	121
The Commonwealth Secretariat and Commonwealth Foundation: What relationship?	121
Commonwealth Associated Institutions: Enhancing the relationship	124
- Civil Society Organisations	125
- Partnership between intergovernmental organisations and civil society	126
- Linking Commonwealth organisations into a collective whole	127
- Utilising Commonwealth Associated Institutions	127
- The Commonwealth Business Council	128
- Spreading the face of the Commonwealth	129
- Effectively using information technology	130

Engagement between governments and civil society: Making it meaningful	133
Part 6: Improving the Commonwealth's Profile	135
Building strategic partnerships to advance the Commonwealth's values	135
- Secretariat should engage private sector and philanthropic organisations within and outside the Commonwealth	135
- Commonwealth Scholarships and Fellowships	137
Making the Commonwealth matter: Raising its profile	139
- Public knowledge of the Commonwealth: Does it matter?	140
- The Commonwealth 'brand'	142
- Governments must be more pro-active	143
- Overhauling communications machinery: Engaging the media	144
- Wider utilisation of Commonwealth Regional Centres	144
Facilitating border crossings: Enhancing a Commonwealth of people	146
Sport for Peace and Development	147
Concluding Remarks	151
Annex 1: Summary of Recommendations	154
Annex 2: A Draft Charter of the Commonwealth	180
Annex 3: The Members of the EPG	189
Annex 4: Affirmation of Commonwealth Values and Principles	192
Annex 5: List of Organisations and Individuals who made written submissions to the EPG	198

Foreword

by **Kamalesh Sharma, Commonwealth Secretary-General**

Since its earliest days the way of the modern Commonwealth has been to find solutions. At its inception in 1949 King George VI, accepted voluntarily as Head of the Commonwealth, said:

The problem of which you have just offered me your solution is one that has given us all very grave concern. That solution is a striking example of the elasticity of our system.

The same might almost be said of this report. It makes eye-catching recommendations for the Commonwealth at a critical juncture when reform is required. The goal is to shape a truly contemporary organisation, meeting the aspirations and expectations of the citizens of the Commonwealth, with a Secretariat honed to fulfil its mandate.

Heads of Government entrusted to me the task of convening an Eminent Persons Group to examine options for reform that would bring the Commonwealth's institutions into a stronger and more effective framework of co-operation and partnership. I convey my gratitude to them for placing their confidence in me as convener of the Group. I look forward to working with colleagues at the Secretariat, and in the wider Commonwealth, with vigour and enthusiasm, to implement the recommendations Heads endorse, continuing the task to which we are committed, of shaping a Commonwealth with institutions and processes fit for purpose in the world of tomorrow.

The Eminent Persons Group is itself an expression of all that is best in the Commonwealth, and of the global wisdom function that is our special gift to all facets of global partnership and discourse. The Group has consulted as widely as possible, carrying out its task with thoroughness, imagination, and a dedication to the cause of the Commonwealth. Members of the Group bring an exceptionally wide range of valuable experience and knowledge. The broad focus of their

shared perspective is unique to the Commonwealth. Their report is a positive object lesson in how a broad range of views can be distilled into shared approaches and actionable outcomes.

A great strength of the Commonwealth is its ability to speak with one voice while not losing the richness of its inherent diversity and geographical reach. Global integration brings us closer together, and such proximity can heighten stresses as well as open up fresh opportunities. In a spirit of solidarity and shared purpose, and of exploiting opportunities for joint action, we need to find imaginative ways of using the potential of Commonwealth meetings and networks to enlarge and enrich our common ground.

Although the Commonwealth was created in the last century it appears to have been designed for the present one. By adopting a pragmatic and responsive approach rather than a prescriptive or rigid one it is able to adapt to the rapidly changing context in which it operates. Such flexibility gives resilience.

The frameworks and partnerships of the Commonwealth, memorably described by The Queen, Head of the Commonwealth, as “the original worldwide web”, help bind us together to achieve our shared ambitions of growth to escape poverty, and advancing the culture of democracy to embed respect for human rights and the rule of law. As roles and relationships are reviewed and refined that Commonwealth network, made up of many members and institutions, will be revitalised.

The widespread consultation conducted in preparation for this report, and the recommendations of the Eminent Persons Group, will give a tremendous boost to the reforms and development of our work that are already underway. They demonstrate that while the Commonwealth is defined by its twin aspirations, development and democracy, it is measured by the success of its delivery to its citizens, and the difference it makes to their lives.

Recognising the urgency of their task members of the Group have generously found time, amid their many professional and personal preoccupations, to assimilate background material, scrutinise detailed submissions, and share their wisdom in order to serve the Commonwealth. My deep appreciation and gratitude goes out to them for rendering this great service. The report produced through their efforts, and the actions it engenders, will stand as a landmark in the evolution of a people-centred Commonwealth. In particular I thank Tun Abdullah Badawi for his sure hand in directing the work of this Group to its successful conclusion, including hosting a meeting in Kuala Lumpur. Under his guidance the Group has shown the benefit to be derived from co-operation and shared thinking by all members.

Heads of Government will consider this report and discuss its recommendations at their meeting in Perth, within sight of the Swan River. Indeed, Western Australia was formerly known as Swan River Colony and the swan is still its state emblem, the black swan. Writing in the first century, Juvenal famously considered the black swan to be an impossibility. In the first decade of the twenty-first century, another thinker said it is actually what one needs to watch out for and used it as a symbol for the vast alterations brought about by the unexpected.

In a world where the unexpected and surprising will continue to occur the Commonwealth needs, more than ever, to bring its global wisdom to bear. It will stand us in good stead to keep the black swan in our mind's eye as we shape the Commonwealth of the future. I strongly commend the Report of the Eminent Persons Group to Heads for consideration.



Commonwealth Group of Eminent Persons

Established pursuant to the *Affirmation of Commonwealth Values and Principles* issued by Commonwealth Heads of Government, Port-of-Spain, November 2009

11 August 2011

H.E. Mr Kamallesh Sharma
Secretary-General
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX

Dear Secretary-General

Each of us came to this Group as a supporter of the Commonwealth association; at the end of our work we are even more convinced of the Commonwealth's potential as an influence for human advancement within its member states and in the wider global society. We are, therefore, pleased to send you our report entitled, "A Commonwealth of the People: Time for Urgent Reform", and we would be grateful if you would transmit it to Commonwealth Heads of Government.

We have included in the title of our report the phrase "A Commonwealth of the People" because we are convinced that the wealth of our association lies in the common bonds of the people. No other multilateral organisation can claim the 90 civil society and professional organisations who gather across the borders of the Commonwealth's 54 member states to work together and to advance goals, aspirations and values derived from their common experience. The Commonwealth is truly a 'Commonwealth of people' committed to common ideals and principles despite diverse cultures, religions, and

ethnicities. We believe that this unique Commonwealth attribute must be better utilised by Commonwealth governments in their efforts to address new tensions and challenges in the modern era.

To do so, the Commonwealth must speak with greater unity in the international community in these areas of common values. Such commonality will only be attained through a strong Commonwealth – one that is supported and enhanced by the policies and actions of each of its governments, and in which governments work more effectively to reach consensus on global issues. We do not pretend that consensus is possible on every issue. However, we are certain that it is possible on many of them allowing the Commonwealth to exercise an influence for individual social and economic betterment, for peace and for security within its member states and in the global community.

The title of our report also reflects the timeliness for the Commonwealth to implement “urgent reform”. Reform is necessary and we were mandated to advise on how to achieve it. There is a growing perception that the Commonwealth has become indifferent because it fails to stand up for the values that it has declared as fundamental to its existence. These values have been violated by some member countries without an 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.

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. The work programme assigned to the Commonwealth Secretariat requires critical review with the objective of concentrating on priority matters that will bring the greatest benefit to the people of the Commonwealth. In this regard, some existing activities will need to be retired and new priorities set that are in accordance with Commonwealth values of democracy and development, and with Commonwealth strengths. Moreover, a commitment has to be made by

all Commonwealth governments to reverse the decline of the last 15 years or so by providing the resources and support that will allow the Secretariat to serve them and their peoples with better results.

We received over 300 submissions from Commonwealth organisations and numerous other individual presentations. We acknowledge the worth of these contributions. In this connection, we request that you seek the agreement of Commonwealth Heads of Government to release our report publicly prior to the Perth CHOGM so that these organisations and individuals, and others, can give the Commonwealth's political directorate the benefit of their views.

We all regard it as a privilege to have been invited to serve on this Group. We hope that our report may contribute to the vitalisation of the Commonwealth for the benefit of its people and the wider global society, which needs it to be strong and effective.

Yours sincerely

Ms. Asma Jahangir



Asma Jahangir
Jana Jilani

Ms. Asma Jahangir
Ms. Jilani

Asma Jahangir
Ms. Jilani

Mr. Kamal Khan


Mr. Kamal Khan


Mr. Kamal Khan


James & Francis


Richard King


Mr. B. J. King


Executive Summary

In this report, we speak directly to Commonwealth Heads of Government who, at their meeting in Port-of-Spain in 2009, decided to create us as an Eminent Persons Group (EPG) to advise them on reform of the association.

This decision by Heads of Government was taken at a time when the world was – as it now still is – in the midst of an economic crisis. The old order of economic power was changing. Climate change showed signs of endangering global economic activity and the safety and livelihood of millions of people. It posed threats to the very existence of a number of countries. Terrorism, too, threatened the security of states and presented a serious challenge to international peace.

Heads of Government decided that in such a world, it was important to build a stronger, more resilient and progressive Commonwealth and to make it more relevant to its times and to its people in the future. They made it clear that they wanted the Commonwealth to continue to be an important player in the world, drawing on its rich diversity to help build global consensus around the Commonwealth's core values including peace, democracy, the rule of law, human rights, gender equality, economic development, and freedom of expression.

This was a timely decision because, prior to the Port-of-Spain meeting, the sentiment had grown in civil society organisations, media and some 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 to be influential in the wider global community.

In pursuance of our mandate, we held five meetings between July 2010 and July 2011 in London and Kuala Lumpur. During the course of our work we received numerous oral presentations and more than 300 written submissions from Commonwealth organisations, government representatives and individuals from all regions of the Commonwealth.

We have made 106 recommendations in our report, covering the full range of our remit. In May 2011, we issued a public statement indicating the areas that we were tackling and the 'direction' in which we were going with regard to the majority of them. We were very pleased to find that the vast majority of responses to our statement were highly enthusiastic.

The criteria we employed in making these and all our other proposals include:

- 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; and
- Developing an integrated and stronger network of all Commonwealth intergovernmental and civil society organisations.

In this summary, we have identified 14 very important recommendations that encapsulate the central arguments and findings of our report, although we emphasise that the report as a whole reflects the conclusions of our broad consultations and our extensive deliberations. The 14 core recommendations, all of which have received overwhelming support from Commonwealth organisations and others who have given evidence to us, are as follows:

- 1 A “Charter of the Commonwealth” should be established after the widest possible consultation in every Commonwealth country. Civil society organisations should be fully involved with national governments in the process of pan-Commonwealth consultation, including in the organisation of the process and assessment of its results. A task force should be appointed to analyse the findings of the national consultations and to make recommendations, on that basis, to Heads of Government. If the findings favour a Charter, the task force should be authorised to draft the final text.
- 2 A Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights should be appointed to provide well researched and reliable information simultaneously to the Secretary-General and the Chairperson of the Commonwealth Ministerial 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.
- 3 CMAG should develop objective criteria (such as we have set out in this report) for determining serious or persistent violations of the Commonwealth’s core values, including human rights, that would trigger its engagement with a member state to put remedial measures in place.
- 4 The core values of the 2009 *Affirmation of Commonwealth Values and Principles* (which updates and expands on the earlier 1971 *Singapore Declaration* and 1991 *Harare Declaration* and the 2003 *Commonwealth [Latimer House] Principles on the Three Branches of Government*) should be deemed to be “core Commonwealth priorities” about which the Secretary-General shall speak out publicly as appropriate.

- 5 The Secretary-General should develop a clear strategy, marked by identified priorities, to maximise the Commonwealth's contribution to the achievement of the development goals of its member states. Such enhanced development work, informed by Commonwealth values and aspirations, by Commonwealth positions, and with guidance from member governments, should include: (i) advocacy and consensus building on pertinent issues as required; (ii) networking between all member governments for co-operation; and (iii) provision of assistance for institutional development.
- 6 Commonwealth governments should collectively work for a review of the criteria used by international financial institutions to determine the economic well-being and entitlements of a country. Such criteria should take account, additionally, of factors such as a country's level of indebtedness; its fiscal capacity to finance development programmes; and the higher costs it pays for trade because of its remoteness.
- 7 The Secretary-General's mandate should be renewed to: (i) explore the potential for partnerships between the Commonwealth, the World Bank and others to provide specific programmes of support to vulnerable economies; and (ii) convene an Expert Group to provide a study to advance the *Lake Victoria Climate Change Action Plan*, including which programmes are a priority, how they could be structured, and how they could be financed and implemented. Such a study should be started immediately after the CHOGM in Perth and completed as soon as possible thereafter.
- 8 Heads of Government should take steps to encourage the repeal of discriminatory laws that impede the effective response of Commonwealth countries to the HIV/AIDS epidemic, and commit to programmes of education that would help a process of repeal of such laws.

- 9 Heads of Government should agree to the creation of a Commonwealth Youth Corps (CYC), organised by the Commonwealth Foundation and managed by a board made up of existing and appropriate Commonwealth organisations experienced in the movement of young people, to provide the opportunity for thousands of Commonwealth young people to learn about each other's cultures and aspirations while contributing to education, mentoring, development, democracy education and sport skills development.
- 10 At the national level, all Commonwealth governments should ensure that: (i) the specific needs of women are addressed in all aspects of law, public policy and allocation of public resources; (ii) women are not discriminated against in law or practice and that remedies for discrimination are provided; (iii) machinery is established to encourage and promote the active participation of women at all levels of decision-making; and (iv) social victimisation, leading to crimes against women and tolerance of harmful traditional practices and economic disempowerment, is brought to an end by the force of law and well-targeted administration. The Secretary-General should monitor and report on these reforms to CHOGMs.
- 11 Heads of Government should consider authorising the Secretary-General to examine the existing work programmes of the Secretariat using the following criteria to recommend to governments, through the Board of Governors, areas that could be retired: (i) work that enjoys no specific Commonwealth advantage; (ii) work where the size of the Commonwealth Secretariat's resources, compared to those of other organisations involved in the same field, such as the UN, World Bank, regional development banks and major bilateral donors, is too small to make a significant

impact; and (iii) work that overall has demonstrated no significant impact. Further, the operations of the Secretariat should be reviewed by the Secretary-General to improve the integration, cohesion and efficiency of its divisions, and their capacity to deliver the mandates set by member states.

- 12 The Commonwealth Foundation should be given an explicit mandate to mobilise Commonwealth civil society around global issues. This would be another expression of the Foundation's existing mandate to be a focal point for drawing together the strands of Secretariat-accredited Commonwealth civil society organisations including non-governmental bodies and professional associations.**
- 13 The Secretary-General should be mandated to invite appropriate organisations throughout the Commonwealth to offer themselves for selection to carry out a full review and overhaul of the Secretariat's information processes that will result in a more effective, open, and timely communication strategy and the establishment of machinery to implement it.**
- 14 Ministers should continue to consider the relative usefulness of stand-alone Commonwealth meetings as against meetings coinciding with larger international conferences. If meetings are held alongside other international events, Ministers should commit themselves to attending them fully. The duration and programme of such sessions should reflect the special Commonwealth dimensions and produce an action-oriented set of initiatives.**

Through these core recommendations and the others in our report, we have aimed to identify options for reform that sharpen the impact, strengthen the networks and raise the profile of the Commonwealth. An essential consideration has been to identify not only what needs to

be done differently or better, but how the necessary changes should be achieved. The key to success, in our view, is to achieve stronger partnerships with external partners; stronger internal networks; greater use of twenty-first century technologies; and recognition that an investment of resources is required.

Above all, we have concluded that the success of reform is in strengthening the role and connectivity of the people of the Commonwealth – hence our recommendations for a Charter and a Youth Corps, and for consideration of greater openness across borders for persons doing business or on holiday.

The core question addressed in the discussions of the EPG was simple and precise: *“How best to increase the effectiveness of the Commonwealth, its institutions and activities so that member states and their citizens are well-served by an association that is greater than the sum of its parts, justifying continued affiliation, participation and collaboration of all of its member states?”*

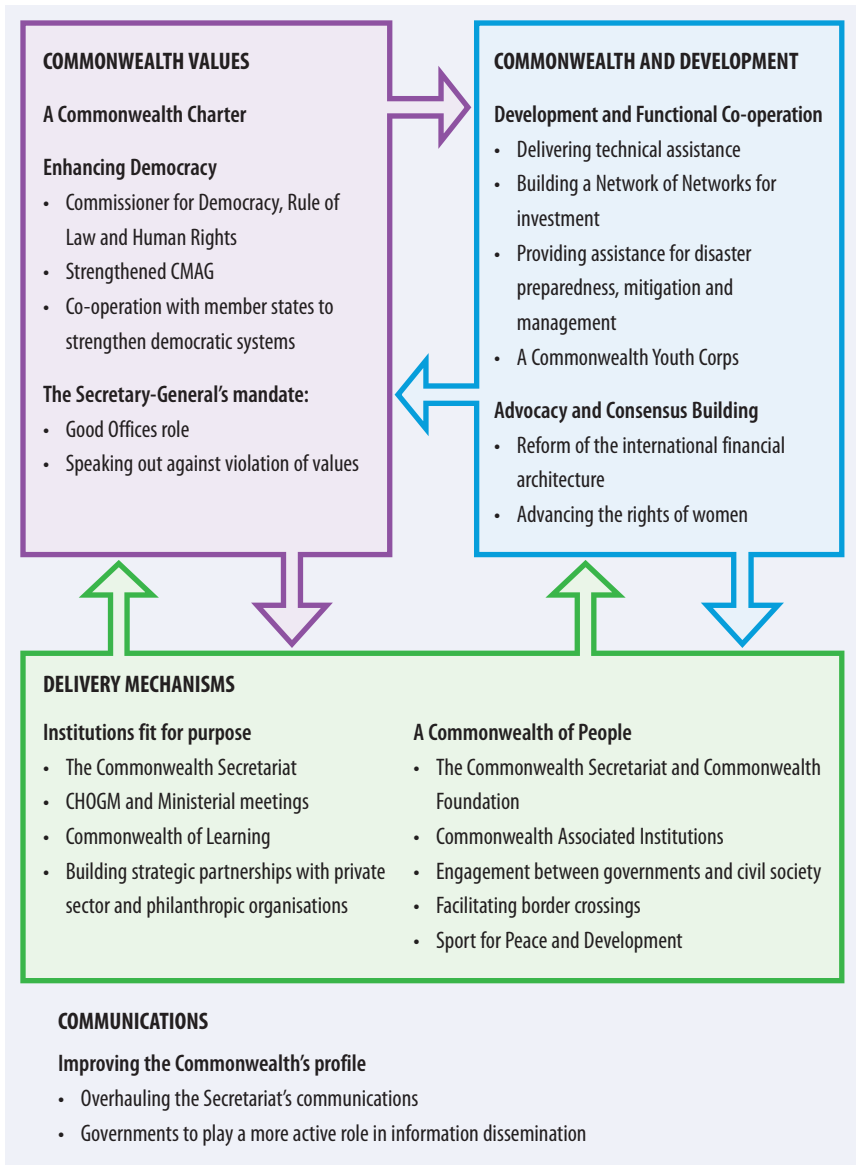
The answer to this question is reflected in the recommendations in this report. The recommendations map the road that the Commonwealth must take if it is to re-establish itself as an instrument for the progress, prosperity and fundamental rights of its peoples, and as a strong influence for good in the world.

We are aware that applying these recommendations will not be easy. However, we are convinced that their time has come, and there is now a need for urgency in their implementation. Reinvigoration and refocus do not happen through complacency or 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.

In an era of changing economic circumstances and uncertainty, new trade and economic patterns, unprecedented threats to peace and

security, and a surge in popular demands for democracy, human rights and broadened economic opportunities, the potential of the Commonwealth – as a compelling force for good and as an effective network for co-operation and for promoting development – is unparalleled. For that potential to be achieved giving economic, social and political benefit to its 2.1 billion citizens, urgent reform is imperative for the Commonwealth. That is the urgent reform this report tackles.

Figure 1: A chart showing key recommendations and how to deliver them



Introduction

“... the United Kingdom, Canada, Australia, New Zealand, South Africa, India, Pakistan and Ceylon hereby declare that they remain united as free and equal members of the Commonwealth of Nations, freely co-operating in the pursuit of peace, liberty, and progress”.

Declaration by the Commonwealth Prime Ministers creating the modern Commonwealth (28 April 1949)

“The Commonwealth is not an organisation with a mission. It is rather an opportunity for its people to work together to achieve practical solutions to problems”.

Her Majesty Queen Elizabeth II, Head of the Commonwealth,
December 2009

The two statements quoted above and made 60 years apart explain the nature of the modern Commonwealth. From the beginning it was, and it continues to be, a voluntary association of free and equal nations – of governments and of peoples – co-operating in various ways to achieve practical solutions to problems and co-operating in the pursuit of peace, liberty and progress.

For 62 years, the member states of the Commonwealth have co-operated in pursuit of their collective goals. Overall, they have done so with considerable success. It is adherence to these goals, and the collective actions of Commonwealth member states to demonstrate disapproval of their peers who deviate from Commonwealth values, that have distinguished the Commonwealth in the world.

In the course of its history, Commonwealth membership has grown from eight to fifty-four countries. Only three member states have withdrawn, with two of them returning in recognition that membership of the Commonwealth is a badge of honour – an acknowledgement that their admittance by the other members of the association bestows

upon their 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.

We expect, in the fullness of time, that the third member state that withdrew, Zimbabwe, will also be welcomed back to the fold once a legitimate government of that country re-commits itself to the values of the Commonwealth and demonstrates that it is upholding them.

Since 1995, the Commonwealth has also suspended member nations for gross violations of its shared values. It is significant that all, but one, of the suspended members, have taken action to correct their behaviour with the active support of the Commonwealth, and have been re-admitted to the organisation. We also expect that Fiji, which is currently suspended, will return to the association when its government resumes adherence to Commonwealth values. We applaud the tireless efforts of the Secretariat and member states in the Pacific to make this possible.

Some countries, which have not historically been associated with the Commonwealth, have been admitted to the association, accepting its values and principles and agreeing that their continued membership will be judged by their adherence to these. This is a strong display of the high regard in which the Commonwealth is still held by many countries of the world.

Throughout its existence, the Commonwealth has given leadership to the international community on issues such as:

- Opposing racism in all its forms;
- Assisting a number of Commonwealth countries to transition to multi-party democracies;
- Promoting human rights;
- Setting an agenda for advocating and advancing the rights of small states and the vulnerable;

- Promoting equity and economic co-operation between states; and
- Ending international and interracial conflicts.

The Commonwealth has also given intellectual leadership in a variety of areas, including through the work of Expert Groups and in advancing the social, political and economic rights and potential of women. On all these issues, the Commonwealth has helped to close the gap between rhetoric and reality.

Still, despite all its successes, at the 2009 Heads of Government Meeting in Port-of-Spain, you specifically recognised that the Commonwealth now needs to “build a stronger and more resilient family of nations founded on enduring values and principles” if, as you put it in your *Affirmation*, the Commonwealth is to “remain relevant to its times and people in future”. Your concerns arose from a growing opinion across the Commonwealth that the association could be much more effective than it is in delivering benefits for its members and as an influence for good in world affairs.

There is, therefore, an urgent need for a number of bold new initiatives not only to restore the Commonwealth to the respected source of strength and opportunity it represented for over half a century, but also to reform and strengthen it as a beneficial force for the future.

We are aware that the Commonwealth will never wield the same kind of influence as multilateral or treaty bodies with members that are rich and powerful and which exercise military or economic clout or both. Nonetheless, we have witnessed the Commonwealth’s influence and we place a high value on it. Commonwealth members constitute more than 25 per cent of the membership of the United Nations, nearly 40 per cent of the World Trade Organization, more than 35 per cent of the Organization of American States, just under 40 per cent of the African Union, 60 per cent of the South Asian Association for Regional Cooperation, around 90 per cent of the Caribbean Community and the Pacific Islands Forum, and over 20 per cent of the Organisation of

Islamic Countries. Commonwealth countries are members of a multitude of regional and/or other organisations in which they can act, individually and collectively, to promote tolerance and understanding between peoples and advance global peace and human development.

We are convinced that in a globalised world, characterised by the increasing interdependence of states, the Commonwealth remains well-placed to address the concerns of states and the societies within them. It can do this because of its shared values, structures and methods of working, provided it is seen to uphold them. This is especially so because the Commonwealth is not only an intergovernmental association, it is also a common gathering and wealth of citizens interconnected in countless ways – bonded by history; language; parliamentary, administrative and legal systems; sport; and a shared hope for a peaceful future founded on freedom, justice and economic progress. Beyond governmental interaction, this commonwealth of people is co-mingled in some 90 civil society organisations and professional groups, all operating under the single umbrella of “the Commonwealth” – even as they radiate its ethnic, religious and other diversities.

In this report, we try to identify the ways in which the Commonwealth could improve its activities in accordance with a set of priorities for which it is best suited to serve its member states and to contribute to global well-being. We have proposed ways to improve its existing machinery so as to maintain its reputation as an association whose moral authority in the world flows from its commitment to human progress through its core values proclaimed at successive Commonwealth Heads of Government Meetings.

We have a bold vision of what the Commonwealth could be: a strong association, valued and utilised by its members through its many networks, and underpinned by a family of intergovernmental organisations to which member governments can turn to take forward

major international issues that lie within the remit of the Commonwealth. For us, it is not just a Commonwealth of Nations but a Commonwealth of peoples freely associating with each other and enriching their lives and opportunities.

Nevertheless, we recognise that, in the global community as it now is, the Commonwealth competes with other and newer associations, regional bodies and economic realities. For many of the citizens of its member states the Commonwealth does not now have the significance that it had for earlier generations. Therefore, this report and the action that will be taken upon its recommendations constitute a unique opportunity to arrest a decline in the Commonwealth's influence and significance, and to reform it so that it plays a leading and beneficial role in the future. A similar opportunity may never again arise.

Part 1 Championing Values

1. A Proposal for ‘A Charter of the Commonwealth’

Today’s Commonwealth exists in a world of sweeping changes where old orders no longer command their previous dominance; where power can no longer be measured only by military might or even financial resources; and where people are demanding greater participation in the manner in which they are governed and in fashioning the principles that guide their governance.

Tumultuous changes have recently occurred in the world driven by the aspirations of the people, who are no longer content to live under undemocratic and autocratic regimes, or under systems of economic injustice. People, and especially young people, are demanding a new social contract between governments and themselves.

Commonwealth countries must actively engage this mood of change, embracing its spirit in order to fashion the Commonwealth of the future and the constructive role the Commonwealth association can play in helping to create a more just and equitable global society.

In your *Affirmation of Commonwealth Values and Principles* in 2009, you recognised “the important role that civil society plays in our communities and nations as partners in promoting Commonwealth values and the interest of the people”. In this report, we have suggested ways in which the Commonwealth of Nations can be more of a “Commonwealth of the People” than it currently is. Member governments should institutionalise the machinery we have proposed for listening to Commonwealth civil society in structured and regular meetings from which agreed and measurable actions will flow.

We go one step further, mindful that in doing so, we propose building on foundations that you have laid in the evolution of the modern Commonwealth. We suggest that you consider the establishment of a

Commonwealth Charter. Such a Charter would establish a Commonwealth “spirit” – one that is shared by the people of the Commonwealth and their governments, and that would institute firmly the concept of a Commonwealth whose collective purpose is driven by the aspirations of its people.

Because we envisage such a Charter as a “Peoples’ Charter”, we believe that there should be wide consultation about its content and formulation within each Commonwealth country. In this connection, individual governments should undertake national consultations with the full participation of accredited Commonwealth civil society organisations. The results of these national consultations should then be fed into the Secretariat for analysis and recommendations to Heads of Government by a task force. At your meeting in Perth, you might consider authorising the Secretary-General to initiate arrangements for the national consultations as well as the establishment of the task force (drawn from the regions of the Commonwealth).

The Commonwealth-wide process of discussing the proposed Charter among the many civil society organisations and in schools, universities, and in town hall meetings could itself serve to renew and invigorate interest in, and commitment to, the Commonwealth. It would also source the values and aspirations in the will of the peoples of the Commonwealth.

In the event that you consider our proposal for a Charter favourably, we have appended to this report, a version drafted by one of our members, the Hon. Michael Kirby. We suggest that it might be used as a basis for the Commonwealth-wide consultations proposed in the previous paragraph. The draft derives substantially from the many declarations of Commonwealth values and principles issued by Heads of Government at the conclusion of CHOGMs since 1970 and which can now be said to be entrenched in the Commonwealth’s modern culture.

We recognise that an option exists for the future expansion and development of the proposed Charter if, after consultations with them, the people of the Commonwealth feel such a course to be appropriate. The constitutive instruments of other intergovernmental organisations show the possibilities that could be developed. For example, they might include:

- The objectives of the Commonwealth;
- The principles upon which the association is founded;
- The criteria for admission to, and continuance of, membership;
- The organs, office bearers and decision-making processes; and
- External relations.

However, because the development of such a constitutive Charter might be seen as altering the character of the Commonwealth in fundamental respects, and would, in any event, require the widest possible consultation, we decided to do no more than to call this larger possibility to your notice.

Recommendation

R1 A “Charter of the Commonwealth” should be established after the widest possible consultation in every Commonwealth country. Civil society organisations should be fully involved with national governments in the process of pan-Commonwealth consultation, including in the organisation of the process and assessment of its results. A task force should be appointed to analyse the findings of the national consultations and to make recommendations, on that basis, to Heads of Government. If the findings favour a Charter, the task force should be authorised to draft the final text.

2. Enhancing Democracy, the Rule of Law and Human Rights

We are mindful that throughout the Commonwealth's existence, you and your predecessors, as Heads of Government, have sought to maintain it as a values-based association. We know you have done so because you recognise the invaluable influence for good that the Commonwealth has played and can continue to play within its own member countries and in world affairs if it maintains an ethical stand and highly visible standards.

In the case of the Commonwealth, this has not just been a matter of declarations or of rhetoric. The Commonwealth has suspended member states on a number of occasions because of an overthrow of constitutional government that was incompatible with its values. Moreover, the Commonwealth Ministerial Action Group (CMAG) was created as a result of serious human rights violations in one member state and the perceived need to create a mechanism that would facilitate action where and whenever appropriate in future years.

Nevertheless, 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. Indeed, it is worth recalling that when Heads of Government met and created CMAG in 1995, they were acutely conscious at that time of the need for the Commonwealth to respond meaningfully to the concurrent execution of nine environmental activists following gross abuse of the rule of law and denial of fundamental human rights by the Nigerian military government of the day. Yet, since then, CMAG has rarely, if ever addressed an issue unless it involved an unconstitutional abuse of government. Inevitably, this has led to unfavourable comparisons with the period when the Commonwealth led the world struggle to achieve the rule of law, respect for human rights, and the end of apartheid in South Africa.

Submissions to us have emphasised that the Commonwealth is in danger of becoming irrelevant and unconvincing as a values-based organisation. They have stressed that unless the Commonwealth reforms its machinery and enforces the values it has espoused, it will stand condemned as hypocritical or indifferent, willing to proclaim commitment to a broad set of values but unwilling to invoke its own machinery to ensure that those values are maintained except in the case of the unconstitutional overthrow of a government. We have concluded that these concerns are valid.

At your meeting in Port-of-Spain in 2009, you reaffirmed the Commonwealth's core values, and you did so with admirable clarity and firmness. You confirmed that the core values are 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 civil society. You also reaffirmed your commitment to the core principles of consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy and responsiveness.

It is now obvious that to ensure its relevance and to secure its future the Commonwealth needs to put in place effective machinery to deal more appropriately with challenges to its values, particularly violations of human rights and religious freedom, and to provide the assistance necessary for its members to uphold them.

We should say a specific word here about what we mean by "human rights". Human rights are about the rights of people. Proclaimed in 1948 by the UN General Assembly in the *Universal Declaration of Human Rights*, they have been elaborated by two International Covenants adopted in 1966: the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. They have since been further refined by additional Conventions and

Declarations of broad application. As core values we regard them as inseparable, which is why we deal with democracy and the rule of law in this section of the report, and economic development, religious, social and cultural rights in subsequent sections. We are equally concerned about the wretchedness of the weak under despotic regimes as we are about the degradation of the poor under inequitable national and international structures.

At present, when the Commonwealth's political values are challenged in a member state, the Commonwealth responds in a number of ways:

- The CMAG can place the matter of the conduct of a member state on its agenda for consideration at its next regular bi-annual meeting, or if deemed necessary, immediately, through a specially convened meeting. Ultimately, CMAG's choice has been to decide whether the member state should be suspended only from the 'Councils of the Commonwealth' (effectively prohibiting it from participation in official meetings) or be fully suspended (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 make a statement, or take a decision to suspend a member state; and
- The Commonwealth Secretary-General can make a statement about the situation.

This restricted range of options has presented the bodies responsible for upholding democratic values with difficult and sometimes unappealing choices.

To deliver on upholding its democratic values, we believe that the Commonwealth needs to use all the tools at its disposal. The Commonwealth should seek to work with a country that is deemed to be violating Commonwealth values at the earliest possible stage with the aim of significantly reducing the need for more drastic measures. It

should use political judgement to respond to violations in a manner that is proportionate to the seriousness of the violation and the frequency of its occurrence. The levels of response should include:

- Working with all Commonwealth members that request assistance with regard to human rights, democracy and the rule of law;
- Working behind the scenes through discreet interventions and quiet diplomacy to ensure that a member that is violating, or is in danger of violating, Commonwealth values moves toward compliance;
- Deploying Ministerial-level teams or missions of eminent Commonwealth citizens to investigate a national situation and report back to CMAG;
- Openly working with the member in a co-operative attempt to address the issues;
- Expressing public concern by either CMAG or the Secretary-General, or both; and
- Suspending a member country from the Commonwealth by resolution of CMAG.

The Commonwealth needs to establish a pan-Commonwealth system allowing for well-targeted, proportionate and timely responses. The objective should be to develop and implement an early warning mechanism that allows the 'good offices' of the Secretary-General to pre-empt violations of political values by member states and to put in place initiatives to enhance the process of consultation and co-ordination of action between the Secretary-General, CMAG and CHOGM.

In this regard, we recognise that the Secretariat is already engaged, as it should be, in practical capacity-building functions with individual member countries of the Commonwealth. We applaud this, as we congratulate those member states that, having recognised a deficiency, have acted to rectify it by seeking the Secretariat's help before the problem developed. This is vital work that we encourage both member states and the Secretariat to intensify as necessary.

However, having considered the existing system, we believe that there is a significant gap that should be filled promptly so as to ensure that, in the words of your *Affirmation* in 2009, “the Commonwealth will remain relevant to its time and people in future”. The gap, as we see it, is two-fold: first, the need for full-time attention to be paid to determining when serious or persistent violations of the Commonwealth’s political values, particularly infringements of human rights, may have started to occur; and second, the need for exploration and analysis to advise both the Secretary-General, and CMAG when serious or persistent violations persist despite the Secretary-General’s ‘good offices’ interventions.

We are aware that the Secretariat now undertakes some of this work. However, full-time and separate assistance is required to address this issue properly.

Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights

To fill this gap, the office of Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights should be created, with the following responsibilities:

- (i) Based on thorough investigation of the facts: (a) to render simultaneously to the Secretary-General and the Chairperson of CMAG advice on which an informed decision may be taken when a state is violating core Commonwealth values, particularly human rights, in a serious or persistent way; and (b) to indicate approaches for remedial action.
- (ii) Work with the Secretariat to strengthen the existing early warning system that identifies member states in danger of violating core values, and to advise the Secretary-General and the Chairperson of CMAG and indicate possible corrective actions that could be taken.
- (iii) Draw on the work and knowledge of the various Commonwealth civil society organisations and professional networks to establish

a pan-Commonwealth system to detect human rights violations, threats to religious freedom and other impending difficulties so that they can be pre-empted or quickly resolved.

- (iv) Elaborate a graduated list of responses for consideration by the Secretary-General and CMAG;
- (v) Investigate situations which the Secretary-General or CMAG draw to the Commissioner's attention;
- (vi) Establish a special rapporteur to identify the social victimisation of women (this matter is addressed in Part 3, Section 2 of this report); and
- (vii) As part of the procedure for considering and deciding an application for membership of the Commonwealth, the Secretary-General should make use of the proposed Commissioner for Democracy, the Rule of Law and Human Rights to undertake inquiries and advise accordingly.

Where the Commissioner indicates measures to the Secretary-General to build capacity in a member state that has ceased serious or persistent violations of the Commonwealth's values, the existing structures of the Secretariat charged with providing capacity building assistance should undertake that work as they now do. This capacity-building, therefore, ought not to be mingled with the political advisory work of the Commissioner in advising whether violations are taking place.

We believe that a Commissioner, such as we have described, would need to be a Commonwealth citizen of exceptional experience and reputation, with knowledge of the issues and capable of sensitive diplomacy. The Commissioner, once appointed, based on criteria determined by you, the Heads of Government, need not be based permanently in the Secretariat or indeed in the United Kingdom. He/she should be provided with office facilities and a small research staff and should be appointed for a six-year non-renewable term. Additionally, the Commissioner should seek support from bodies such

as the Commonwealth Lawyers Association, the Commonwealth Local Government Forum, the Commonwealth Human Rights Initiative and the forum of Commonwealth Human Rights Institutions.

We draw attention to the reality that the cost of this post, its attendant staff and operations would require additional contributions to the Secretariat's existing budget. However, the costs envisaged would be modest. They need to be weighed against the very serious costs of doing nothing. We urge you to provide such contributions. The present institutional gap that we have identified cannot be filled within the current institutions and resources.

Commonwealth Ministerial Action Group

We are mindful that at your Port-of-Spain meeting, you agreed "that consideration be given to strengthening the role of CMAG in order to enable the Group to deal with the *full range* of serious or persistent violations of the Harare Principles". We are also aware that you agreed "this examination should be confined to matters within CMAG's existing mandate and that any proposals for going beyond that mandate should be referred to Heads". We know that CMAG will be submitting the results of its own examination at the same time as this report.

However, given that a common criticism in the majority of submissions we received was that CMAG has tended to limit its work only to unconstitutional changes of government, particularly by military regimes, and that it is not tackling the *full range* of serious or persistent violations of Commonwealth values, we consider it important to offer you our view of how the work of CMAG might be made more effective.

We believe that CMAG needs to make choices that reflect the nature and gravity of violations of Commonwealth values. The mandate that has been given to CMAG is much broader than the current options of

response, namely suspension or inaction. In the modern age of instant communications, CMAG must act in a more decisive, nuanced and timely fashion.

CMAG's current mandate is to uphold Commonwealth values as set out in the *Harare Declaration* of 1991, in particular dealing with serious or persistent violations. To ensure that CMAG acts on the latest agreements of Commonwealth Heads of Government, its mandate should be revised to include any subsequent CHOGM statements. In particular, CMAG should become the guardian of the 2009 *Affirmation of Commonwealth Values and Principles* given that this updates and strengthens the earlier commitments to values found in the 1971 *Singapore Declaration* and the 1991 *Harare Declaration*.

CMAG should also expand its focus from looking solely or mainly at the values of democracy, to including the other core values of the Commonwealth enabling the rule of law, serious or persistent human rights violations, and other issues to be addressed as was surely originally envisaged by Heads when they established CMAG in 1995. It should retain room for political judgement, but enlarge its work to encompass potential infringement of all of those values.

Importantly, we believe that civil society groups and Commonwealth organisations should be afforded the opportunity to make representation to the CMAG through oral hearings, when appropriate, in addition to the current practice of receiving written submissions.

Freedom of expression

All individuals are entitled to information from unbiased sources relating to the conduct of their country's affairs. In too many instances, attempts at silencing those whose job and duty it is to report the information have become prevalent. We are concerned that there is abuse, including killings, of journalists and broadcasters in several

Commonwealth countries and that many of these abuses go uninvestigated and unpunished. The values of the Commonwealth demand that the media and their representatives be allowed to operate with responsibility, in freedom and without fear. Serious and persistent abuse of media representatives should be cause for inquiry by CMAG.

Objective criteria for CMAG

We also regard it as necessary that CMAG adopt objective criteria, which would trigger its engagement with a member state to put corrective measures in place. Examples of such criteria would be:

- An adverse report by a Commonwealth Observer Group concerning, for example, a significant aspect of an election;
- The existence of credible and significant evidence of unconstitutional and arbitrary actions by a government, including postponing national elections without agreement by all national political parties;
- The violation of the rights of the Opposition;
- The violation of the rights of vulnerable groups;
- Any compromise of the independence of the judiciary;
- Problems arising before elections, including electoral registration and boundary processes; and
- Serious and persistent violations of the *Aberdeen Principles* relating to local democracy and good governance.

But, we do not leave it there. It is as important to employ a 'good offices' role in preventing and reversing serious violations, as it is in taking strong action when good offices interventions do not succeed. Therefore, in order to encourage adherence to the Commonwealth's political values, we urge that CMAG, in collaboration with the Secretary-General, should strengthen its structures for engaging with suspended or former members, and both the Secretariat and CMAG should enhance the existing process of sharing information. We consider it

very important that CMAG should be perceived in a positive light, ready for constructive engagement and not only as a body authorised to impose sanctions.

In order to respond quickly to emerging difficulties in member states, CMAG needs to meet more frequently. In this regard, we suggest that teleconferencing could be used for meetings called at short notice to respond promptly and effectively to serious situations.

National human rights institutions

We recall that through the UN, international recognition has been given to the importance of establishing and strengthening independent national institutions for the promotion and protection of human rights consistent with the 'Paris Principles' relating to the status of national institutions for the promotion and protection of human rights. International recognition has also been given to the important role that such institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening the rule of law, and in developing and enhancing public awareness of those rights and fundamental freedoms. In this connection, we encourage all Commonwealth countries to establish, or where they already exist, strengthen, national human rights institutions in accordance with the *Paris Principles*, including by providing adequate resources to ensure their independence.

We also believe that the mandate of the Secretary-General to speak out against violations of the Commonwealth's values must be strengthened. The actions that we propose the Secretary-General can take are set out in Section 3 of this Part of the report entitled: "Silence is not an option: The Secretary-General's mandate".

The Commonwealth needs to be, and seen to be, more proactive in upholding its core values.

Recommendations

- R2** A Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights should be appointed to provide well researched and reliable information simultaneously to the Secretary-General and the Chairperson of the Commonwealth Ministerial 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.
- R3** Where the Secretary-General chooses a non-public, “good offices” approach to reports of serious or persistent violations of the Commonwealth’s core values, he should advise the Chairperson of CMAG promptly as to the rationale, methodology and likely results of his approach and the time-frame required to determine its impact or viability. He should continue to advise the Chairperson of CMAG regularly thereafter until any new decision is made to deal with the issue.
- R4** Where the Secretary-General refers any matter to CMAG, he should recommend short, medium and long-term actions, initiatives or sanctions to CMAG, and CMAG should consider and act upon the recommendation immediately.
- R5** CMAG should develop objective criteria (such as we have set out in this report) for determining serious or persistent violations of the Commonwealth’s core values, including human rights, that would trigger its engagement with a member state to put remedial measures in place.
- R6** CMAG should react more quickly to events. It should develop a range of responses that will allow it to address serious or persistent violations in ways that correspond to the nature and gravity of a violation. If members of CMAG, for whatever reason, are affected

by, or are unable or unwilling to take part in, consideration of a particular instance, those members should stand aside. CMAG should adopt effective procedures to fill the vacancy promptly with ad hoc members as authorised by Heads of Government.

- R7** CMAG should invite the proposed Commissioner for Democracy, the Rule of Law and Human Rights, or deploy Ministerial-level teams or missions of eminent Commonwealth citizens, to investigate promptly serious or persistent violations of the Commonwealth's core values including human rights, within a member state and report to CMAG.
- R8** CMAG should meet more frequently. It should make use of teleconferencing for meetings arranged at short notice to respond to worsening or urgent situations.
- R9** CMAG, in consultation with the Secretary-General, should strengthen its structures for engaging with suspended or former members and for tackling emerging difficulties before they escalate.
- R10** All Commonwealth countries should establish, or, where they already exist, strengthen, national human rights institutions in accordance with the UN-adopted *Paris Principles*, including by the provision of adequate resources to ensure their independence.

Strengthening democratic culture and practices

In your *Affirmation of Commonwealth Values and Principles*, you confirmed your "commitment to the Commonwealth Secretariat's work in strengthening democratic institutions, processes and culture through election observation" and you "endorsed the proposed Commonwealth Network of National Election Management Bodies" (Network). You said the Network, through its activities, would enhance

“member countries’ capacity to hold credible elections which enjoy the confidence of the people”. We share your hopes and expectations of the Network and look forward to its work in advancing the highest electoral standards throughout the Commonwealth. We call on all Commonwealth governments to support the Network.

We also believe that the present system of strengthening democratic institutions, processes and culture should be improved by broadening the Secretariat’s mandate on election observation to include assessment of political transition arrangements and the promotion of civic education. We are mindful that some governments, including members of the Commonwealth, have defied the will of the electorate by disregarding the results of elections and either seeking to maintain, or maintaining, themselves in power. Although the cases are comparatively few, flawed political transitions are destabilising. They trigger political violence, undermine peace, intensify individual and group insecurity, and can cause humanitarian crisis. Apart from the adverse effects on the countries concerned, flawed political transitions also have a tendency to affect neighbouring and other states through, for example, the flight of refugees.

We are also aware that, since 1990, the Commonwealth has been observing general elections in member countries in support of the core value of open and democratic elections, as proclaimed by the *Harare Declaration* of 1991. To date, the Secretariat has organised some 100 Commonwealth Observer Groups (COGs) or other similar election observation activities.

We have been advised that the findings of observer teams are not always followed-up sufficiently, or at all, thereby limiting their impact. In some instances, the shortcomings from one election are observed again in the next. The reasons for this can include a lack of resources on the part of the Secretariat to follow-up adequately on recommendations of COGs between election periods, or limited

political will by the member government concerned to redress identified deficiencies.

In any event, the present system of election observation by the Commonwealth should be improved and strengthened. There is a danger that the present system could lead, in some circumstances, to flawed elections being given an apparent Commonwealth stamp of approval simply because relevant failings occur prior to the arrival of an Observer mission and are not evident while the mission is on the ground.

In your *Affirmation of Commonwealth Values and Principles*, you strengthened your commitment to free and fair elections by stating that "... not only governments but all political parties and civil society also have responsibilities in upholding and promoting democratic culture and practices as well as accountability to the public in this regard...". In this connection, we feel that civil society should play a greater role in monitoring elections in their own countries. To do so effectively and with maximum utility, their representatives need to be trained.

The Commonwealth now undertakes some training as does the International Institute for Democracy and Electoral Assistance (IDEA) based in Sweden. So do a number of other agencies and organisations around the world. One-third of the 27 member countries of International IDEA are Commonwealth countries and we note that there is on-going exchange and collaboration between International IDEA and the Secretariat. We encourage this collaboration. It affords a good basis for the two organisations and other relevant organisations to work together in devising and implementing such training programmes for Commonwealth countries that request them.

This work could be valuably expanded, ideally in co-operation with relevant partner organisations, through the development of an Academy for Democracy and Electoral Training, based within a Commonwealth country.

While existing institutions provide training in technical skills such as election management and parliamentary process, we envisage an Academy for Democracy and Electoral Training that would reach beyond the physical processes of democratic government to instil the ideals and culture of democracy, and the foundations of democratic leadership. No such Academy exists, and it would be a path-breaking service for the global community if a Commonwealth country were to establish such an institution, to which governments, election commissions, civil society and other relevant organisations could send people to be trained in best practices on a fee-for-service basis. We encourage one or more Commonwealth governments to consider setting-up such an Academy which could be done within an existing institution.

Recommendations

- R11** The Commonwealth should broaden its election observation mandate beyond the existing period (which is now ordinarily two weeks prior to the date on which the elections are held). The Secretariat should provide Commonwealth Democracy Observer Teams that arrive in some strength, optimally two months in advance of a planned election day (where this is possible), or where the election is called suddenly, as close as possible to the date on which the election is called to meet electoral officials, political parties and civil society to ensure, through promotion and engagement, an open and democratic electoral process leading up to, including, and following, election day.
- R12** Observer Teams should report publicly at regular intervals leading up to, during, and after voting day on relevant issues particularly the freedom of political parties, legitimacy and fairness of election financing rules; freedom of the media in reporting on the electoral process; the integrity of electoral lists; and the efforts by all parties to avoid violence and intimidation.

- R13** To ensure that there is sufficient and effective capacity to carry out these observation functions, the Secretariat should: (i) in the lead-up to elections identified as potentially problematic, establish and maintain at least three deployment-ready observer teams made up of individuals with relevant political and administrative experience, comprised of a regionally representative group and staffed by both the Secretariat and competent electoral officials from Commonwealth countries; and (ii) review on a regular basis the availability of such teams as a ready-to-deploy facility.
- R14** Where an adverse report is made by a Commonwealth Observer Group concerning a significant aspect of a general election, a report should be made by the Secretary-General to CMAG immediately and a joint course of action adopted. The Secretariat should systematically follow-up the implementation of the recommendations made by the Commonwealth Observer Groups so that observed deficiencies can be rectified well in time for the next electoral cycle, and be provided the necessary resources for this purpose. Member governments, for their part, should demonstrate their commitment and willingness to address deficiencies identified by Commonwealth Observer Groups in timely fashion before an ensuing election.
- R15** The remit of the Commonwealth Democracy Observer Missions should be expanded to include an assessment of the adequacy of institutional and operational arrangements for post-election political transition and to advise the Secretary-General on actions that may be required to improve such arrangements and to ensure that political transitions respect the results of elections.
- R16** One or more Commonwealth governments, preferably of developing member states, should consider establishing an Academy for Democracy and Electoral training for governments,

elections commissions, and civil society organisations on a fee-for-service basis. If established, the Academy should work co-operatively with the Network of Commonwealth Electoral Management Bodies established by the Secretariat.

R17 The Secretariat should continue actively to explore, with the International Institute for Democracy and Electoral Assistance and other relevant institutions, ways in which the Commonwealth could co-operate with them in training programmes for Commonwealth countries.

3. Silence is not an option: The Secretary-General's mandate

The Commonwealth has had a proud record in past times in responding to serious violations of human rights within its member countries, including apartheid in South Africa and Southern Rhodesia, the excesses of Idi Amin in Uganda, and military coups in Nigeria, Fiji, Sierra Leone and Pakistan. In each case, the Commonwealth has intervened in one form or another – ranging from condemnation and extending to sanctions including suspension.

In recent years, however, there has been growing criticism that the Commonwealth does not take a stand, at least in public, on violations of its values by member states, other than in the case of the unconstitutional removal of governments.

We know that turbulence occurs when one or more of the core values, for which the Commonwealth has said it stands, and by which it is judged, have been breached. When such turbulence occurs it can create tension between members and the Commonwealth institutions that should speak out when the values are abused or imperilled. We are convinced that, at such times the Commonwealth must not remain silent. Our conviction is shared by many of the over 300 organisations that made submissions to

us, and by many organisations and individuals in Commonwealth countries with whom we have engaged. For example, the failure of the Commonwealth to speak out when its values are violated was a strongly recurring theme in the Royal Commonwealth Society's "Conversation" – a widespread public consultation conducted in 2009.

This failure by the Commonwealth is seen as a decay that has set in to the body of the organisation and one that will occasion the association's irrelevance – if not its actual demise – unless it is promptly addressed.

In the 1995 *Millbrook Commonwealth Action Programme on the Harare Declaration*, you made it clear that "where a member country is perceived to be clearly in violation of the *Harare Declaration*, and particularly in the event of an unconstitutional overthrow of a democratically elected government, appropriate steps should be taken to express the collective concern of Commonwealth countries...". The first of these steps that you authorised was the "immediate public expression by the Secretary-General of the Commonwealth's collective disapproval of any such infringements of the Harare principles".

We agree entirely with the decisions you made and the authorisations you gave in the *Millbrook Action Programme*. These have been observed when there has been the overthrow of a democratically elected government. But the *Millbrook Action Programme* expressly authorised a public response by the Secretary-General when a member state is perceived to be clearly in violation of the *Harare Declaration*, and this specific authorisation evidently extends beyond the overthrow of constitutional government. Nonetheless, often the Secretary-General's 'good offices' role is deployed without any public statement of concern being made because of the risk of compromising this behind-the-scenes activity. This has led to a void in communication over what actions the Secretary-General has actually taken when violations of the Commonwealth core values occur in member states. The absence of such information has led to scepticism about the Commonwealth's commitment to its own values.

Therefore, we believe that when the Secretary-General employs a 'good offices' role, this should be publicly announced immediately. Further, reports about the results of these efforts should be given to the media and posted on the Secretariat's website. The present void of information serves only to create doubt about the efficacy of 'soft diplomacy', and, as has been pointed out to us, advantage has been taken of unpublicised, behind-the-scenes diplomacy to continue to violate the Commonwealth's values. This has substantially weakened the fabric of the association and the promise of vigilance and action it has held out to the people of the Commonwealth.

In today's world of instant communication – and particularly of sometimes unstructured communication via the Internet and the social networks – the Secretary-General should exercise more forcibly and openly the mandate you have given to him in the *Millbrook Action Programme* where there is a "serious or persistent violation" of the Commonwealth's fundamental political values in an individual member country, by speaking in a pre-emptive way, where the stated intentions or actual moves by a government could – if followed through – constitute such a violation. The Secretary-General should speak out expressing concern to the extent appropriate to the level of any serious or persistent violation. Silence should not be an option. The Secretary-General should also speak out when a gross violation occurs. In both cases, the Secretary-General should be able to express concern including, where appropriate, in the period before the Commonwealth Ministerial Action Group (CMAG) meets to consider a Commonwealth response by its members.

This strengthened mandate, giving the Secretary-General the authority to speak out, should reflect the updated definition of values and commitments that you adopted in the *Affirmation of Commonwealth Values and Principles* in 2009. The Secretary-General should also be afforded the authority to announce publicly when the potential actions of a government may oblige him to draw a matter to the attention of CMAG.

Between CHOGMs, it is imperative that the Secretary-General, as the voice of the Commonwealth and as a leader on behalf of the organisation, should have the freedom, autonomy and responsibility to speak out publicly in defence of Commonwealth values.

Recommendations

- R18** The core values of the 2009 *Affirmation of Commonwealth Values and Principles* (which updates and expands on the earlier 1971 *Singapore Declaration* and 1991 *Harare Declaration* and the 2003 *Commonwealth [Latimer House] Principles on the Three Branches of Government*) should be deemed to be “core Commonwealth priorities” about which the Secretary-General shall speak out publicly as appropriate.
- R19** Aside from the deployment of ‘good offices’, the Secretary-General should be explicitly mandated, when serious or persistent violations appear in his judgement to be either imminent or actually occurring, to: (i) indicate concern publicly to the extent appropriate; (ii) where necessary, refer any matter urgently to CMAG or to the proposed Commissioner for Democracy, the Rule of Law and Human Rights for advice; and (iii) take such other action as he considers appropriate.

Part 2 Development and Functional Co-operation

1. Development: Maintaining the Commonwealth's focus

In your *Affirmation of Commonwealth Values and Principles*, you reiterated your commitment to economic and social development. You stressed “the importance of economic and social transformation to, *inter alia*, eliminate poverty and meet the basic needs of the vast majority of the people of the world”. You also restated that “economic and social progress enhances the sustainability of democracy”. In doing so, you continued the strong tradition of promoting international development that the Commonwealth has long displayed. This has been through programmes that have directly contributed to economic development, such as the Commonwealth’s respected work on debt management, maritime boundaries and natural resources, and the reports of Expert Groups that it has constituted from time to time.

We are aware that the Commonwealth also contributes to social and political development goals, for example through international campaigns such as those on debt relief and on climate change and ‘small states’ issues, as well as through its election observation missions. The Commonwealth’s leadership role against the iniquities of apartheid in South Africa was a high point in its deployment of ‘soft power’. Its impact is also underpinned by the many networks that comprise and strengthen the Commonwealth “family”. These facilitate North-South and South-South exchanges of information between groupings spanning the public and private sectors as well as civil society.

Because of the diversity of its membership, the Commonwealth can make a unique contribution to the positive linkages between enhancing economic and social development and protecting human rights, judicial integrity and the rule of law.

A special strength is the high degree of commonality across the Commonwealth's diverse composition, such as those associated with law and language and administrative systems – all underpinned by shared values. These attributes, properly protected and promoted, lend the Commonwealth credibility, utility and moral authority. They allow the Commonwealth's work to include the sometimes sensitive issues of governance and human rights. In this report, we have set out a series of recommendations for strengthening the Commonwealth's work in these areas and, hence, enabling the Commonwealth to make an invaluable contribution to broader development outcomes. As such, it is important to recognise that the Commonwealth pillar of development is intrinsically linked with the Commonwealth pillar of democracy.

From our own knowledge and on the basis of the submissions made to us, we know that the Commonwealth's development activity is valued greatly by its membership. However, few would deny that there is considerable potential to strengthen its impact. The scale of the Commonwealth's programmes is small in financial terms – its budget is roughly one quarter that of the international charitable organisation, Oxfam. Despite this, its demand-based approach means that it works across many sectors given the trust its programmes of assistance have generated among developing countries. This trust is a major Commonwealth asset which needs to be built on. This can be done, for example, by strengthening the Secretariat's partnerships with other development actors, including engagement with a wider circle of civil society and private sector partners.

The Commonwealth's governance structure lacks a dedicated forum for consideration of development issues. While there are discussions under way by the Secretariat's Board of Governors to develop a Development Forum – where contemporary development challenges and the capacity of the Secretariat to respond would be discussed at senior officials' level – there is need for the focus on development to continue to infuse all Commonwealth interaction, such as the CHOGM, Finance

Ministers' meetings and the regular meetings of Commonwealth professionals. With so substantial a proportion of its membership being developing countries, the Commonwealth is well placed, in our view, to position development in its broadest sense at the heart of its work. That the Commonwealth's membership includes important developed and emerging-economy countries enhances the quality and value of Commonwealth work with development issues. Where there are weaknesses, they should be identified and corrected. The potential of the Commonwealth in this area is unrivalled.

A vision for the Commonwealth's development work

Against this background, and to enhance the impact of the Commonwealth and raise its profile, we conclude that the Commonwealth can make the greatest contribution to development in four respects:

- 1. Maintaining the centrality of development needs to all Commonwealth work**, recognising that such work should be informed by Commonwealth values and engagement with a wide circle of civil society and private sector partners.
- 2. Campaigning on priority global issues**, leveraging its strengths as a convening and influencing body. This builds on its landmark anti-apartheid role, and more recently its work to influence the international climate change negotiations.
- 3. Performing as a network of networks**, maximising the impact of the Commonwealth's many associations and the potential this offers for exchange and influence, including through new forms of North-South and South-South co-operation.
- 4. Protecting funds for technical assistance.** Monies provided to the Commonwealth Fund for Technical Co-operation (CFTC) cater for the deployment of much needed expertise in developing member countries. Its protection would guarantee that this valuable and

much valued work continues through a separate section of the Secretariat with a dedicated and protected budget.

Recognising that in a crowded field of development agencies the Commonwealth will always have little comparative advantage as a direct provider of aid, we are convinced that, beyond its CFTC work, the Secretariat's resources need to be focused on advocacy and consensus-building. Given the limited resources available to the Secretariat, partnerships are needed to develop significant and sustained capacity-building programmes that can make a real impact. In suggesting capacity-building programmes, we are not speaking of 'workshops' only, but of practical programmes of on-the-job training within member states.

Maximising this contribution will require changes in the Commonwealth Secretariat's present structures and operations, as set out in the section of this report focused on the Secretariat. To make a real impact on global issues, the Commonwealth needs a higher international profile together with greater credibility. This will take time to achieve. However, the starting point is to focus the Secretariat's resources on a limited number of issues that are of priority concern to developing country member states, and in ways that draw on the Commonwealth's unique comparative advantages.

In the economic field for example, this should include articulating the priorities of small states within the G20 Development Working Group, development aspects of climate change, trade facilitation for small Commonwealth states and assisting their cause for differentiated treatment in the World Trade Organization. This would be an important contribution to the economic development of small Commonwealth states. The Commonwealth needs to focus resources on these areas so that they can bring informed expertise of the highest order to the table.

Drawing on its past successes, we believe that building up technical capacity within the Secretariat by giving it the means to recruit higher

calibre staff and to use Commonwealth Expert Groups that command international respect, constitutes the principal way forward. The Commonwealth itself, through the Secretariat, should become an acknowledged champion of development.

To raise its profile the Commonwealth also needs strategic and high value international meetings. These might be its own high level meetings (with clearer and more focused outcomes) or through strategic linkages with other international processes. The linkage between the 2009 Commonwealth Heads of Government Meeting and the Copenhagen climate change negotiations only weeks later was one example of the latter. The Secretariat should consider dedicating staff to supporting the interests of member nations at the UN in New York and Geneva as needed.

Given the limited financial and staff resources in the Secretariat, this enhanced focus on development will necessitate dedicating greater resources to the core areas outlined above and phasing out of some current areas of work.

The Commonwealth Fund for Technical Co-operation

We propose that, in the first instance, the Commonwealth Fund for Technical Co-operation (CFTC) should be the focus of these changes. There is a strong case for retaining a protected and guaranteed Technical Assistance Fund because many member states greatly value the flexible manner in which the Secretariat can provide technical advisers at short notice. This will allow CFTC to focus its financial and staff resources on key areas of development and to undertake internationally recognised work that serves both the interests of its members as well as the world at large. We agree with a persuasive submission to us that, through the CFTC, the Secretariat “has successfully mobilized expertise from parts of the Commonwealth where surpluses exist, and deployed them to fill gaps or provide

advisory services in parts of the Commonwealth with skills deficits. This sort of 'lateral' technical co-operation programme is of great value to developing member countries; serves to promote Commonwealth values as well as links among Commonwealth peoples".

A new strategic plan

The changes we have proposed in this section of our report should be taken into account either by the mechanism we recommend in the section of this report entitled: "The Commonwealth Secretariat: Making it productive and significant" (see, Recommendation **R63**), or by the framers of the Secretariat's new strategic plan from 2012 that is now under contemplation.

The "network of networks" role is likely to require different skills and ways of working. The creation in 2010 of the Network of Election Management Bodies is a good example of where the Secretariat is promoting valuable networking. This should be explored in other appropriate fields. The Secretariat and the Foundation should also seek to play a greater role as a 'knowledge hub' by promoting information sharing between countries, the different parts of the Commonwealth and with a broader range of external partners. This will allow the Commonwealth to play a facilitating and match-making role that would benefit Commonwealth citizens, Commonwealth associations and other development partners. Linked to this, we believe that the Secretariat should seek to work with a broader range of partners across the public, private and civil society sectors – and should seek to gain access to the resources of these larger organisations to the benefit of its members.

The recommendations made below would enable the Commonwealth to make a much greater contribution to development of its member states. They can only happen if Commonwealth governments collectively have the vision to mandate the Secretariat to take forward the recommendations and the will to provide the resources (which in

relative terms, will always be modest), and to agree on a narrower set of development priorities than at present, to enable such progress to be made.

Economic development is essential not only to peace and security in the world, but also to the full attainment of individual human rights. The human rights implications of endemic poverty are increasingly realised. In a 'family' of nations like the Commonwealth, there should be an enlarged realisation of the need for a mutuality of effective responses to economic and social development.

Recommendations

- R20** The Secretary-General should develop a clear strategy, marked by identified priorities, to maximise the Commonwealth's contribution to the achievement of the development goals of its member states. Such enhanced development work, informed by Commonwealth values and aspirations, by Commonwealth positions, and with guidance from member governments, should include: (i) advocacy and consensus building on pertinent issues as required; (ii) networking between all member governments for co-operation; and (iii) provision of assistance for institutional development.
- R21** The Secretary-General should reform the Secretariat's structures and systems in order to deliver this enhanced vision of the Commonwealth's contribution to development as well as relevantly strengthening its role as a central knowledge and co-ordination hub (a Network of Networks). The Secretary-General should report to the Executive Committee of the Board of Governors on a regular basis on progress in achieving this reform.
- R22** Heads of Government should authorise an enlarged capacity within the Secretariat to provide technical assistance through the

placement of technical experts in areas where they are needed by developing member states. Increased financial resources for this enhanced Commonwealth contribution to development is an inescapable obligation if the declared Commonwealth commitment to development is to be taken seriously.

- R23** Heads of Government should give direction and priority at the national level in the implementation of CHOGM mandates to make available increased resources to the Commonwealth Fund for Technical Co-operation (CFTC) to provide expert help to carry out the development tasks required by developing member countries and to train national personnel on-the-job.

2. Migration and development: A major challenge

Migration of peoples is now one of the biggest challenges facing the world. According to UN estimates, the Commonwealth now hosts 45 million international migrants, approximately one-fifth of the present global migrant stock of 214 million. Current evidence suggests that the migration challenge will become greater over the coming decades.

Many countries are trying to manage the process by instituting tighter border controls against unwanted migrants while facilitating – and, in some cases, soliciting – migrants with skills that are needed. This poses problems for both recipient countries and countries from which migrants come. In the latter case, there is a damaging ‘brain drain’ which gravely affects their development capacity and prospects.

World Bank research shows that the highest per capita rates of ‘brain drain’ are not from sub-Saharan Africa, Asia or Latin America, but from small states. Furthermore, the World Health Organization has confirmed that while the largest number of foreign-born doctors working in the industrialised nations of the Organisation for Economic Co-operation

and Development (OECD) are from India, among the ten countries with the highest expatriation rates are six Commonwealth small states: Antigua and Barbuda, Grenada, Guyana, Dominica, Trinidad and Tobago and St Vincent and the Grenadines.

In the section of this report entitled, "CHOGM and Ministerial meetings: How to make them more effective", we draw attention to the 2003 Commonwealth Conference of Education Ministers where one of the most contentious issues was the recruitment of teachers from poorer Commonwealth countries by richer ones. The Commonwealth has contributed to global efforts in this area by developing a *Teacher Recruitment Protocol* that has been used by both Commonwealth and non-Commonwealth countries. Similarly, the *Commonwealth's Code of Practice for the International Recruitment of Health Workers* was also endorsed by Ministers of Health in 2003. Both the Protocol and Code have since been adopted by the International Labour Organization and the World Health Organization respectively. This demonstrates the Commonwealth's capacity to lead on finding solutions to the issue of "skills migration".

We know that other organisations are better placed than the Commonwealth to deal with the broader issues associated with international migration, such as protection for migrants; assimilating legal migrants into societies; and how to handle illegal migration. However, we feel that the development perspective of international migration should be a key policy consideration for the Commonwealth over the next few years. Therefore, we urge that the Secretary-General should keep the issue on the Commonwealth agenda at both the intergovernmental and civil society levels.

We are also aware that the Commonwealth Foundation is already engaged in a strategic partnership with The Ramphal Centre in London, which has done extensive work on this matter through its Commission on Migration and Development, chaired by the former Prime Minister

of Jamaica, the Rt. Hon. P J Patterson. We welcome this relationship with the Ramphal Centre, whose research and studies make it a beneficial strategic partner in the network of partnerships for development, and expert studies to advise decision-making, that we advocate in this report.

Recommendation

R24 Commonwealth countries should collectively monitor the ramifications of migration and development in the international community, and the Secretariat should foster partnerships with organisations such as The Ramphal Centre to undertake studies that would inform collective Commonwealth decision-making.

3. Reforming the international financial architecture

We recall the 2008 *Marlborough House Statement on Reform of International Institutions* made by a group of Commonwealth Heads of Government and subsequently endorsed by a special summit of Commonwealth Heads of Government convened exceptionally in New York in September 2008.

In that statement, Heads of Government made several important points:

- The current architecture of international institutions no longer responds adequately to the challenges of the twenty-first century.
- The world has witnessed continued financial turbulence, and record levels of prices for food and fuel, illustrating the fundamental weaknesses of a number of international organisations that are presently charged with promoting economic stability and sustainable development.
- Global crises require truly global and universal responses.
- The majority of independent states today are politically subordinate

and inadequately represented in these institutions, benefitting less than fully from their membership and participation in them. This is unacceptable, and indeed weakens these institutions.

Heads of Government declared that they “are committed to reform that creates an effective multilateral system, and that supports a more democratic global society with greater equity and fairness. The new generation of international organisations should reflect a new co-operative spirit”.

We support this position taken by Commonwealth governments in 2008. While we recognise that the G20 has come into existence since then, we believe that the G20 should be seen as a process and not an event, and that its members should regard themselves as trustees of the interests of the many countries (the majority) that are not represented in its councils. A greater effort should be made by the Commonwealth members of the G20 to ensure that the views of countries that are not included in the group are effectively heard and considered. In this connection, elsewhere in this report we have welcomed the Commonwealth Secretary-General’s engagement with the G20’s Development Working Group at the technical level.

However, it is important that Commonwealth governments return to the position they took in the 2008 *Marlborough House Statement on Reform of International Institutions* and, in this connection, we call on Commonwealth governments collectively to:

- Accelerate UN reforms and their effective implementation, as a matter of urgency, through lobbying and advocacy in the UN itself as well as in other international fora. We urge Commonwealth governments to do so collectively.
- Further address reforms of the International Monetary Fund (IMF) and the World Bank, so that they serve the needs of all members and the broader global community.

The principles that underpin the *Marlborough House Statement* have been validated and reflected in several global initiatives. For example, at its Seoul Summit in November 2010, the G20 committed to strengthening the legitimacy, credibility and effectiveness of the IMF through quota and governance reform – as highlighted in the *Marlborough House Statement*. Moreover, in setting out its Seoul Development Consensus for Shared Growth, the G20 recognised a key principle in the *Marlborough House Statement*, acknowledging the need for national ownership of a country's policies as the most important determination of success. The period since 2008 has also seen the establishment of the Financial Stability Board, and a number of principles articulated in the *Marlborough House Statement* – including representation, flexibility, transparency and responsiveness – have been central to discussion as that new institution pursues its work. There is therefore every reason to believe that continued collective advocacy by the Commonwealth would produce further beneficial reforms.

These are precisely the kind of collective policy interventions that we believe that the Commonwealth can usefully make in special circumstances. We urge that it continue to do so.

We also encourage governments to strengthen their advocacy efforts by involving, in a systemic way, the full range of Commonwealth networks, including its many civil society organisations (CSOs) and professional associations. In this report, we have proposed meetings between Foreign Ministers and representatives of CSOs in the years between CHOGMs. These meetings would be appropriate for governments and CSOs to exchange ideas and agree on courses of action that they could take jointly and separately to bring about reform of the international financial system.

Recommendations

- R25** Commonwealth governments should collectively: (i) accelerate as a matter of urgency UN reforms and their effective implementation, through lobbying and advocacy in the UN itself, as well as other international fora; and (ii) further address reforms of the International Monetary Fund and the World Bank so that they serve the needs of all members and the broader global community.
- R26** Commonwealth governments should strengthen their advocacy by involving in a systemic way the full gamut of Commonwealth networks, including civil society and professional associations.

4. Empowering small states: Strengthening their economic capacity and resilience

Thirty-two of the Commonwealth's current 54 member countries are small states, of which 24 are small island developing states. From the inception of their membership in the association, the Commonwealth has shown consistent leadership in articulating to the world the challenges confronted by small states. It must continue to do so, particularly as small states are usually the hardest hit by both economic and financial crises, and natural disasters. Even though they played no part in creating the global financial crisis that began in late 2008, the growth rate of the majority of small states in 2009, 2010 and so far in 2011, following the effects of the crisis were below the average for the world and below that for developing countries as a whole.

It was the Commonwealth's work on the particular vulnerabilities of small states in the 1970s that led to the World Bank's decision in 1985 to make special provision for small island states within its concessional lending. Since then the Bank has "graduated" many small states from concessional financing on the criterion of per capita income. Although

“graduated”, many of these countries continue to be afflicted by many of the challenges facing other developing countries. They are nonetheless ineligible for certain concessionary or development financing. It is critical that the criteria used to determine the economic well-being of a country be reviewed to take account of criteria other than income classification. Among the criteria, crucial for determining eligibility for concessional financing, should be such factors as a country’s level of indebtedness; its fiscal capacity to finance development programmes; and the higher costs of trade occasioned by its remoteness. As it did in the 1970s, the Commonwealth should again appoint an expert group to establish the case for concessional financing for small states, and, on the basis of such work, renew high-level advocacy on their behalf.

It was also the 1997 Commonwealth advisory group on small states that eventually led to the establishment by the Commonwealth Secretariat and the World Bank of a Joint Task Force on small states. The work of the Task Force, at least, created awareness of the intense vulnerability of small states to exogenous shocks. More recently, it was the Commonwealth that developed an empirical index to help countries identify and address the areas where they are most vulnerable. The opening in January 2011 of a Commonwealth Small States Office in Geneva (to provide office space for diplomatic representation of some small states as well as a team of technical experts on human rights and trade) is another welcome initiative.

In relation to the Office in Geneva, we believe that the Commonwealth technical assistance team should be headed by a technically experienced and entrepreneurial person with knowledge of the World Trade Organization (WTO) and its negotiating bodies. He/she should be supported by similarly qualified persons drawn from across the Commonwealth. The functions of the Office should be to provide: (a) technical assistance to small states in negotiating their positions within the negotiating bodies of the WTO; and (b) assistance in all aspects of trade facilitation.

The Commonwealth Secretary-General has been an active advocate of the concerns of small states in the G20 over the past two years. This is important work especially as small states are not represented in the G20.

We welcome the initiative taken by the Prime Minister of Canada in 2009, as Chair of the G20, to meet the Commonwealth Secretary-General (together with the Secretary-General of the Organisation Internationale de la Francophonie). To build on this, we call upon the five Commonwealth governments that are members of the G20 to support our proposal that the Secretary-General be encouraged to pursue regular contributions of a Commonwealth perspective (and including particularly a perspective of the smaller countries) to relevant G20 meetings, especially those of the Development Working Group. After all, the Commonwealth's membership includes a third of humanity and there is no other body that has an equivalent capacity to speak for small states.

Small states can benefit from an efficient and well-designed rules-based international system. It is obvious from the manner in which they conducted themselves in the Doha Round of global trade negotiations at the WTO, and in their response to rule-making bodies in the UN system, that small states are willing to meet the standards set by the international community. However, it is equally clear that they require flexibilities in the application of global rules precisely because their small size, lack of capacity and severe vulnerability to external economic shocks and natural disasters make them different from, and less resilient than, larger states. In this connection, it is essential that their peculiar problems should be convincingly set out and the means of overcoming as many of them as possible be studiously identified to ensure that they are accorded the flexibilities they need in order to benefit fully from global processes and participate meaningfully in multilateral trade.

As we stated earlier, the Commonwealth has pioneered global appreciation of the peculiar challenges confronting small states, and it has done so at the highest levels. For instance, between 1993 and 2003,

meetings of a Commonwealth Ministerial Group on Small States (MGSS) were held in the wings of CHOGM. However, a new initiative for CHOGM was agreed by leaders whereby Foreign Ministers, who previously attended a meeting of the MGSS, took on a larger role, addressing a number of other issues dealt with by Heads of Government. It was agreed that at future CHOGMs they would deal with small states issues among others at a pre-CHOGM Foreign Ministers Meeting.

However, small states are presently facing particular pressures including:

- Existential threats from sea-level rise;
- A lack of capacity for disaster preparedness and recovery;
- Adaptation to, and mitigation of, climate change;
- High rates of debt; and
- Loss of preferences in trade.

In this context, there is an urgent need for you, as Heads of Government, to re-establish the meeting of the MGSS to tackle meaningful ways in which the Commonwealth can continue to act on behalf of small states. Such meetings should be held in advance of CHOGMs and a report and recommendations submitted to Heads as part of the CHOGM agenda.

The need for the Commonwealth to continue to support small states is evident. The capacity of the Secretariat should be strengthened to provide policy support and political advocacy for small states' concerns.

As we pointed out earlier in this report, the highest rates of "brain drain" are not among sub-Saharan African, Asian or Latin American countries, but among small island states. Often, training for capacity building results in the migration of trained persons to richer countries. Small countries – with a small number of people – cannot afford specialists; they are better served by persons who are intellectually nimble, adaptable and generalist. In this connection, we are persuaded that the Secretariat should develop an overall capacity development strategy – including training – that is appropriate to the needs and constraints of

small states. It should not focus only on training which has helped, but not solved, the problem of a lack of capacity in small states.

Recommendations

- R27** The Secretary-General should establish High-Level Advocacy Missions to engage in dialogue with the International Monetary Fund (IMF), the World Trade Organization (WTO) and the World Bank to make progress on specified issues such as a review of the criteria used by international financial institutions to determine the economic well-being and entitlements of a country. Such criteria should take account, additionally, of factors such as a country's level of indebtedness; its fiscal capacity to finance development programmes; and the higher costs it pays for trade because of its remoteness.
- R28** The Secretariat's Office in Geneva for small states should be staffed by technically experienced and entrepreneurial officers with knowledge of the WTO and its negotiating bodies, to provide technical assistance to small states in: (a) negotiating their positions within the negotiating bodies of the WTO; (b) all aspects of trade facilitation; and (c) safeguarding their special interests in the development of the proposed Anti-Counterfeiting Trade Agreement (ACTA) which may involve serious dangers for many Commonwealth countries.
- R29** The Secretariat should develop an overall strategy for capacity development in small states – including, but not limited to, training of personnel – that is appropriate to the needs and constraints of small states.
- R30** Heads of Government should re-establish annual meetings of the Ministerial Group on Small States with a mandate to give enhanced political focus and guidance on small states' priorities.

5. Debt of small states: How to deal with it

The debt problem faced by many small states has grown during the recent global economic and financial crisis, largely because of their traditional trading relationships with countries in which the crisis began and mushroomed. Debt in such small states was already high before the crisis because of a variety of factors. Among these factors are rebuilding costs after natural disasters and the necessity to borrow on commercial terms since many of them have been “graduated” by international financial institutions from borrowing on concessional terms. Their situation is worse now. Unemployment and poverty have risen in many of them with attendant increases in social dislocation and crime.

The Commonwealth must intensify its efforts to provide policy advice and technical support to developing states in general and small states in particular, on debt management. Specifically, the Secretariat should continue to work with member countries on ways to avoid unsustainable and risky debt. For example, the Secretariat should give advice and provide technical assistance on putting in place adequate legislation and institutional structures for the prudent management of their debts. This should include periodic analysis of the long-term cost and risk of borrowings and the development of appropriate debt management policies to ensure that debt levels remain sustainable at all times. The value of this assistance to developing countries and small states in particular, should not be underestimated. If governments are seen to be managing debt sustainably, they would benefit from financing from development and commercial banks for their continuous economic development.

We recognise the value of the Secretary-General’s interaction with the Chair of each G20 summit. As we understand it, these meetings have been used, amongst other things, to raise the liquidity challenges and debt constraints of small states especially. In this connection, you should

encourage the efforts by the Secretariat to contribute to consideration of these matters by the G20's High-Level Development Working Group.

We support the outcome of the 2010 Finance Ministers Meeting in which members *“urged the Secretariat to work closely with the Multilateral Financial Institutions to develop new instruments to develop effective crisis response facilities for vulnerable countries and further explore appropriate debt relief proposals.”* This outcome not only illustrates how the Commonwealth can help influence the global community. It also highlights the necessity for the Commonwealth to work with other partners.

The Secretariat provides advice and capacity building to Commonwealth countries, particularly through the provision of its Debt Recording and Management System (CS-DRMS) software. We urge the relevant member nations of the Commonwealth to take advantage of this software to improve their debt management. The Secretariat should strengthen its work in this area and be proactive in informing member countries of how its work can be of immediate use to them.

Recommendations

R31 Heads of Government should take a collective interest in the debt challenges facing developing Commonwealth states and small states in particular. In this context, they should instruct the Secretariat to continue to advise member countries on how to avoid unsustainable and risky debt by putting in place adequate legislation and institutional structures for the prudent management of their debts. This should include periodic analysis of the long-term cost and risk of borrowings and the development of appropriate debt management policies to ensure that debt levels remain sustainable at all times.

- R32** The Secretary-General should establish a mechanism so that progress on the debt issue, including responses from international financial institutions, could be tracked and considered by annual meetings of Ministers of Finance and CHOGMs.
- R33** The five Commonwealth members of the G20 should advocate for the Commonwealth's perspectives and policy proposals on debt, and press for discussions on this issue in the G20's policy-making bodies such as the High-Level Development Working Group. The Secretary-General should also seek to advance these issues through high level engagement with successive G20 Chairs.
- R34** Member states should take advantage of the Secretariat's debt management software and the Secretary-General should be proactive in informing member states, as appropriate, of the availability and utility of such software.
- R35** The Secretary-General should include in the Secretariat's spending plans, for approval by the Board of Governors, the strengthening of its support to member states in their debt management through advocacy, policy advice and technical assistance.

6. The Commonwealth and trade: Advocating for change

Commonwealth trade preferences no longer exist. Many Commonwealth countries have developed close trading links with neighbouring states and others. These new links have affected intra-Commonwealth trade generally. In today's world it is normally companies that trade and not countries. Further, trade by the Commonwealth's largest members with other countries has been led by the private sector. In this connection, the role of governments, for the most part, has increasingly become one of facilitating and regulating trade. That role is being played out in the World Trade

Organization (WTO) where global trade rules have been – and are being – set through a series of global negotiations.

Within the current Doha Round of negotiations (ostensibly a Development Round) the Commonwealth as a group has not played a significant role. This is understandable. The interests of Commonwealth countries differ amongst themselves. Many of them work closely with their closest trading partners to try to achieve their own objectives. This sometimes puts Commonwealth countries at odds, if not in conflict. The current Doha Round started in November 2001. It has limped along ever since, paralysed by the competing interests of the world's largest trading nations. It currently shows every sign of collapsing.

Despite all this, Commonwealth trade has shown indications of growth over the period 2005–2009: exports to the world grew from US\$1.5 trillion in 2005 to US\$1.7 trillion in 2009, a growth rate of 7.5 per cent over this period. But, it should be noted that much of these exports was dominated by only a handful of countries. What is more, in value terms intra-Commonwealth trade represents only 2.3 per cent of global trade.

Currently there is a lack of sufficient data to analyse the trends in trade in services between Commonwealth countries. However, trade in services by Commonwealth countries has seen its share in world services fall slightly from 18.7 per cent in 2005 to 17.6 per cent in 2009. In the event, in absolute terms in 2008, 69 per cent of the export of services came from only three countries – the United Kingdom (40%), India (15%) and Singapore (14%).

In the past, preferential trade agreements between Commonwealth countries helped to increase the flow of trade between them. However, any such new agreements must now satisfy WTO rules, and, in that connection they would be extremely difficult to resuscitate. Further, most favoured nation (MFN) clauses usually require the

automatic transference of preferences to other trading partners with which agreements exist so that, even if any new Commonwealth trade preference agreements were possible, they would have little, if any, benefit for participating countries. In any event, several Commonwealth states have derogated authority for their trade negotiations to organisations of which they are members by treaty, and they no longer have individual capacity to negotiate new trade arrangements.

Further, the world has witnessed the emergence of new engines of economic growth, both within the Commonwealth, such as India and South Africa as well as elsewhere, e.g., Brazil, China, and Russia. Given the rising economic importance of these countries, their increasingly wider trade and investment links would imply even greater and accelerated interactions with non-Commonwealth countries, reducing the relative significance of intra-Commonwealth trade.

Trade follows investment

Notwithstanding this reality, a meaningful way to expand trade between Commonwealth countries is by encouraging more investment in Commonwealth countries by companies from other Commonwealth countries. There is a known advantage in such investment. For example, common language, common laws and common judicial systems make it much easier for investors to assess opportunities. Once established, their operations then function within a familiar linguistic and legal system. These factors reduce the cost of investment and doing business. Investment from one Commonwealth country into manufacturing or service industries of another would increase trade between them. In this connection, the Commonwealth Business Council should vigorously expand its promotion of investment within the Commonwealth. In Part 5 of this report, we make proposals in this regard.

The Doha Round: What to do about it

With specific reference to the Doha Round of negotiations at the WTO, we believe that the Commonwealth can help to unblock the current log jam. While the Commonwealth is not a forum for negotiation, it provides an opportunity for the different sides and interests to communicate and better understand the interests, concerns and apprehensions of one another – something that is ordinarily a prerequisite for real progress in various multilateral and regional negotiations.

While the Commonwealth has been active through the Secretariat in providing analysis and supporting advocacy to ensure that the needs of small and vulnerable economies are taken into account in the WTO negotiations, and providing capacity-building to give developing states their own indigenous negotiating ability, it has played only a limited political role (such as convening a one-off extraordinary meeting of Commonwealth Trade Ministers, on the eve of the 2005 WTO Ministerial, to build and promote shared Commonwealth outcomes in the Doha negotiations). The Commonwealth could do more.

In the Doha Round at the WTO, the Commonwealth represents a cross-section of the world's nations. Its members come from the rich nations and the poor, the least developed and the larger developing countries, big states and small islands. If it is possible for Commonwealth members to reach a collective understanding, they have the capacity to try to persuade their partners within the WTO to make the adjustments that would bring the Round to a fruitful conclusion, although it will be an uphill task given the gulf that exists between major players in the negotiations.

If by the time this Report is considered, the Doha Round remains stalled, a meeting of Commonwealth Trade Ministers, advised by an Expert Group, should be convened to try to reach a consensus that would inform the wider negotiations and help their success. At the very least, such a meeting would include many of the participants in the

WTO and a representative cross-section of differing economic interests in the Doha Round.

However, if the Round has collapsed, you might consider the establishment of an Expert Group to consider the possible future of the post-Doha trading system to bring greater clarity to discussions in the international monetary sphere and to explore how a new effort in international trade and investment might be launched that includes the perspectives of the G20 countries as well as a range of developing nations including small states. The proposed Expert Group could also potentially consider reform of the WTO in the post-Doha Round, to identify how, in the future, the adverse features of the Doha Round process can be avoided and how the needs of capacity-constrained economies can be better advanced in the operations of the WTO.

Recommendation

R36 A meeting of Commonwealth Trade Ministers, supported by an Expert Group, should be convened to: (i) try to reach a consensus that would inform the current Doha Round of negotiations at the WTO (if it is still in place by the time Heads of Government see this report), with the objective of trying to bring the Round to a successful conclusion; and (ii) consider reform of the WTO in the post-Doha Round, to identify how in the future the shortcomings of the Doha Round process could be avoided and how the needs of capacity-constrained economies could be better advanced within the WTO. If the Round has collapsed, Heads of Government might consider the establishment of a Commonwealth Expert Group to consider and recommend the possible future of the post-Doha trading system to bring greater clarity to discussions in the international monetary sphere and to explore how a new effort in international trade and investment might be launched that includes the perspectives of the G20 countries as well as a range of developing nations, including small states.

7. Climate change and existential threats: Immediate Commonwealth concerns

We share the concern expressed in many quarters that, on current evidence, the adverse effects of climate change will make the world a very different place in 20 years or earlier.

Our concern intensified when the International Energy Agency (IEA) reported that the “Energy-related carbon-dioxide (CO₂) emissions in 2010 were the highest in history”. After a dip in 2009 caused by the global financial crisis, emissions were estimated to have climbed to a record 30.6 Gigatonnes (Gt), a 5 per cent jump from the previous record year in 2008, when levels reached 29.3 Gt. The IEA has made it clear that, “this significant increase in CO₂ emissions and the locking in of future emissions due to infrastructure investments represent a serious setback to hopes of limiting the global rise in temperature to no more than 2°C”.

Recent events of large scale flooding in countries as geographically distant as Australia, Sri Lanka and Guyana also compel us to endorse the “profound concern”, expressed in your ‘*Climate Change Declaration*’ at Port-of-Spain in 2009, “about the undisputed threat that climate changes poses to the security, prosperity, economic and social development of our people”.

That Declaration said: “For some of us, it is an existential threat”. We agree. We are especially concerned about the existential threats of sea level rise to Commonwealth small island developing states and to the destruction of productive and inhabited coastal areas of even large Commonwealth states. An increase of 3-4°C in the average global temperature on pre-established industrial levels could leave 200 million people permanently displaced by 2050 through sea level rise, floods and drought. At the least, this appears likely to cause great loss and dislocation for the people of small and vulnerable Commonwealth countries and a heavy impact on developed Commonwealth countries in terms of requests for, and influx of, migration.

Even modest changes in climate, through their impact on land, water and other natural resources, will change the nature and type of agriculture in many regions of the tropics and create grave food security challenges. Technology is expected to play an even bigger role in determining the future of the world economy as attempts are made to reduce the energy and carbon intensity of economies and production. However, we are aware that many environmentalists argue that decarbonisation is unlikely to be achieved by innovations in technology alone. In their view, the economic growth and consumption-driven character of modern economies must change if environmental disaster is to be avoided. If they are right, the implication is that, in the world that lies before us, Commonwealth states will face wholesale changes to what is produced, consumed and traded even if significant technological breakthroughs to low-carbon development appear sooner than presently expected.

Substantial policy shifts will be inevitable in all Commonwealth countries if they are to manage the impacts of climate change. Developing Commonwealth countries, especially small states, which have contributed least to the problem of climate change, will find it very difficult to cope. Their development would be greatly retarded casting a heavy burden not only on them, but on the international community. Even moderate changes in climate could, for example, affect soil quality, the availability of water for drinking and habitat for fish. There is already evidence that these changes are occurring.

In this connection, the Commonwealth's work in respect of climate change should place a special focus on small island developing states, particularly advocacy in the international community to provide them with financing for adaptation and mitigation

Reinvigorate the *Lake Victoria Action Plan*

The Commonwealth alone cannot undertake the urgent initiatives necessary to prepare the economies and societies of its member states

for climate change. An effective work plan requires the broad co-operation of all states, and regional and international financial and trade institutions. We urge that the six-point *Lake Victoria Climate Change Action Plan* agreed at the 2007 CHOGM in Uganda be energetically implemented. We remind that the six elements of the plan are:

- Strengthening quality and participation in climate change negotiations;
- Promoting action through Commonwealth networks to deepen consideration of the economic and human aspects of climate change;
- Improving land use management and sustainable use of forest resources (including increased international support for the Iwokrama Rainforest Programme which is developing models of sustainable forest management);
- Considering issues related to the sustainability of fresh agricultural exports from developing countries;
- Supporting natural disaster management in member countries; and
- Providing technical assistance to least developed countries and small states.

This problem is so real and so pressing that we recommend the Secretary-General be mandated to convene an Expert Group to provide a study of: (i) what programmes on a Commonwealth-wide basis are a priority; (ii) how they could be structured; and (iii) how they might be financed and implemented. Such a study should be started immediately after the CHOGM in Perth. It should be completed as soon as possible thereafter.

Recommit to Iwokrama

In 1989, the Government of Guyana dedicated to the Commonwealth 371,000 hectares of the Iwokrama rainforest to advance best practice in the sustainable management of the world's remaining rainforests, and all

Commonwealth governments welcomed it. Around the world, forests are currently being lost at the rate of 14 million hectares per annum – the equivalent of losing an area the size of the Iwokrama Forest every 10 days.

Iwokrama is under the joint supervision of the government of Guyana and the Commonwealth Secretariat, which together appoint its Board of Directors. Since the operationalisation of the Iwokrama programme in 1996, the Commonwealth has invested roughly £67,000 per annum or less than 10 per cent of the costs of Iwokrama's operations; other donors have contributed more than 70 per cent.

Nonetheless, Iwokrama is a Commonwealth enterprise, valuable to all Commonwealth countries for research on the impact of climate change and on conservation, environmental balance and economic use as part of the international transition to low carbon economies. Therefore, to make greater use of Iwokrama's abundant potential, we suggest that Commonwealth governments should renew their commitment to Iwokrama and establish machinery to provide core funding, and to make use of the knowledge and research outcomes gained from it. In keeping with its joint management and responsibility for Iwokrama, the Secretariat should be mandated to set-up a special funding mechanism, including through seeking partners for the Iwokrama programme, from among Commonwealth and non-Commonwealth countries as well as private sector groups and foundations that have an interest in climate change, conservation and sustainable use of forests.

Build a Commonwealth disaster management capacity

Natural disasters now plague the world and no country is immune from them. In recent years the member states of the Commonwealth – both large and small – have had a share of natural disasters resulting in great loss of life and damage to their economies. Whereas developed Commonwealth countries normally have the means to recover and rebuild relatively quickly after such disasters, smaller and poorer

Commonwealth countries have far less resilience than richer countries. Consequently, disasters set back their sustainable development, hitting the poorest communities hardest.

We recognise that there are now many mechanisms in place for assisting countries that suffer natural disasters. The Commonwealth should not attempt to replicate these in any way. However, we feel that there is now such a large body of skills and experience in Commonwealth countries for dealing with natural disasters that modest machinery could be established beneficially for a rapid Commonwealth response to requests for assistance from member states. Such assistance could include logistics, public health, food security, transportation, emergency medical care, engineering and design immediately after a national disaster.

Commonwealth Finance Ministers in the past have given their encouragement to natural disaster insurance. There may also be a role for the Commonwealth in disaster preparation and mitigation. For example, Australia has developed a National Partnership Agreement on Natural Disaster Resilience. It may be possible, drawing upon this initiative, to provide guidance to other countries on best practices, particularly in areas of animal husbandry, water and forest management, so as to mitigate the effects of possible disasters.

The Commonwealth Secretariat should establish a working relationship with organisations concerned with disasters throughout the Commonwealth in order to develop clarity on the specific areas where the Commonwealth can add coherence as well as value. This should include maintaining a roster of professionals upon whom it could call to provide: (i) a rapid response to a member state that requests the help of experienced personnel after a disaster; and (ii) training and guidance in disaster preparation and mitigation.

We have learned that in countries where natural disasters have occurred, obtaining visas in a timely fashion for experts to enter the

affected country hampers the quick response time necessary to be effective. The same is true for the importation of vital emergency equipment. It is important in this context that the Commonwealth Secretariat devise, through dialogue with governments, machinery that would facilitate an automatic standard for the entry of experts and equipment in response to disaster.

Recommendations

- R37** The Secretary-General's mandate should be renewed to: (i) explore the potential for partnerships between the Commonwealth, the World Bank and others to provide specific programmes of support to vulnerable economies; and (ii) convene an Expert Group to provide a study to advance the *Lake Victoria Climate Change Action Plan*, including which programmes are a priority, how they could be structured, and how they could be financed and implemented. Such a study should be started immediately after the CHOGM in Perth and completed as soon as possible thereafter.
- R38** Additional financial resources should be provided for the study by the Expert Group. The report of the Expert Group should be widely publicised and made available to all UN bodies, international financial institutions, and regional organisations.
- R39** The Commonwealth's work in respect of climate change should place a special focus on small island developing states, particularly advocacy in the international community to provide them with financing for adaptation and mitigation.
- R40** All Commonwealth governments should keep the dangers of climate change alive in the international community through regular statements by Ministers in all the relevant multilateral and international organisations.

- R41** Heads of Government and Ministers should regularly brief the media in their own countries and in other capitals to which they travel on the specific challenges of climate change with which their countries and the global community are confronted.
- R42** Commonwealth governments should renew their commitment to the Iwokrama Rainforest programme by mandating the establishment of machinery to provide it with core funding, and to make use of the knowledge and research outcomes gained from its research. The Secretariat should be authorised to set-up a funding mechanism including through seeking partners for the Iwokrama programme from among Commonwealth and non-Commonwealth countries as well as private sector groups and foundations that have an interest in climate change, conservation and sustainable use of forests.
- R43** The Secretariat should establish a working relationship with organisations concerned with disasters occurring in Commonwealth countries and should maintain a roster of professionals upon whom it could call to provide: (i) a rapid response to a member state that requests the help of experienced personnel after a disaster; and (ii) training and guidance in disaster preparation and mitigation. Additionally, the Secretariat should develop with governments an automatic standard for the entry of experts and equipment into affected countries.

8. Cultivating the Commonwealth's cultural heritage

The Commonwealth's diverse cultural heritage is a significant part of the richness of the association. An important part of that culture is religious freedom and intellectual expression through literature, art, theatre, music, and dance. However, in order to maintain appreciation

for the Commonwealth's cultural strengths, it needs to be nurtured and displayed through the active participation of all Commonwealth countries and, as far as possible, across the Commonwealth through media coverage, particularly television and the internet.

We are aware that at the 2009 CHOGM, you received a proposal from the Government of Pakistan for the holding of a biennial Commonwealth Cultural Festival. The Commonwealth Foundation was requested to conduct a feasibility study. We understand that a recommendation of that study would be that the Commonwealth should invest in strengthening the cultural dimension of one of the Commonwealth's existing activities such as the cultural programmes around the Commonwealth Games.

We agree that a cultural festival would be an effective way to communicate the idea of the Commonwealth, to expose people to its common identity, and to celebrate the diversity of its cultures. Such a festival should be a forum for a true cultural exchange. It should have a distinct form and profile. It should also be of a magnitude that reflects the scale of the Commonwealth in global society.

Apart from the exhibition of Commonwealth music and dance, we envisage that there would be interaction among Commonwealth artists, writers, scholars and media practitioners from which new and vibrant ideas could emerge for strengthening Commonwealth bonds and contributions to enriching global society.

We believe the festival would increase widespread appreciation of Commonwealth values, and raise the Commonwealth's profile as well as improving and expanding knowledge about the association. It would also stand out as a visible example of how people from across the Commonwealth can work together as equals. As such, we encourage the Foundation to consult with the Commonwealth Games Federation and others particularly the Commonwealth Broadcasting Association (CBA), to pursue and publicise this initiative.

We also note, and welcome, the creation of the Commonwealth Youth Orchestra (CYO), based in London. We hope that it will be one of many initiatives that celebrate the variety and excellence of arts and culture, in all their forms, throughout the Commonwealth.

In this connection, we call on Heads of Government to mandate their Ministers responsible for culture and sports to explore the possibility of adding to their national and regional cultural, sports, and music festivals, a specific Commonwealth dimension, including by inviting the participation of cultural groups from other Commonwealth countries.

Recommendations

- R44** Heads of Government should endorse the Commonwealth Cultural Festival proposed to take place in London in 2012 to coincide with the celebration of the Diamond Jubilee of the Head of the Commonwealth.
- R45** The Commonwealth Foundation should consult with the Commonwealth Games Federation and others including the Commonwealth Broadcasting Association (CBA), on the feasibility of organising a Commonwealth Cultural Festival at the time of every Commonwealth Games. Such a festival should be broadcast throughout the Commonwealth, and funded by private sponsorship and contributions, commercial activities, and where appropriate, contributions from governments.
- R46** Heads of Government should mandate Ministers responsible for culture and sport to explore adding to their national and regional cultural, sports, and music festivals, a specific Commonwealth dimension including by inviting the participation of cultural groups from other Commonwealth countries.

R47 Heads of Government should welcome the creation of the Commonwealth Youth Orchestra and express the hope that this venture will become the first of many initiatives that celebrate the variety and excellence of art and culture in all their forms throughout the Commonwealth.

Part 3 Advocacy and Consensus Building

1. Young People: Involvement now for the future

Young people play an active role in society in many ways – they often have more energy, creativity, idealism and motivation to want to shape a positive future. However, there is a lack of sufficient avenues for the productive channelling of these attributes within the Commonwealth. This could partly account for the expressions of disaffection by groups of young people within all societies except where strong regimentation is rigidly enforced.

Events in North Africa and the Middle-East, at the beginning of 2011, show that even strongly regimented societies are not always able to contain the frustrations of young people especially when they are – or when they feel – excluded from decisions that affect their lives either directly or indirectly. With predominantly young populations and rapid social change taking place in many of our own member countries, there is a clear imperative for the Commonwealth to heed, and respond to, these global signs.

Launching a Commonwealth Youth Corps

At least 60 per cent of the Commonwealth's population is under 30 years of age which is significantly more than the global average of 52 per cent. The future of the Commonwealth and of the world it shares is inexorably tied to the future of these young people.

We have a vision of thousands of Commonwealth young people experiencing other Commonwealth countries in ways that advance understanding, friendship, opportunity and leadership training, strengthening their lives, prospects and experiences through the medium of service to, and with, others within the Commonwealth. Their prospects, experience, opportunities, energy and drive are

central to the survival of Commonwealth values and human priorities. Upon their return to their home countries, these young people would bring a wider knowledge and understanding of the culture of other Commonwealth citizens and widen the prospects for global tolerance and peace.

It is for this reason that we recommend the creation of a Commonwealth Youth Corps (CYC) to advance the values of the Commonwealth through the instruments of volunteerism, development, exchange and service.

We see the CYC as open to all eligible Commonwealth citizens. Young people would serve for up to three months, between school years, in other Commonwealth countries in a range of activities such as education, training of skills and leadership mentoring, development, democracy education and sport skills development. In the course of such service, they would learn about the cultures and expectations of the communities in which they live.

We envisage that the CYC would be organised and co-ordinated by the Commonwealth Foundation and managed by a board made up of representatives of organisations such as: the Commonwealth Youth Exchange Council, the International Cricket Council, the Commonwealth Rugby Sevens, the International Scouting Movement, the Council for Education in the Commonwealth, Canada World Youth and other competent bodies that have the experience of organising exchanges and events involving the movement of young people. Funding for this operation should be sought from private sector, philanthropic organisations, international development agencies and other sources. Apart from co-ordination and promotion costs, the Foundation should bear no other costs. Commonwealth youth organisations, where they exist, would be consulted in the development of programme criteria and specifications which should be in place by the end of 2012 when a robust programme of exchanges and missions would begin.

Reforming the Commonwealth Youth Programme

Turning to an existing Commonwealth organisation, the Commonwealth Youth Programme (CYP) has played an important role in supporting and enhancing the advancement of young people.

The Commonwealth Secretariat is currently conducting a review of the structures, rationale and focus of the CYP, following a number of criticisms about poor management and a lack of impact on the part of the initiative in recent years. There can be value in adopting a multi-stranded approach that considers the role of young people as beneficiaries of projects and activities, as partners in development and delivering activity, and as leaders involved in planning and governance.

Participation in projects and activities should be based on merit, rather than means. Opportunities should be given especially to young people who would not normally benefit. All CYP activities should be transparent and demonstrate how young people can contribute to strengthening democracy and enhancing sustainable development, including for the benefit of their communities and by expansion, entire countries.

We were pleased to learn of the Secretariat's latest efforts to develop and expand youth enterprise initiatives in some Commonwealth countries, through which commercial banks are being encouraged to accept their responsibility to create special lending facilities for the youth. We urge the Secretariat to develop this as a Commonwealth-wide programme in which the experience of banks that are already involved could be shared with banks throughout the Commonwealth.

Further, we propose that consideration should be given to mandating the Secretary-General to explore the creation of a Commonwealth Youth Development Fund (CYDF) to which youth across the Commonwealth could apply for funding to deliver innovative, entrepreneurial solutions to youth employment challenges in their communities. Such a Fund could be administered by a consortium of

regional development banks with funding sourced from international financial institutions, the private sector and governments.

Recommendations

- R48** Heads of Government should agree to the creation of a Commonwealth Youth Corps (CYC), organised by the Commonwealth Foundation and managed by a board made up of existing and appropriate Commonwealth organisations experienced in the movement of young people, to provide the opportunity for thousands of Commonwealth young people to learn about each other's cultures and aspirations while contributing to education, mentoring, development, democracy education and sport skills development.
- R49** Consideration should be given to mandating the Secretary-General to explore the creation of a Commonwealth Youth Development Fund (CYDF) to which youth across the Commonwealth could apply for funding to deliver innovative, entrepreneurial solutions to youth employment challenges in their communities. Such a Fund could be administered by a consortium of regional development banks with funding sourced from international financial institutions, the private sector and governments.
- R50** The Commonwealth Youth Programme (CYP) should be encouraged to develop a constitution that will help to form an independent and youth-led Commonwealth Youth Council that becomes the recognised voice of youth in the Commonwealth. This Council could significantly strengthen and widen the current pan-Commonwealth Youth Caucus and represent a wide cross section of youth in the Commonwealth.
- R51** The CYP, in association with the Commonwealth Secretariat, should develop a pan-Commonwealth programme building on the youth

enterprise scheme that currently exists in some Commonwealth countries, through which banks are being encouraged to accept their responsibility to create special facilities for young people.

- R52** All Commonwealth member Governments should establish national mechanisms, such as national youth councils, so that the views of young people can be taken into account in all possible aspects of national policy development.
- R53** The Secretary-General should be authorised to establish a Youth Implementation Index for the purpose of measuring actions relating to the implementation of the country's national youth policies.

2. Women: Confronting the remaining challenges

At CHOGM in Perth, women will stand out visibly in the life of the Commonwealth: the Head of the Commonwealth is a woman, and a woman (the Prime Minister of Trinidad and Tobago) will hand over the Chair of the Commonwealth to a woman (the Prime Minister of Australia). This represents an unprecedented moment in the Commonwealth. However, while this picture of women in leadership roles is real, it is also misleading for, by and large, women are still discriminated against in many Commonwealth countries and remain a vulnerable segment of the population in all of them.

Women and girls comprise more than half of the population of Commonwealth countries. But, they face more than half the Commonwealth's challenges, especially in terms of access to health, education, and economic opportunity. Yet, the world has proclaimed, through various Declarations of the United Nations and other instruments, that equality in sex and gender is a basic human right. This goal commits all nations to the principle that an individual's rights,

responsibilities and opportunities should not depend on whether they are born male or female. In this regard, if gender equality is a Commonwealth goal, Commonwealth countries – like many other countries around the world – have a long way to go.

Women constitute over two thirds of the people in Commonwealth countries living on less than one US dollar a day. Of the 24 million people in Commonwealth countries living with HIV, women account for more than half of all newly-infected adults. In today's Commonwealth, 75 million children are denied the chance of education because they are girls. In many Commonwealth countries significantly more girls than boys die before the age of 5. Of the 20 countries in the world where early and forced marriage of girls is most prevalent, 12 of them are in the Commonwealth.

Violence and discrimination against women are global social epidemics, notwithstanding the very real progress of the international women's human rights movement in identifying, raising awareness about and challenging impunity for, violations of women's human rights. Millions of women throughout the world are deprived of their fundamental human rights for no other reason than that they are women. Combatants in conflicts in many parts of the world, including the Commonwealth, have raped women as a weapon of war. Women in many countries are bought and sold, and trafficked to work in forced prostitution, with insufficient government attention to the protection of their rights. In several countries, private employers use women's reproductive status to exclude them from work. Women are also prohibited from entering, and remaining in, employment by discriminatory laws or discriminatory enforcement of laws.

This problem is not unique to Commonwealth countries, and the Commonwealth alone cannot rectify it. However, the Commonwealth must continue to play an active and meaningful role, both within its member countries and globally, in trying to bring about change. We urge

that it must do so. The values and aspirations of the Commonwealth commit its member states to take practical measures to achieve that end.

Throughout this report we have interwoven the ambitions, needs and rights of women. The recommendations we have made concerning human rights apply to women as much as to other vulnerable groups. We also take it as read that the Commonwealth fundamental value of 'gender equality', found in the 2009 *Affirmation*, will be reflected in the implementation of all our recommendations.

Nevertheless, there are specific initiatives that could be taken to advance practically the social and economic empowerment of women. We recommend the following:

Recommendations

- R54** All Commonwealth organisations should review their governance arrangements, including employment policies, oversight boards/committees, and work programmes to ensure that women are included as decision-makers, and also take women's concerns and needs into account in a manner that would advance their status.
- R55** The Secretariat should be authorised to strengthen its advocacy of women's issues and to make greater efforts to highlight the specific needs of women in its work related to the challenges of development, trade and investment, debt and climate change.
- R56** At the national level, all Commonwealth governments should ensure that: (i) the specific needs of women are addressed in all aspects of law, public policy and allocation of public resources; (ii) women are not discriminated against in law or practice and that remedies for discrimination are provided; (iii) machinery is established to encourage and promote the active participation of

women at all levels of decision-making; and (iv) social victimisation, leading to crimes against women and tolerance of harmful traditional practices and economic disempowerment, is brought to an end by the force of law and well-targeted administration. The Secretary-General should monitor and report on these reforms to CHOGMs.

3. Advocacy on HIV/AIDS: A Commonwealth health and economic development priority

Health Ministers have rightly acknowledged the rise of non-communicable diseases in the Commonwealth and the importance of programmes to address this growing problem. We support fully this heightened attention. However, a disturbing report compiled by the United Nations Development Programme (UNDP) in respect of HIV/AIDS was presented to us. This report pointed out that many of the countries of the Commonwealth are facing acute and urgent challenges from the HIV epidemic, making it a very specific Commonwealth problem.

Already, approximately 60 million people have been infected with HIV worldwide. If untreated, HIV ordinarily progresses to acquired immunodeficiency syndrome (AIDS). This is normally a fatal condition. It has caused the deaths of 32 million people throughout the world. Approximately 33.3 million are living with the virus. And as the UNDP has observed: "Commonwealth countries comprise over 30% of the world's population and over 60% of people living with HIV reside in Commonwealth states."

We share the concern expressed in your Communiqué in 2009 at the end of the Port-of Spain CHOGM that there is a "need for continued effort in relation to HIV and AIDS", particularly as the global economic crisis has impeded progress "towards achieving the health-related Millennium Development Goals (MDGs) in Commonwealth countries,

including universal access to HIV prevention, treatment and care". We also firmly believe that HIV/AIDS is a human rights issue. Just as it is being treated as such by many countries around the world, including Commonwealth member states, it should be so regarded by all Commonwealth countries.

There is currently no cure for HIV/AIDS. There is no reliable and effective vaccine. It is a disease that cannot be contained by ordinary strategies, such as quarantine. Nor can it be expected that funds will be provided to meet the seemingly ever-increasing cost of purchasing and providing anti-retroviral drugs (ARVs) that palliate the impact of HIV on the human body. Every year, approximately 2.6 million people are newly infected with HIV.

After the global financial crisis that started in late 2008, it is more difficult for the international agencies to raise the sums necessary just to treat present cases. The replenishment meeting of the Global Fund Against AIDS, Malaria and Tuberculosis, held in New York in 2010, fell well short of raising the sums that the Fund's leaders had declared essential to provide ARVs to those currently infected. Only about a third of those who would benefit from ARVs presently have reliable access to these therapies. Inevitably, the shortfall affects most acutely those in developing countries, the centre of the epidemic. This means a great loss of life and much suffering in Commonwealth countries.

We have seen worrying reports that the UN has issued new criteria disqualifying certain vulnerable developing countries, including countries within the Commonwealth, from access to the Global Fund to Fight HIV/AIDS on the basis of average per capita income. Some of these countries, despite their per capita income, are struggling to survive and have had to turn to the International Monetary Fund (IMF) for support. The Commonwealth should mount a high-level initiative in the relevant UN bodies to advocate a review of these new criteria which, if applied, would serve only to intensify the epidemic.

In the absence of a vaccine or a therapeutic cure, the primary strategy to contain this epidemic is prevention, as urged by UNDP, UNAIDS, the World Health Organization, and also by our own Commonwealth experts. Social and legal impediments to these strategies need to be urgently addressed, or the population of many Commonwealth countries will continue to be ravaged with dire consequences for economic development and human life.

We have also received submissions concerning criminal laws in many Commonwealth countries that penalise adult consensual private sexual conduct including between people of the same sex. These laws are a particular historical feature of British colonial rule. They have remained unchanged in many developing countries of the Commonwealth despite evidence that other Commonwealth countries have been successful in reducing cases of HIV infection by including repeal of such laws in their measures to combat the disease. Repeal of such laws facilitates the outreach to individuals and groups at heightened risk of infection. The importance of addressing this matter has received global attention through the United Nations. It is one of concern to the Commonwealth not only because of the particular legal context but also because it can call into question the commitment of member states to the Commonwealth's fundamental values and principles including fundamental human rights and non-discrimination.

The problem of HIV/AIDS is so massively damaging to the health of millions of Commonwealth people and to the economies of Commonwealth countries that member states must take national action even as they work together in the international community to influence global measures to tackle the problem and secure international assistance to help fund effective treatment of those already infected. In this regard, we consider it appropriate for HIV/AIDS to be prominent on the agendas of all relevant Commonwealth meetings including those of law ministers, health ministers, ministers for women's affairs and youth ministers. This should not minimise the many other valid health priorities

of member governments, notably child health, maternal mortality, and the impact of other communicable and non-communicable diseases.

At your 2009 meeting in Port-of-Spain, you noted “the continued challenges that countries face in providing access to affordable medicines, and supported the exploration of options, for increasing access to appropriate, low cost medicines”. In this connection, we believe that the Commonwealth Secretariat should engage with private sector organisations, including the pharmaceutical industry and philanthropic organisations inside and outside the Commonwealth, to establish joint programmes that could have an impact in preventing and treating HIV/AIDS in the Commonwealth and showing the way for the world to do so.

Recommendations

- R57** The Secretary-General should ensure that HIV/AIDS is prominent in the agendas of all relevant Commonwealth meetings including those of law ministers, health ministers, ministers for women’s affairs and youth ministers to determine and prioritise on-going measures that Commonwealth governments could implement at the national level as well as such advocacy and mobilisation efforts that could be undertaken internationally.
- R58** The Secretary-General should be authorised to work with UN bodies, such as UNAIDS, the World Health Organization and UNDP, to develop joint programmes with private sector organisations, including the pharmaceutical industry and philanthropic organisations inside and outside the Commonwealth that could have an impact on preventing and treating HIV/AIDS.
- R59** The Secretary-General should be authorised to mount a high-level mission to relevant UN bodies to advocate a review of any criteria

that may unfairly disqualify vulnerable developing countries in the Commonwealth from gaining access to the Global Fund to Fight HIV/AIDS on the basis of their per capita income.

- R60* Heads of Government should take steps to encourage the repeal of discriminatory laws that impede the effective response of Commonwealth countries to the HIV/AIDS epidemic, and commit to programmes of education that would help a process of repeal of such laws.
- R61* Heads of Government should consider the implications of the global laws regarding intellectual property protection (patents) for Commonwealth countries that face the HIV/AIDS epidemic. They should ensure protection of the flexibilities provided in the Trade and Intellectual Property Service Agreements (TRIPS) of the World Trade Organization in the context of new obligations that are imposed, or may be proposed, by bilateral free trade agreements and by the current negotiations of the Anti-Counterfeiting Trade Agreement (ACTA).

Part 4 Institutions Fit for Purpose

1. The Commonwealth Secretariat: Making it productive and significant

The Commonwealth Secretariat must continue to be at the forefront of the Commonwealth's work and public image. It must remain the primary link between governments and Commonwealth civil society organisations. But the Secretariat must become an organisation with a clear voice, appropriate resources, heightened international impact and global respect. If member states want the Commonwealth to mean something, they cannot be mean with the Commonwealth Secretariat.

The Secretariat is the primary intergovernmental organisation for advancing the shared priorities of Commonwealth member governments. However, there are serious structural and institutional weaknesses that are preventing the Secretariat from meeting its potential. The biggest problem is that the huge weight of expectations placed on the Secretariat is completely out of proportion to its modest size and budget. The Secretariat, to use a phrase coined by a former Commonwealth Secretary-General, is "operating on the edge of credibility". This carries attendant risks to the Commonwealth as a whole.

Some of the work performed by the Secretariat is duplicative of efforts by other international organisations, although we recognise that this is partly a by-product of the fact that the Secretariat's work is frequently pulled in different directions by member governments. The Secretariat's focus should be centred on the core values and the special attributes of the Commonwealth. A narrowing of the range of the Secretariat's work would help to sharpen the Commonwealth's profile.

We recognise that it is governments themselves that need to take decisions collectively about the specific areas of future Secretariat focus, especially in agreeing on current work that should end.

Nonetheless, we believe it would be beneficial if Heads of Government considered authorising the Secretary-General to examine the existing work programmes of the Secretariat using the following criteria to recommend to governments, through the Board of Governors, areas that should be retired: (i) work that enjoys no Commonwealth advantage; (ii) work where the size of the Commonwealth Secretariat's resources, compared to those of other organisations involved in the same field, such as the UN, World Bank, regional development banks and major bilateral donors, is too small to make an impact; and (iii) work which has demonstrated no significant impact.

Improving the Secretariat's performance

The Secretariat was established in 1965 – nearly half a century ago. It continues to show the hallmarks of a mid-twentieth century intergovernmental organisation. The Secretariat needs to reinforce its capacity to reflect twenty-first century contemporary best practices, including:

- Reform of its internal organisational structure and working methods;
- Greater flexibility in staff recruitment and retention policy (consideration should be given to six-year contracts, since the present rate of turn-over of staff is causing the Secretariat to lose institutional memory);
- Procedures and approaches in keeping with modern norms of transparency and governance and appropriate access to information;
- Work systems that make greater use of Information and Communication Technologies (ICTs);
- Stronger external partnerships that advance Commonwealth values and secure external resources to bolster its own budget;
- A refreshed approach to disseminating the fruits of its research and experience in addition to traditional tools such as written publications; and

- New techniques for the sustainable transfer of technical knowledge.

There is some welcome reform already in hand to these ends. However, it requires much more impetus. As we have noted elsewhere in this report, the Commonwealth Secretariat enjoys a combination of highest-level access, trust and confidence in its relations with partner countries and agencies, as well as the perception of being devoid of a selfish political agenda. We have already suggested in this report that the Commonwealth must set priorities that take advantage of its strengths – one of them is the trust and confidence it enjoys from Commonwealth member countries. However, it is equally important that the Secretariat's internal operations be improved including by making its various divisions better integrated, more cohesive and more efficient. We urge that the Secretary-General initiate a review of the workings of the Secretariat to improve its integration and its capacity to deliver the mandates given by member states.

Financing the Secretariat's operations

Both the size and quality of the Secretariat staff establishment have a direct impact on the quality and quantity of work that can be delivered. The aspirations of member governments for the Commonwealth are not matched by the resources committed to the Secretariat. Staff numbers have been in decline – from 420 posts in 1995 to less than 300 today. This is on a par numerically with the World Meteorological Organization (295) or the International Maritime Organization (290) – organisations with a much smaller remit.

The Secretariat is also struggling to attract and retain consistently high-quality high-performing staff. The remuneration package offered by the Secretariat is uncompetitive for international talent: it seeks to recruit from the same talent pool as other international organisations, but the levels of remuneration offered to its diplomatic and professional staff are around 70 per cent of the poorest paying intergovernmental

organisations. And the associated benefits package is also uncompetitive compared with other such organisations.

If the Secretariat is to deliver the kind of enhanced performance expected by its members, it must be able to recruit and retain quality international talent. Therefore, we suggest that its staff remuneration and other terms and conditions of service need to be competitive with those offered by the United Nations organisations and other comparable institutions. In the context of the reform of the Secretariat, the Secretary-General should be mandated to quantify the financial implications of meeting this requirement, and to determine, in consultation with the Board of Governors, how to make the necessary changes.

We are inclined to recommend maintaining the current staff complement (except for the addition of the key positions recommended in this report). However, there should be significant rationalisation in terms of the organisation's work programme so that it does fewer things, differently, and with significantly more impact. Member governments should see the Secretariat and its staff as an essential investment.

The Secretariat's legal personality

We recognise that the Secretariat is also constrained to a degree by not having full legal recognition as an international intergovernmental body. Instead, it is still tied in some respects to United Kingdom law (such as having financial obligations under UK law for contingent liabilities relating to all staff, including non-UK nationals). It is constrained in other respects by other legal regulations (such as lack of recognition of staff at the Small States' Office in New York and Geneva as international civil servants). The Secretariat's international legal personality needs to be clarified, with due recognition and support of member governments.

In order to ensure effectiveness in carrying out priority mandates that will distinguish the Commonwealth at this critical time and give its work greater beneficial impact on its member countries and the world, we recommend as follows:

Recommendations

- R62** Heads of Government should consider authorising the Secretary-General to examine the existing work programmes of the Secretariat using the following criteria to recommend to governments, through the Board of Governors, areas that could be retired: (i) work that enjoys no specific Commonwealth advantage; (ii) work where the size of the Commonwealth Secretariat's resources, compared to those of other organisations involved in the same field, such as the UN, World Bank, regional development banks and major bilateral donors, is too small to make a significant impact; and (iii) work that overall has demonstrated no significant impact. Further, the operations of the Secretariat should be reviewed by the Secretary-General to improve the integration, cohesion and efficiency of its divisions and their capacity to deliver the mandates set by member states.
- R63** The Secretary-General should be mandated to prepare, by 31 March 2012, a draft plan on which the Secretariat's work and its future development would be focused. The plan should be submitted to the Board of Governors of the Secretariat by May 2012 for its assessment and recommendations, with the aim that the Secretary-General should implement it from 1 January 2013. The next Secretariat strategic plan, currently under consideration, is to be completed by 30 June 2012. This plan should be merged into the process outlined above so that the Secretariat Strategic Plan for the ensuing four years is only finalised after the recommendations of the intergovernmental discussions can be fully taken into account.

R64 The Secretary-General should be mandated to consult with member governments on the desirability of establishing a legal personality for the Commonwealth as an intergovernmental organisation, so that its members may have greater ownership of the organisation, including appropriate rights and responsibilities towards it.

R65 In agreeing that remuneration and terms and conditions of service must be competitive with the United Nations family or organisations and other comparable institutions, Heads of Government should mandate the Secretary-General to develop a proposal, for consultation with the Board of Governors, to make the necessary changes.

2. CHOGM and Ministerial meetings: How to make them more effective

When you established this Group, you specifically mandated us to:

“... examine, inter alia, the format, frequency and content of Ministerial meetings in order to ensure that these continue to support the Commonwealth’s values and principles, and provide the greatest possible addition of value and cost-effectiveness.”

Early on in our process, we agreed that we would examine ways of improving not just Ministerial meetings, but also the Commonwealth Heads of Government Meetings (CHOGMs). From the experience of several members of the Group, recounted to us, and the experience of many of those from whom we received submissions and with whom we consulted, there is a clear sense that the CHOGM could be more effective than at present.

In looking at both CHOGM and Ministerial meetings, we decided to be guided by the words “*Consultation is the life-blood of the Commonwealth.*” This phrase, taken from the Agreed Memorandum establishing the Commonwealth Secretariat in 1965, provides a clear rationale for why these meetings take place. And, it is often said that if consultation is the Commonwealth’s life-blood, then CHOGM is its heart-beat.

The Commonwealth Heads of Government Meeting is the primary policy and decision-making body of the Commonwealth. Leaders meet every two years in a different country. The CHOGMs are the opportunity for leaders to discuss, exchange views and build consensus on topical, priority or challenging issues. However, the summit is not just a meeting of Commonwealth Heads of Government. It has become an occasion for meetings of Commonwealth civil society, business and youth representatives. Attendees take part in a host of parallel meetings – the Commonwealth People’s Forum, the Youth Forum, the Business Forum, and various exhibitions, functions, and cultural activities during the days that immediately precede the meeting of leaders.

While these parallel events represent a wonderful occasion for representatives of organisations to meet and celebrate the diversity and vibrancy of the Commonwealth, we have formed the view that they should be held in the year between CHOGMs both to add another high profile event to the Commonwealth calendar and to more effectively elaborate proposals to Commonwealth governments through Ministers of Foreign Affairs who would be responsible for delivering agreed programmes to you at your CHOGMs. We enlarge on this proposition in Part 5, Section 3 of this report entitled, “Engagement between governments and civil society: Making it meaningful” and in the recommendations below.

On strengthening the CHOGM, we offer the following recommendations:

Recommendations

- R66** *Duration:* It is not practical for CHOGM to be any longer than its current duration. While we acknowledge the considerable number of demands by those gathering in events at the margins to have access to leaders, the essence of successful CHOGMs lies in continuing to ensure the maximum amount of time possible for Heads of Government to meet privately for frank and full discussion.
- R67** *Communiqués:* Communiqués issued by CHOGM have been too lengthy, and sometimes impenetrable to the media and the public. We suggest that the CHOGM Communiqué should be replaced altogether with a Chair's Summary, determined by the Chair of the particular CHOGM, with assistance from the Secretariat and following a consultative process with participating Heads of Government. This document should be significantly shorter and should more accurately reflect the subjects actually discussed by the Heads of Government.
- R68** *Mandates to the Secretariat:* Mandates for the Secretariat, which arise from meetings of the Committee of the Whole, and which have been accepted by governments prior to CHOGM, should be tabled for approval by Heads at CHOGM and issued separately from the Chair's Summary of the actual discussion and decisions made during the meeting.
- R69** *Theme:* Having a CHOGM 'theme' can sometimes help to guide discussions and facilitate submissions from Commonwealth bodies and civil society organisations. However, it can also limit Heads from taking advantage of opportunities themselves to 'set the global agenda' and/or to respond to recent or upcoming events. The CHOGM theme also runs the risk of reflecting the interest of

one country rather than the collective concerns of Commonwealth leaders even if there is consultation with all leaders before it is settled. Moreover, each such 'theme' tends to create new mandates and work programmes for the Secretariat where the necessary resources for implementation may not exist. We believe that Heads should discuss contemporary issues, and carve out a Commonwealth position where possible. Therefore, we suggest that the idea of a special theme should be dropped altogether unless truly exceptional circumstances warrant it.

R70 Access and engagement: We are aware that there are ambiguities in the pre-CHOGM process surrounding civil society engagement. Many of those with whom we consulted suggested that the level and degree of access to Heads for civil society should be enhanced, and that such access should be more democratic, ensuring that all stakeholders are represented. We are conscious of the need to balance access and engagement with the ultimate value of Heads meeting to talk amongst themselves in a very limited time frame. With this in mind, we propose a strengthened engagement between civil society organisations (CSOs) and Foreign Ministers at a pre-CHOGM meeting in the year in-between CHOGMs with a report of the engagement presented to Heads for action.

R71 Presence of non-Commonwealth leaders: The attendance at CHOGM 2009 in Trinidad and Tobago of President Sarkozy of France, Prime Minister Rasmussen of Denmark and UN Secretary-General Ban Ki-moon raised the profile of the Commonwealth and CHOGM. This occurred because of the then imminence of the Copenhagen Conference on Climate Change. However, while we consider it useful for CHOGM to be seen to be having such high-level interface with other global processes, it should be ventured only in exceptional circumstances where global circumstances clearly warrant it. It is

important that CHOGM focus on Commonwealth matters, the constructive role that the Commonwealth can play in agreed international issues and specific Commonwealth problems and opportunities.

R72 Media: It is essential that each CHOGM should have a considered plan that informs the media regularly of the progress of discussions and provides full disclosure to the outcomes of the conferences and their relevance to the people of the Commonwealth and the wider global community. The structure of the CHOGM needs to be conscious of the requirements of the media in a world of instant communication and a 24-hour news cycle. Therefore, we recommend that there should be thrice daily media briefings by representative Heads of Government drawn from across the Commonwealth and a final full-length media Conference attended by the Chair of the Meeting, the Secretary-General and at least two other Heads of Government.

Ministerial meetings

We are aware of the theory that, where Commonwealth Ministers meet in the wings of international meetings, they may have an opportunity to inject a Commonwealth perspective into other fora, and, therefore as many Commonwealth Ministerial meetings as possible should be held alongside international meetings. We do not agree, at least as a universal truth.

We appreciate the pressures that are imposed on Ministers by reason of the time, absence from their domestic duties, and costs of travel. However, in our view the continual elimination of stand-alone Commonwealth Ministerial meetings damages the impact and identity of the Commonwealth as a whole. At the least, if held in the margins of

other meetings, Ministers should commit themselves to attending the Commonwealth session for the duration and the programme should reflect the special Commonwealth dimensions and reflect an action-oriented approach addressed to particular initiatives that the Commonwealth uniquely would take.

The opportunity to introduce Commonwealth thinking into other fora is far better achieved by separate Commonwealth meetings. In such meetings, Ministers can agree upon a Commonwealth perspective on global issues designed to advancing consensus solutions and breaking global deadlocks, as well as addressing issues peculiar to the Commonwealth. There is ample evidence in the past of Commonwealth Ministerial meetings devising machinery that has helped to unblock logjams in the international system.

There is also a danger – as has been happening recently – that Ministers of some countries attend the larger international meetings and do not attend Commonwealth meetings. No Commonwealth country is well-served by this development. Nor is the Commonwealth as a whole.

Therefore, we strongly urge that every member government returns to according Commonwealth Ministerial meetings the importance and priority they deserve, and to infuse such meetings with the relevance and value that they potentially have. Commonwealth members are drawn from every continent in the world. They comprise large and small countries. They represent the variable geometry of global economic interests. Together they constitute a microcosm of the world. In the words of a former Secretary-General “while the Commonwealth cannot negotiate for the world, it can help the world negotiate”. This cannot occur if there is an erosion of the participation of leading Ministers from the larger members of the Commonwealth. We appreciate the pressures that are imposed on such Ministers. But, their absence damages the value of the Commonwealth to their own countries and weakens the impact of the Commonwealth on global affairs.

It is also our view that there are particular problems that need to be met by every member state of the Commonwealth. Many of these problems, even at the national level, require a global response or, at least, a multi-national solution. In this connection, there is no better forum than the Commonwealth to help build positions or a consensus to be taken forward to an international decision-making forum.

As an example of this reasoning, we are aware that Ministerial meetings have often been the catalyst for big ideas and major efforts that the Commonwealth has, in turn, contributed to the world.

For instance, around 2000, Jamaica requested the assistance of the Commonwealth in addressing the problem of teacher recruitment in the Caribbean. One of the most contentious issues at the 2003 Commonwealth Conference of Education Ministers was a discussion by Ministers on the recruitment of teachers from poorer to richer Commonwealth countries. Today, the Commonwealth's *Teacher Recruitment Protocol* offers an international standard that has been used by both Commonwealth and non-Commonwealth countries. The Commonwealth's *Code of Practice for the International Recruitment of Health Workers* was also endorsed by Ministers of Health in 2003. The Protocol and Code have since been adopted as global goods in the International Labour Organization and the World Health Organization.

Similarly, we know that Commonwealth Finance Ministers meetings have played an important role in raising awareness and galvanising action on common issues of importance. For example, Commonwealth Finance Ministers meetings launched the Highly Indebted Poor Country initiative and the subsequently globally popular Commonwealth Debt Recording and Management Software. In recent times, the climate change element of their 2007 meeting, in combination with the mandate coming from the 2007 CHOGM (*Lake Victoria Climate Change Action Plan*), established a Commonwealth role to advocate for a greater focus on the economics of climate change.

Further, expert studies mandated by Commonwealth Ministerial meetings have been used in international organisations to inform global action or to mitigate problems before they could become intractable.

These examples demonstrate that Commonwealth Ministerial meetings can be pioneering and valuable given the range of perspectives and experiences they encompass. In this connection, it is not surprising that some of the respondents to the questionnaire, distributed by our Group during the course of our work, referred to the Commonwealth's Ministerial meetings as "the most valuable function of the Commonwealth" and a "priceless opportunity for the exchange of ideas and experience." This represents a special opportunity for action, where there is generally a microcosm of global diversity but with sufficient links of language, traditions, institutions and habits of dialogue to stimulate common approaches that might otherwise not be attained in a different and broader setting.

We are advised that the distance between the ambitions for the Commonwealth and the Secretariat's ability to deliver, is wide. Members have often called for new action to be undertaken, but without providing additional resources to deliver it. As a result, the Secretariat has found itself pursuing many small activities in a number of different areas, with limited impact, instead of focusing its resources on fewer projects that promise greater impact. This is why we have recommended in this report that the Commonwealth focus its activities on priority areas. We strongly recommend that Ministers resist the temptation to stray beyond them.

Heads of Government should decide whether Ministerial meetings should simply be about experience-sharing or an integral mechanism for high-level political dialogue with the capacity to tackle global problems. We believe that you should favour the latter. It is on that basis, we make the following recommendations:

Recommendations

- R73** Ministers should continue to consider the relative usefulness of stand-alone Commonwealth meetings as against meetings coinciding with larger international conferences. If meetings are held alongside other international events, Ministers should commit themselves to attending them fully. The duration and programme of such sessions should reflect the special Commonwealth dimensions and produce an action-oriented set of initiatives.
- R74** Meetings of Education Ministers and Law Ministers and Attorneys-General should continue to be stand-alone events.
- R75** Ministerial meetings should be made more attractive and interactive by doing away altogether with set statements (where possible), and by encouraging group discussions, candid exchanges and facilities for discussions, where appropriate, by Ministers without their officials.
- R76** Each Ministerial meeting should reduce the mandates to a small number of priorities, enabling the Secretariat to pursue a realistic and coherent programme of work, rather than a number of sometimes marginal small-scale interventions.
- R77** Ministerial meetings should provide space for unstructured dialogue with representatives of civil society on matters of particular relevance and urgency, but should also receive, through the Secretariat, written submissions from CSOs for consideration and action.
- R78** Ministers should meet in-between scheduled meetings, in exceptional situations, to pursue high-priority or urgent agenda items.

3. Chairperson-in-Office and Troika: A Review

In furtherance of our mandate to review institutions of the Commonwealth, we have received several submissions concerning the position of Chairperson-in-Office (CiO) which was established at the 1999 CHOGM in Durban. All of the submissions expressed the view that the Commonwealth has not benefitted from the current arrangements and expectations of this post, notwithstanding the valiant efforts of successive office holders to manage a two-year role as Commonwealth CiO consistently with the enormous demands of discharging their national responsibilities.

Similar studied observations have been made to us about the Troika comprising the outgoing CiO, present CiO, and incoming CiO.

Problems of the current arrangement

There are several problems associated with the present structure and operation. Some of them are as follows:

- The position of CiO is ill-defined. It is therefore understandable that Heads of Government who hold it are reluctant to do much, lest they be accused of overstepping the boundaries and proper functions of the position.
- It is difficult for a Head of Government, as CiO of the Commonwealth, to play a 'good offices' role in member states since such a role requires personal involvement over a protracted period, which in the world of practical politics that they inhabit, no Head of Government can afford.
- The current two-year duration of office for the CiO is twice as long as the Presidency of the UN General Assembly, four times as long as the Presidency of the European Union (EU), the Association of South East Asian Nations (ASEAN) and the African Union (AU), and twenty-four times as long as the Presidency of the UN Security Council. No Head

of Government can afford to share attention between domestic issues and Commonwealth matters for so long a time.

- In the case of Troika members, one Head of Government could serve for as long as six years (two years as incoming CiO, two years as CiO, and two years as outgoing CiO).
- Under the present system, only the Heads of Government of countries that host a CHOGM can ever become a CiO of the Commonwealth. This disqualifies the majority of small countries and many developing ones whose countries cannot afford to host a CHOGM. The position of CiO, therefore, is destined to rotate among a few countries and will not contribute to raising the profile and sharpening the impact of the Commonwealth amongst the citizens of the majority of its members.
- The Troika developed in an ad hoc manner and is invoked for ad hoc purposes, so that the thinking of the Troika does not benefit from a wide enough reflection of pan-Commonwealth experience. It can also blur the accountability of the Secretary-General.

The system in other organisations

In other organisations such as the EU, the AU and the ASEAN, the importance of spreading the opportunity and challenges of leadership is recognised and encouraged so that the small and the big, the richer and the poorer are each given a six-month period of Presidency.

However, the six-month period of Presidency (akin to Chair-in-Office) is much shorter and manageable than the two-year period expected of the Commonwealth's CiO. During the six-month Presidential period of the organisations listed in the previous paragraphs, the profile of the organisation is raised in the member state from which the President comes, and the Head of Government is able to set priorities to be achieved during the six-month tenure.

The presidency of the UN General Assembly is for a period of 12 months, half the time expected from a Head of Government carrying

out the duties of Commonwealth CiO. In any event, the duties of the President of the General Assembly are usually carried out by the Ambassador to the UN and not by the President, Prime Minister or Foreign Minister of the country concerned. Further, the UN Secretariat provides the Presidency of the General Assembly with considerable support (easier to do because the President and the Secretariat are in the same country and in the same building). The same circumstances also apply to the Presidency of the UN Security Council (which is a much shorter period of just one month).

It would be extremely costly – and logistically very difficult even with modern technology – for the Commonwealth Secretariat to detach a support team of officials from its Headquarters to locate them in the capitals of the CiO every two years and for two years at a time.

Accordingly, we do not favour that expedient which was proposed in one of the submissions made to us.

La Francophonie does not have a system of CiO, nor do organisations such as the Organization of American States, and the Organisation for Economic Co-operation and Development. In these organisations, the Secretary-General is the Chief Executive Officer, accountable for carrying out the mandate of Heads of Government or Ministerial Councils. It is also the Secretary-General who gauges consensus among Heads of Government and communicates the suggested consensus to the members as a whole and is accountable to members as such.

Indeed, from the inception of the Commonwealth Secretariat in 1965 until 1999 when the undefined idea of a CiO was first conceived and instituted, the Secretary-General was the sole Chief Officer of the Commonwealth. It was the Secretary-General who tested consensus among Heads of Government through a process of regular consultation, and who then communicated that consensus within the membership and to the public. The Secretary-General was the sole political voice and interlocutor on behalf of the organisation as a whole.

The CiO role was conceived for two primary purposes: to contribute to raising the profile of the Commonwealth on the international stage, and to support the 'good offices' activities of the Secretary-General when requested. In practice, the contributions have not been significant on either front, and could anyway be achieved without resorting to the titular office of CiO. The functions that have evolved later, through the 'troika' mechanism, similarly can occur in an ad hoc way as required and at the discretion of the Secretary-General without needing to be defined in any formal or institutionalised way. This is an area where there is benefit from the Commonwealth practice of being flexible and less rigidly defined.

Viewed against this background, we make the following recommendation:

Recommendation

R79 The arrangement of a Chairperson-in-Office (CiO) and a Troika of Heads should be abolished. The pre-existing system should be re-instituted under which the Secretary-General is the Chief Executive Officer of the Commonwealth, unambiguously responsible for gauging consensus from Heads of Government, acting as the organisation's public voice and interlocutor, and accountable to member governments. However, the Secretary-General should be able to call on Commonwealth Heads of Government, as appropriate and convenient, including the host of the last CHOGM, to perform functions and make statements on behalf of the Commonwealth at the United Nations and at regional and multilateral organisations in which Commonwealth countries are represented.

Part 5 A Commonwealth of People

1. The Commonwealth Secretariat and the Commonwealth Foundation: What relationship?

The Commonwealth Secretariat and the Commonwealth Foundation were both established in 1965: the Secretariat to support intergovernmental dialogue and collaboration, and the Foundation to support networks of professional associations and civil society.

The Commonwealth Foundation has a hugely important role. We believe that it should continue to focus on its core role, expressed in its mandate, to: *“strengthen civil society organisations across the Commonwealth as they promote democracy, advance sustainable development and foster inter-cultural understanding”*. In this connection, the Foundation should concentrate on grant-making, capacity-building, and the continued mobilisation of civil society towards these ends.

It has been suggested to us that the Foundation should assume an enlarged responsibility for civil society including the interaction of civil society with governments. The Secretariat and Foundation shared a Civil Society Liaison Manager for a time to co-ordinate the participation and engagement of civil society organisations in Ministerial meetings and to facilitate partnerships between civil society organisations and the Secretariat. This sharing arrangement has not stood the test of time, although the post continues to exist, albeit funded and managed solely by the Secretariat.

The Foundation and Secretariat should enlarge current levels of co-operation in order to promote and encourage greater involvement of Commonwealth professional organisations and other civil society organisations in the work of the Secretariat and in the intergovernmental processes. However, the primary responsibility for all matters relating to intergovernmental dialogue and meetings,

including the participation of external players such as civil society representatives, should remain with the Secretariat.

This conclusion is linked to the question of accreditation of civil society organisations to the Commonwealth, which provides responsibilities, rights and privileges including access to governments at Commonwealth meetings. It is vital that the accreditation process should protect the name and reputation of the Commonwealth, by ensuring accepted standards of governance and adherence to Commonwealth values and principles are observed. In this connection, it is crucial that member governments continue to manage the accreditation process and 'own' the decisions taken, supported administratively by the Secretariat. Indeed, we are persuaded that member governments and the Secretariat should strengthen the current system of accreditation. It should have at the centre of its criteria whether or not an organisation reflects and lives-up to, the values and aspirations of the Commonwealth, as proclaimed by Heads of Government at successive meetings.

Whether big or small, all of these organisations have a responsibility for protecting the name of the Commonwealth, which they carry in their titles. The Commonwealth Foundation through its capacity-building work, and Commonwealth members through the accreditation process to the Secretariat, should help all Commonwealth associations achieve the highest possible levels of democratic accountability and transparency in their governance arrangements and internal procedures and ensure that they work in conformity with the Commonwealth's values and aspirations.

This should include regular review of considerations of governance and the application of best practice criteria, including such issues as tenure of office holders. Additionally, the Board and management of the Commonwealth Foundation should ensure that its grant programme is reviewed at the earliest opportunity to measure its efficacy on the basis of productive outcomes.

During our consultations, it was suggested that the Foundation and the Secretariat be merged, with the Foundation possibly becoming a 'division' of the Secretariat. Our own view is that the two organisations should continue to have distinct mandates and to serve different constituencies. However, while there are complementarities of the mandates of the two organisations there is also a lack of clarity about the boundaries of responsibility. The respective roles and responsibilities should be clarified in line with the views set out above and there should be greater co-ordination and collaboration in their respective programmes.

Mindful of our mandate – as stated in the *Affirmation of Commonwealth Values and Principles* – to strengthen the Commonwealth's networks and impact, we propose that the ad hoc consultation and co-ordination arrangements now in place at the working level between the two organisations should be reformed and strengthened so that the two organisations draw better on each other's strengths.

We also recognise that the Foundation is especially modest in size (20 staff and an annual assessed budget of £3.1m). Since it is co-located with the Secretariat, the potential benefits of sharing corporate functions – such as human resources, legal and financial services – should be examined. We understand that this is already being tentatively explored and we encourage member governments to support efforts towards this end. Consequently, we make the following recommendations:

Recommendations

R80 The Secretary-General should continue to have primary responsibility for managing the interface between civil society and governments, and the Commonwealth Foundation should bolster its efforts in grant-making to, and capacity-building of, civil society based on an early review of productive outcomes.

- R81** The Secretariat and the Foundation should strengthen collaboration in the interest of promoting shared values, and specific Commonwealth mandates, including those contained in this report.
- R82** The Secretariat and the Foundation should continue to explore the alignment and sharing, where appropriate, of corporate functions, so as to ensure consistency in working practices, as well as to reduce costs and duplication.
- R83** Member governments, facilitated by the Secretariat, should strengthen the current system of accreditation which should have at the centre of its criteria whether or not an organisation, in its everyday activities, is living up to the values of the Commonwealth. This will ensure that there is recognised and demonstrable value in being accredited to the Commonwealth as well as setting out the associated expectations and responsibilities that apply by virtue of the privilege of that accreditation.

2. Commonwealth Associated Institutions: Enhancing the relationship

A most important part of our mandate is the specific task you gave to us in the *Affirmation* 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.”

We see the challenge as two-fold: first, to find ways to improve co-ordination between different Commonwealth stakeholders on areas of mutual interest and concern; and second, to find ways to enable the Commonwealth’s various networks to mobilise around the global challenges of the day.

Civil Society Organisations

The Commonwealth's network of around 90 professional, civil society and other organisations, most of which bear its name (but only a handful of which are headquartered outside the United Kingdom), continues to grow. They work at local, national, regional, or international levels and play roles in policy, political or social aspects of Commonwealth life. We acknowledge their dedication and commitment. We thank them for their support of our work through the very useful representations that many of them made to us.

These professional associations and civil society organisations are independent bodies. They have separate governance arrangements and are financially independent from other Commonwealth bodies and from Commonwealth governments. We are conscious that any proposals to bring them into a more formal 'network' would need to be agreed by each of them.

Within the Commonwealth, commentators and activists commonly express pride in the informality and flexibility of the association and the dynamism of its networks. They unite around a set of fundamental values and are proud of these and the other ties – the 'invisible glue' – that bind the Commonwealth. There are already regular, structured meetings of Commonwealth civil society organisations together with the Secretariat and the Foundation, and these should continue.

There is a sense that the Commonwealth could work better – particularly between governmental and non-governmental actors. Many Commonwealth commentators and civil society organisations have made repeated calls for measures to strengthen linkages between the formal and informal constituent parts of the association. The deficiency is that co-operation between Commonwealth organisations is not considered as a matter of course when programmes are being developed. Commonwealth governmental and non-governmental bodies alike should be thinking first and foremost about how they can

work in partnership with pooled resources and shared capacity. This can be assisted by changes of structures and processes but also requires a change of attitude, perspective and to some extent empathy. For example, organisations such as the Commonwealth of Learning, the Commonwealth Local Government Forum and others are better placed than the Secretariat for delivering on-the-ground programmes. Successful co-ordination and implementation should reflect this with the Secretariat providing funding for which these organisations can apply to implement agreed programmes.

Partnership between intergovernmental organisations and civil society

The intergovernmental organisations of the Commonwealth should be more active in exploring how any of their work can be more effectively advanced in partnership with non-governmental organisations and vice-versa. The existing gatherings of non-governmental and governmental Commonwealth organisations should be used not only for information exchange but also as an opportunity to promote and achieve this change of approach to co-operation and partnership.

There is a sentiment that there has been no serious attempt to mobilise systematically the full force of the various networks that make up the Commonwealth to advance collective Commonwealth positions on global issues. We share this sentiment, but are conscious that such mobilisation is not easy to achieve. Shared Commonwealth positions on complex global issues need to reflect the full diversity of views, and consensus positions take time to be developed. Again, this is an area where there is scope to use the existing structured dialogue between the Commonwealth's governmental and non-governmental organisations in a more meaningful way so that Commonwealth positions reflect better both official and civil society perspectives, and so that all parties feel motivated to advocate such shared positions.

Linking Commonwealth organisations into a collective whole

It was clear from our consultations that there is a strong demand within civil society, for the Commonwealth Foundation to play a more proactive role in establishing and facilitating a ‘Commonwealth fora’. The Commonwealth Organisations Committee on Zimbabwe, and the Commonwealth Legal Forum (comprising six Commonwealth civil society organisations and the Legal and Constitutional Affairs Division of the Secretariat) already exist. There is an appetite for more, and we support further developments in this area, particularly of Committees, such as the one on Zimbabwe, that keep the light of welcome burning in the Commonwealth window for citizens and countries whose governments have withdrawn from the organisation or have been suspended through no fault of the people.

We endorse the telling observation of Bishop Desmond Tutu that it was the government “not the people” that withdrew South Africa from the Commonwealth in 1961. We believe the same is presently true of Zimbabwe.

Utilising Commonwealth Associated Institutions

Overall, we believe that better linkages and functional co-operation are needed between Commonwealth agencies in the field so as to unify and integrate the work of CSOs and decisions of Ministerial meetings in areas such as education, health, law, youth and women’s affairs. Taking a leaf from the private sector where companies deploy integration, synergy or relationship managers when mergers take place, we believe that the work of the Civil Society Liaison unit in the Secretariat should be refocused on leveraging the many Commonwealth organisations into a cohesive and impactful whole, and the more effective linking-up of these organisations with the Secretariat’s work programme. In particular, the Secretariat should co-ordinate its work with associated Commonwealth agencies – the Commonwealth Local Government Forum, the

Commonwealth Parliamentary Association, the Commonwealth Business Council, the Commonwealth Telecommunications Council, the Commonwealth Association for Public Administration and Management, the Commonwealth Education Trust and the Commonwealth Games Federation – to draw on their technical and other expertise so as to avoid utilising expensive external consultants, where possible, and reduce in-house costs. It would be beneficial in our view, for the Commonwealth Secretary-General to establish a structured, strategic dialogue between the seven associated Commonwealth agencies, the Commonwealth Secretariat, the Commonwealth Foundation and the Commonwealth of Learning to achieve these ends.

The Commonwealth Business Council

We have taken account of the profile of the Commonwealth Business Council (CBC) and its programme of events. During the course of a meeting with its representatives, concern was expressed that the CBC's fee structure for membership appeared to discourage membership by small and medium enterprises. This can be unhelpful to the promotion of investment in, and trade participation from, smaller Commonwealth member states. Therefore, we were delighted, and encouraged, to learn that the CBC has since reviewed its fee structure to make its membership and its work more inclusive.

We encourage the CBC to mount programmes specifically for investment from all Commonwealth countries into the smaller Commonwealth states, and to organise seminars and conferences that would utilise the knowledge and expertise of economically successful developing countries in those Commonwealth member states that are lagging behind across all geographical regions. We also see merit in the CBC reviewing its governance arrangements, including ensuring that its office-holders include women. In saying this, we record our appreciation for the many activities in which the CBC is engaged and

encourage the expansion of its activities. We also urge governments and the private sector across the Commonwealth to utilise the services of the CBC to help increase investment flows and create new business opportunities. We made the point earlier in this report that increased investment between Commonwealth countries will result in increased trade between them.

Spreading the face of the Commonwealth

Some Commonwealth civil society organisations have grown enormously and are now very professional in their work. For example, the Commonwealth Human Rights Initiative (CHRI), headquartered in New Delhi, is the largest Commonwealth entity outside London, with around 40 permanent staff. Others are much smaller and many civil society organisations are run by a handful of dedicated individuals, with a wealth of institutional and historical knowledge but a lack of organisational structure and depth.

The majority of such bodies are still based in London, or in the surrounding area, thereby contributing to a “United Kingdom centric” perception of the Commonwealth. Of course, there are practical benefits for these organisations in having their headquarters in the UK – including the proximity to the Secretariat and Foundation, as well as the ease with which CSOs can operate under UK law. Nevertheless, the CHRI has provided a useful model by placing its activities out of Britain while appointing and maintaining a London-based office. It also has an office in Ghana.

We hope that increasing global interconnectivity will encourage larger and more established Commonwealth CSOs to consider the option of being based throughout the Commonwealth, and we encourage governments to help spread the face of the Commonwealth across its member states by facilitating the location of these bodies in as many capitals as possible.

Effectively using information technology

We have also learned of the Commonwealth Secretary-General's efforts to establish the '*Commonwealth Connects*' portal, which is intended to be a twenty-first century response to the networking needs and potential of the Commonwealth. Its purpose is to provide a single Information Technology-based gateway through which governments, as well as a variety of institutions and organisations, communities and individuals can enlarge the Commonwealth pool of information and create new modes of interaction, transaction and partnership.

Many of the Commonwealth's networks in the twentieth century were based on physical gatherings of interested parties in one place and in the creation of organisations requiring office space and physical headquarters. We recognise that '*Commonwealth Connects*' offers a twenty-first century approach in which networking, partnership, and co-operation can be 'virtual', dynamic, less demanding of resources, and untied geographically. We are pleased that Heads of Government have already expressed their support for the '*Commonwealth Connects*' and encourage continued commitment by member governments to this important initiative.

We are particularly pleased that '*Commonwealth Connects*' is intended to be a platform upon which both existing and new 'communities of Commonwealth practice' can be established, share resources and grow. One example is the newly-created Network of Election Management Bodies, which will exchange information, best practice, and technical assistance via this portal. Another welcome example being built into the portal is *CommonLII* – an on-line legal information library-type service providing free searchable access to over 3 million key legal documents found across the Commonwealth, available to judges, advocates, law teachers, business, institutions, students and citizens alike.

There is enormous potential to increase the scope and impact of these 'communities of practice' and also to increase the number of

such communities, embracing other professional disciplines such as medicine, architecture, classics, science and technology. We are pleased that the Secretariat is committed to exploring further expansion of the portal to enhance free access to professional knowledge utilising fully the currently available Commonwealth-orientated databases, networks and traditions.

We have set out some options for reform below:

Recommendations

- R84** To spread the face of the Commonwealth across all regions, governments should offer incentives for existing and new Commonwealth civil society organisations to locate themselves in their countries. Such incentives could include start-up grants to cover the cost of office space and a small number of staff and/or project funds.
- R85** Commonwealth governments should create a “Commonwealth” page on their official websites including a list and contact details for all Commonwealth accredited organisations, and membership of Commonwealth professional networks and civil society organisations should be promoted through relevant Ministries and national umbrella organisations.
- R86** The Commonwealth Foundation should be given an explicit mandate to mobilise Commonwealth civil society around global issues. This would be another expression of the Foundation’s existing mandate to be a focal point for drawing together the strands of Secretariat-accredited Commonwealth civil society organisations including non-governmental bodies and professional associations.

- R87** The Commonwealth Secretariat should co-ordinate its work with associated Commonwealth institutions, at annual meetings convened by the Secretary-General, to draw on their technical and other expertise so as to avoid utilising expensive external consultants, where possible, and reduce in-house costs. The Secretariat should allocate funds for which these organisations can apply to implement programmes for which they are better suited than the Secretariat.
- R88** The Commonwealth Business Council should review its governance to make its membership and its work inclusive of businesses in all Commonwealth countries. It should mount programmes specifically for investment from developed Commonwealth countries into developing Commonwealth states. It should also organise seminars and conferences to utilise the knowledge, expertise and venture capital of economically successful developing countries in other developing member states that are lagging behind.
- R89** The Secretary-General should refocus the work of the Civil Society Liaison Unit, whose task would be to develop better linkages and functional co-operation between Commonwealth agencies in the field so as to unify and integrate their work more effectively with the Secretariat's programmes.
- R90** Commonwealth governments should continue to support the '*Commonwealth Connects*' portal as a cornerstone of twenty-first century networking and partnership, and to support expansion of professional 'communities of practice' such as *CommonLII*.

3. Engagement between governments and civil society: Making it meaningful

The Commonwealth's diversity has created an extraordinary web of people to people alliances. These alliances have been built and strengthened throughout the life of the modern Commonwealth, and they stand solid and resilient today. They are alliances of foresters, engineers, doctors, lawyers, nurses, teachers and many more. They are as much part of the web of Commonwealth connections as the association of Commonwealth governments, and the Commonwealth would be much less significant or influential without them.

Commonwealth governments have collectively tried to respond to the natural desire of these vibrant civil society organisations (CSOs) to be heard, and for the establishment of effective institutional machinery that would allow for a genuine partnership between governments and civil society. CHOGMs have evolved as occasions for representatives of CSOs to try to engage Heads of Government in exchanges of ideas with a view to agreeing a common agenda that would advance the Commonwealth both as an association of governments and of people.

However, while we are very mindful of the vital importance of CSOs engaging fully and meaningfully with Commonwealth governments, we are not convinced that such engagement is actually achieved by trying to carve out what is necessarily no more than an hour or two during CHOGMs which are already short with packed agendas.

We believe that these engagements should be a regular and carefully planned part of the calendar of Commonwealth events; should take place in the years between CHOGMs; and should be specific encounters between Commonwealth Foreign Ministers and representatives of CSOs and professional organisations. The joint recommendations reached by these meetings should be fully publicised and submitted to the next CHOGM for consideration and, if agreed, endorsement by you for implementation by such bodies as you designate.

This proposal would not only bring more meaningful focus to knitting together a genuine Commonwealth network of governments and civil society whose joint decisions would be implemented. It would also add another high profile event to the calendar of Commonwealth events.

In this connection, we make the following recommendation:

Recommendation

***R91* Foreign Ministers should hold dedicated and pre-planned meetings with representatives of CSOs and professional organisations in the years between CHOGMs to agree on recommendations for joint programmes and projects which would be submitted to the next CHOGM for endorsement and implementation.**

Part 6 Improving the Commonwealth's Profile

1. Building strategic partnerships to advance the Commonwealth's values

We were especially asked to examine how the Secretariat's commitment to "strategic partnerships with other international organisations and partners to promote the Commonwealth values and principles" could be intensified.

We are aware that the need to strengthen such partnerships was a recommendation of the High Level Review Group in 2001 and that, in your *Coolum Declaration* in 2002, you acted on this recommendation by calling on the Secretariat to develop actively strategic partnerships with international organisations. The Secretariat has been doing this work mostly with regional political bodies as well as with intergovernmental organisations such as the United Nations Development Programme (UNDP) and the World Bank. We are also mindful that the primary purpose of strategic partnerships is to advance Commonwealth values, and increase and broaden the impact of the Secretariat's work. The generation of additional resources is a collateral benefit rather than the end purpose of such partnerships.

Secretariat should engage private sector and philanthropic organisations within and outside the Commonwealth

A good example of a successful strategic partnership that the Secretariat has established is the "Hub and Spokes" project. The aim of the project is to promote the participation of African, Caribbean and Pacific (ACP) countries in international trade negotiations to strengthen their capacity to formulate and implement trade policies. It is co-managed by the European Commission, the Commonwealth Secretariat, and the Organisation Internationale de la Francophonie, with support from the

ACP Secretariat. Of the total project costs of around £17 million, approximately 70 per cent has been funded by the European Commission, 25 per cent by the Commonwealth Secretariat, and the remaining 5 per cent by La Francophonie and the ACP. This is the kind of capacity-building project, in terms of extent of engagement, “critical mass” and impact that should offer a model to the Secretariat, in place of small-scale sometimes one-off workshops that characterise much of the Secretariat’s current work.

Although development is a core value of the Commonwealth, and developing capacity in trade negotiations is an important area, the strategic partnerships established so far only scratch the surface of what is needed or is possible. Further, intergovernmental organisations, like the Commonwealth Secretariat, even though many of them are better endowed financially, are as financially constrained. And, while we encourage the Secretariat to continue to develop these strategic relationships within the UN system and especially with UNDP to share the burden of their collective work, we strongly urge that greater efforts be made in establishing partnerships with private sector organisations, philanthropic institutions, and with institutions of Commonwealth and non-Commonwealth governments that provide official development assistance.

Appropriate relationships with non-Commonwealth governments in Commonwealth countries could enhance their work and the work of Commonwealth governments and agencies by pooling resources where appropriate, avoiding duplication and focusing on agreed values-based outcomes geared to making a difference to the lives of ordinary people.

We also recognise that relationships with intergovernmental agencies have not provided major partners to help finance impactful projects such as the fight against HIV/AIDS and combating the impact of Climate Change with which we deal separately in this report. To gain

access to such financing, it is our view that the Secretariat must engage the private sector and philanthropic organisations both in the Commonwealth and outside of it. We make this suggestion because we recognise that the 2.1 billion people of the Commonwealth are a considerable market for the goods and services of global private sector organisations and institutions, and, therefore, they should have a keen interest in the welfare of the Commonwealth's people and in promoting their capacity for greater consumption. We emphasise that, in any such partnerships, the Commonwealth's values must be adequately protected and not be commercialised for the benefit of a partner. The chosen partners and the partnerships must be genuinely concerned with causes and values that the Commonwealth espouses.

Commonwealth Scholarships and Fellowships

For over 50 years, the Commonwealth Scholarship and Fellowship Programme (CSFP) has proved to be one of the Commonwealth's most effective and visible programmes. The 27,000 individuals who have held awards are often now leaders in their fields, drawn from every Commonwealth country. Most of them have, or acquire, a natural affinity with the Commonwealth. Almost all of them returned to their home country and they either are in – or have held – top positions in their societies including as members of parliament, cabinet ministers, judges, business leaders and university professors. These persons are an untapped source of promotion for the Commonwealth. We recommend that a system be put in place by the Secretariat to keep them informed of Commonwealth developments and to encourage their support for its values and the beneficial contribution its diverse membership can make to global peace and development.

In addition to maintaining a connection with the Commonwealth awardees so that they could help to advance knowledge of the benefits and importance of the Commonwealth, we believe that the CSFP has

the potential to make a further significant contribution and should be strengthened. We recommend that you should commit your governments to increasing the number of Commonwealth scholarships and fellowships offered to citizens of other member countries under the CSFP so that there is a wider exchange of people between Commonwealth countries; and the Commonwealth-wide nature of the scheme is reinforced. Further, the range and types of scholarships should be widened to encourage entrepreneurship, innovation and business studies. It would also be beneficial if those governments with existing bilateral scholarship and fellowship awards associated their programmes with fellow Commonwealth countries with the CSFP.

The occasion of the 60th anniversary of the service of Queen Elizabeth II as Head of the Commonwealth could afford member countries a particular opportunity to launch Jubilee Commonwealth Scholarships and Fellowships to enhance the participation of the Commonwealth in the education and training of talented future leaders of Commonwealth countries. Education and training is a gift that continues lifelong. In that sense, there could be few initiatives that would be so well tailored to match the enduring service of the Head of the Commonwealth.

We believe that the CSFP will only realise its far greater potential when all member states feel able to participate fully in the scheme. At present the lack of strong and adequately resourced central co-ordination and promotion of the Plan means that smaller countries, or those considering making awards for the first time, have nowhere to turn for advice and assistance. It also means that the network of CSFP agencies in participating countries operate largely in isolation, instead of as a co-ordinated force for developing one of the Commonwealth's most valuable assets. In this connection, we believe that a staff member should be appointed in the Secretariat to carry out the necessary and beneficial co-ordinating role.

Recommendations

- R92** Heads of Government should mandate the Secretariat to continue to develop strategic relationships within the UN system and with: (i) other intergovernmental organisations; (ii) private sector and philanthropic organisations within and outside the Commonwealth; and (iii) development agencies of Commonwealth and non-Commonwealth governments.
- R93** The Secretary-General should be mandated to: (i) proactively promote the Commonwealth Scholarship and Fellowship Plan (CSFP); and (ii) appoint one staff member with special responsibilities to carry out a co-ordinating role for Commonwealth countries that contribute awards to the CSFP.
- R94** Heads of Government should consider the expansion of currently available scholarships and fellowships by the provision of additional opportunities in the form of Jubilee awards available after 2012. Additionally, the range and types of scholarships should be widened to encourage entrepreneurship, innovation and business studies.

2. Making the Commonwealth matter: Raising its profile

In the *Affirmation of Commonwealth Values and Principles*, you called on the Secretary-General to improve the Secretariat's "ability to enhance the public profile of the organisation". In turn, the Secretary-General asked us to include this task in our mandate, recognising that it is very much intertwined with the other aspects of our remit. We were pleased to undertake this task which, in any event, was one of the preoccupations of the submissions we received.

Throughout this report, we have tried to suggest mechanisms for raising the Commonwealth's profile by:

- Adopting a process designed to consider, and, if agreed, to adopt, a Charter of the Commonwealth to express its values and aspirations;
- Creating the office of Commonwealth Commissioner for Democracy, the Rule of Law and Human rights to help member states to prevent serious or persistent violations of the Commonwealth's values;
- Giving the Secretary-General clearer authority to speak out on the association's behalf when there are serious or persistent violations of the Commonwealth's core values;
- Giving CMAG a greater range of options to deal with serious or persistent violations;
- Proposing Secretariat reforms that will increase the impact of its work in development;
- Advocating the special needs of small and vulnerable member states;
- Playing an influential role in fighting HIV/AIDS and other diseases;
- Helping its members and the world community to deal with the challenges of climate change; and
- Harnessing the value and input of the Commonwealth's many networks.

Public knowledge of the Commonwealth: Does it matter?

However, we recognise that throughout the Commonwealth today there are varying levels of knowledge about it, including by broadcasters and journalists. Drawing on our own individual experience and reports we have received from others, we believe that there is little knowledge of the Commonwealth amongst the general public, and even among many government officials.

Of course, a lack of recognition of work and value is a challenge faced by many, if not all, intergovernmental organisations. The Commonwealth is not alone in this. But, it does face a further complication. It has a history which most people still link to a past colonial relationship with Britain even though the Commonwealth has long been a voluntary association

of free and independent states in which Britain plays no governmental role at all.

It is not just that people's understanding of the Commonwealth and its activities are vague, it is also that, for some, the shadow of Empire has still not completely lifted. The 'Modern Commonwealth' is sometimes still wrongly perceived as being a residue of the 'British Commonwealth' – a notion, and even an expression, that persists although the term and the political underpinnings of that term were left behind in 1949.

In addition, unlike many other international organisations, the association's name "Commonwealth" isn't entirely self-descriptive, since it is common values rather than common wealth or a specific mandate that constitute the unifying bond. And, with only a small Secretariat headquartered in London and many of the Commonwealth's civil society organisations also based in London, the Commonwealth is not as visible across member states as many other more recent international and regional organisations. These factors have combined to create a lack of knowledge, and even a misunderstanding, about the Commonwealth. Young people in particular are sometimes completely unaware of the Commonwealth's existence and significance – past or present. These deficiencies must be addressed.

At political and diplomatic levels, there is usually a better level of understanding about what the Commonwealth does, how it works, as well as strong support for its work. But, further into the administrative system in the capitals of all our countries, especially areas not associated with foreign affairs, the level of knowledge varies.

The challenge of public recognition or appreciation should not be exaggerated as a problem somehow peculiar to the Commonwealth. Almost every intergovernmental association wrestles with the problem of profile. Some will ask: if governments, leading politicians and relevant officials know about the Commonwealth and believe in its work and contribution, does it matter if the wider public does not?

We believe it does, and for at least four reasons. First, intergovernmental Commonwealth institutions are answerable and accountable as they are paid for by taxpayers' money. Second, the Commonwealth and its commonalities have informed much of the historical, cultural and political history of our countries, and continue to shape the countries that Commonwealth citizens live in today. Third, the Commonwealth offers many opportunities for citizen engagement and offers a model of what the international community very much needs – a values based organisation that rests on inclusive dialogue and consensus. Fourth, while it is a cliché to say so in informed Commonwealth circles, the association is the only grouping in the world that brings together nations from every continent in the world, every ethnic and religious group, small countries and big ones, rich and poor nations, joined together voluntarily under a single umbrella of common law, similar institutions and sports and a common language. Its existence is a gift to its member states and to their people for the promotion of peace, understanding and development amongst themselves and in the wider world.

The Commonwealth 'brand'

If it matters that the Commonwealth should be known then we must decide for what it must be known. There is a widely-held perception – even amongst those who work in Commonwealth organisations – that the Commonwealth does not have sufficiently strong 'brand recognition'.

There is no doubt in our minds that the Commonwealth 'brand' should be concerned with its declared values and aspirations. Every strand of the Commonwealth's work should be geared explicitly towards the realisation of these values and aspirations.

We know that the credibility of any organisation is strengthened when it provides good, hard information and access to prime sources. This is

particularly so now in a world of instant communication where both sound and video can be transmitted world-wide and immediately through a simple mobile phone. It is much better to be the source of accurate information than to try to correct inaccuracy after it has been distributed. The Commonwealth Secretariat is already operating in the age of instant communication. However, it needs to make a much greater leap forward in being active in it, providing information up front both in terms of its own work and that of CHOGMs and Ministerial meetings. It also has to be prepared to be responsive through capable and trusted spokespersons if and when issues arise. The Secretariat should also be guided by input from global communications experts, either retained in-house or as external consultants.

The Commonwealth's 'brand' will only be as strong as its weakest link. Ultimately, that is why we believe that much greater political and modest additional financial investment in the Commonwealth and its institutions is needed from every member state. That is also why the input of professional expertise in brand promotion is warranted.

Governments must be more pro-active

The Commonwealth can be made fit for the twenty-first century, but only if member governments are prepared to make it so. No amount of effort to raise the Commonwealth's profile can be enough without member governments themselves, at the highest levels of leadership, participating in that effort.

Leaders of a number of Commonwealth members have recently stated their renewed sense of commitment to, and ambition for, the association. We are encouraged by this. But, we are firmly of the view that practical measures must be implemented in fulfilment of these statements of commitment, and we make specific recommendations in this regard at the end of this section.

Overhauling communications machinery: Engaging the media

We broadly agree with a submission made to us by the Commonwealth Media Group (CMG) that the Secretariat in particular – as the primary vehicle for publicly explaining, promoting and defending the Commonwealth’s values and image – is suffering from a skills deficit on how to manage and interact with the highly sophisticated international media. High-level networking with the media needs to be a major communications priority and senior officers of the Secretariat should continue to receive media training.

In this regard, we believe that the Secretary-General should undertake a communications review that will result in a more effective, open, and timely communication strategy and the establishment of machinery to implement it.

We are heartened by the offer of support from the CMG which represents three important Commonwealth media organisations – the Commonwealth Journalists Association, the Commonwealth Broadcasting Association and the Commonwealth Press Union Media Trust. We believe the communications review should identify sustainable ways in which the Secretariat can engage with these organisations and develop practical programmes of co-operation with them. The Secretariat should begin such co-operation now to improve immediately its vital relationship with the media.

Wider utilisation of Commonwealth Regional Centres

The Commonwealth has four regional offices which, at the moment, are concerned only with matters related to youth. These centres could be more widely utilised in the cause of promoting knowledge about the Commonwealth if their work is expanded to include the distribution of information. This will necessitate change in the existing staff and a separate budget for information distribution. The task of the

Information Section of the centres should be to regularly communicate with local and regional media about the Commonwealth's activities, mount education and awareness seminars specifically for the media and educational institutions, and provide research material about the Commonwealth for schools, universities and other institutions.

Recommendations

- R95* Member governments of the Commonwealth should demonstrate a higher public commitment to the Commonwealth, for instance through investment and support for Commonwealth Day events in member states; references to the Commonwealth's values and aspirations in public addresses including in statements to the UN General Assembly and other international and regional bodies; and references to shared Commonwealth bonds during bilateral visits and other engagements.
- R96* Heads of Government should designate a Minister of State responsible for Commonwealth Affairs. This would not only accord a higher profile to the Commonwealth, it would also act as a catalyst for promoting knowledge and understanding of the association.
- R97* The Secretary-General should be authorised to seek, international expertise to help enhance the profile of the Commonwealth. Should this recommendation be pursued, clear terms of reference should be established, the financial outlay assessed, and a clear client relationship created that would be tied to performance.
- R98* The Secretary-General should be encouraged to consult the Commonwealth Media Group (CMG) about an immediate programme of practical co-operation between the Secretariat and CMG to help distribute the Commonwealth's messages to its constituent publics.

R99 The Secretary-General should be mandated to invite appropriate organisations throughout the Commonwealth to offer themselves for selection to carry out a full review and overhaul of the Secretariat's information processes that will result in a more effective, open, and timely communication strategy and the establishment of machinery to implement it.

R100 The Secretary-General should be authorised to convert the four Commonwealth Youth Centres into Commonwealth Regional Centres to provide information and research material on the Commonwealth to media, educational institutions and the general public in addition to its current activities related to youth.

3. Facilitating border crossings: Enhancing a Commonwealth of people

Although reference is made, including in this report, to the status of Commonwealth citizenship, for the most part that status presently has little, if any, significance for ordinary people. The time when nationality status matters most to citizens of Commonwealth countries is when they arrive at a border, seeking to enter another Commonwealth country either on business, holiday or in connection with a family matter. Generally, at the present time, Commonwealth citizenship is immaterial. We believe that consideration should be given to initiating a process that, in prudent and appropriate ways, would improve the current situation.

Already, as between some Commonwealth countries a general right of privileged entry for particular citizens is recognised. Further, the rapid digitalisation of passports and other identity documents renders it much easier than in earlier times to establish their authenticity and satisfy security concerns. In our view, if a system can be devised to meet such security concerns while providing Commonwealth citizens

easier rights of entry for legitimate purposes, Commonwealth citizenship would gain greater worth for all Commonwealth peoples and strengthen the sense of meaningful association.

Recommendation

R101 Heads of Government should authorise the Secretary-General to create an Expert Group to report to the next CHOGM on ways in which entry to Commonwealth countries by Commonwealth citizens on business or holiday might be gradually improved either across the Commonwealth or through bilateral arrangements between Commonwealth states.

4. Sport for Peace and Development

We prize the bonds and the shared values of sport in the Commonwealth, seen especially in the Commonwealth Games, and we agree with a submission to us that:

“Sport, through the Commonwealth Games and Commonwealth Youth games, is arguably the most visible face of the modern Commonwealth. Yet the significant contribution that sport makes to the broad goals of social and youth development in many countries is less acknowledged.”

The Games have grown in participation and popularity and are a true showcase of Commonwealth camaraderie through competition. They are a ready-made opportunity for raising the Commonwealth's profile not only within its member states, but globally. In this regard, every effort should be made by the Commonwealth Games Federation (CGF) and by the countries that host them, to enhance the attractiveness of the games and to preserve their integrity and character as the “friendly games”.

We also believe that the potential for the Games to contribute to peace and development should be developed as a central purpose. In this

context, we call upon you to request the CGF to include in its mandate the use and presentation of the Games as an instrument for peace and development. We also urge that you ask the Commonwealth Secretariat and the CGF to build better linkages between themselves in order to provide more opportunities for young people around sports and development and peace. In this connection, the CGF should be asked to pay the Secretariat a modest royalty for the use of the Commonwealth 'brand' to help finance sports for peace and development in developing Commonwealth countries.

At the grassroots level, we see sport as a means to develop individuals, communities, and even nations; as a vehicle to advance health, education, rights and democracy; and as a way of instilling teamwork, aspiration, effort, social cohesion, gender equality, and healthy competition. We call for further efforts to establish and strengthen these linkages between sport, development and peace including a commitment by national sports federations to do likewise in their own activities.

We commend the work of the Commonwealth Secretariat and the Commonwealth Advisory Body on Sport, and welcome the commitments made by Commonwealth Sports Ministers at their last meeting in 2010, including to the development of 'Sport for Peace and Development' (SPD) within the Commonwealth Youth Programme; to addressing the need for national sports policies and programmes; and the commitment to shared and quantifiable targets to achieve SPD in developed and developing countries alike.

The Commonwealth could do more to harness the power of sport toward contributing to the goals of democracy and development through diversity. This would call for co-ordinated activity between the Secretariat, its four regional centres, the CGF and national bodies in every Commonwealth country. The Secretariat could play a leading role in co-ordinating policies and programmes and, through policy analysis, training and development, data collection, monitoring and evaluation,

help member states adapt and adopt 'Sport for Peace and Development' in effective ways.

With over 60 per cent of its population being young people, there is no better time than now for the Commonwealth to make sport work for peace and development.

Recommendations

R102 Every effort should be made by the Commonwealth Games Federation (CGF) and the countries that host the Commonwealth Games to enhance the attractiveness of the Games and to preserve their integrity and reputation.

R103 Heads of Government should request the CGF to include in its mandate the use and presentation of the Games as an instrument for peace and development.

R104 The Commonwealth Secretariat and the CGF should be asked to build better linkages between themselves in order to provide more opportunities for young people around sports for development and peace. Additionally, the CGF should be asked to pay the Secretariat a modest royalty for the use of the Commonwealth 'brand' to help finance sports for peace and development in developing Commonwealth countries.

R105 National sports federations should also be requested to commit themselves to establishing and strengthening linkages between sport, development and peace.

R106 The Secretariat should be authorised to play a co-ordinating role through policy analysis, training and development, data collection, monitoring and evaluation, to help Commonwealth member states develop "Sport for Peace and Development" initiatives.

Concluding Remarks

As it is currently perceived, the Commonwealth is in danger of losing its relevance. This report has addressed vital reforms that are essential if the association is to make a real difference to improving the lives of its people, and contribute to global peace, tolerance, understanding and economic progress.

Urgent steps are needed to:

- Safeguard and uphold the declared values and aspirations of the Commonwealth so that all the people of its member states can live in political freedom and in conditions conducive to achieving economic prosperity;
- Renew effective measures to protect and advance the principles of human rights, democracy and the rule of law; and improve machinery to assist member states to maintain these much valued principles;
- Ensure that democratic practices, including electoral integrity, are maintained and respected reflecting the will of the people and the primacy of accountable government;
- Expand and improve the work of the Commonwealth in advancing the economic development requirements and aspirations of its developing member states so as to achieve a higher standard of living for their people;
- Provide determined advocacy in the international community to advance the interests and concerns of small and vulnerable states on issues such as the detrimental effects of global warming, access to development financing, and continued investment;
- Institute effective measures to tackle the health issues confronting Commonwealth countries, including HIV/AIDS, that are causing the death of millions of people annually;

- Reform the Commonwealth Secretariat and make it fit to carry out the purposes assigned to it by member governments in fulfillment of the Commonwealth's goals and aspirations;
- Create partnerships with public-spirited foundations and the private sector in support of Commonwealth programmes and projects;
- Develop an integrated and stronger network of all Commonwealth intergovernmental and civil society organisations to advocate and advance Commonwealth purposes.

Achieving these priorities and the other objectives set out in this report will not be easy. Their achievement requires political will and direction and Commonwealth institutions streamlined to deliver them. This is even greater reason for not delaying every effort to accomplish them, and for providing the essential political and governmental will to make sure that they are attained.

The Port-of-Spain CHOGM demonstrated wisdom and forethought in mandating this report and its recommendations. Now is the time for the Perth CHOGM to authorise the urgent reform this report recommends, and to mandate a concrete implementation plan to be delivered by the Secretary General and his staff and reported upon to the Executive Committee of the Commonwealth Board of Governors. Reform has never been more necessary. There may not be another chance to renew, reinvigorate and revitalise the Commonwealth to make it relevant to its times and people in the future.

Annex 1 Summary of Recommendations

A Commonwealth Charter

- R1** A “Charter of the Commonwealth” should be established after the widest possible consultation in every Commonwealth country. Civil society organisations should be fully involved with national governments in the process of pan-Commonwealth consultation, including in the organisation of the process and assessment of its results. A task force should be appointed to analyse the findings of the national consultations and to make recommendations, on that basis, to Heads of Government. If the findings favour a Charter, the task force should be authorised to draft the final text.

Democracy, the Rule of Law and Human Rights

- R2** A Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights should be appointed to provide well researched and reliable information simultaneously to the Secretary-General and the Chairperson of the Commonwealth Ministerial 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.
- R3** Where the Secretary-General chooses a non-public, “good offices” approach to reports of serious or persistent violations of the Commonwealth’s core values, he should advise the Chairperson of CMAG promptly as to the rationale, methodology and likely results of his approach and the time-frame required to determine its impact or viability. He should continue to advise the Chairperson of CMAG regularly thereafter until any new decision is made to deal with the issue.

- R4** Where the Secretary-General refers any matter to CMAG, he should recommend short, medium and long-term actions, initiatives or sanctions to CMAG, and CMAG should consider and act upon the recommendation immediately.
- R5** CMAG should develop objective criteria (such as we have set out in this report) for determining serious or persistent violations of the Commonwealth's core values, including human rights, that would trigger its engagement with a member state to put remedial measures in place.
- R6** CMAG should react more quickly to events. It should develop a range of responses that will allow it to address serious or persistent violations in ways that correspond to the nature and gravity of a violation. If members of CMAG, for whatever reason, are affected by, or are unable or unwilling to take part in, consideration of a particular instance, those members should stand aside. CMAG should adopt effective procedures to fill the vacancy promptly with ad hoc members as authorised by Heads of Government.
- R7** CMAG should invite the proposed Commissioner for Democracy, the Rule of Law and Human Rights, or deploy Ministerial-level teams or missions of eminent Commonwealth citizens, to investigate promptly serious or persistent violations of the Commonwealth's core values including human rights, within a member state and report to CMAG.
- R8** CMAG should meet more frequently. It should make use of teleconferencing for meetings arranged at short notice to respond to worsening or urgent situations.
- R9** CMAG, in consultation with the Secretary-General, should strengthen its structures for engaging with suspended or former members and for tackling emerging difficulties before they escalate.

R10 All Commonwealth countries should establish, or, where they already exist, strengthen, national human rights institutions in accordance with the UN-adopted *Paris Principles*, including by the provision of adequate resources to ensure their independence.

Strengthening democratic culture and practices

R11 The Commonwealth should broaden its election observation mandate beyond the existing period (which is now ordinarily two weeks prior to the date on which the elections are held). The Secretariat should provide Commonwealth Democracy Observer Teams that arrive in some strength, optimally two months in advance of a planned election day (where this is possible), or where the election is called suddenly, as close as possible to the date on which the election is called to meet electoral officials, political parties and civil society to ensure, through promotion and engagement, an open and democratic electoral process leading up to, including, and following, election day.

R12 Observer Teams should report publicly at regular intervals leading up to, during, and after voting day on relevant issues particularly the freedom of political parties, legitimacy and fairness of election financing rules; freedom of the media in reporting on the electoral process; the integrity of electoral lists; and the efforts by all parties to avoid violence and intimidation.

R13 To ensure that there is sufficient and effective capacity to carry out these observation functions, the Secretariat should: (i) in the lead-up to elections identified as potentially problematic, establish and maintain at least three deployment-ready observer teams made up of individuals with relevant political and administrative experience, comprised of a regionally representative group and staffed by both

the Secretariat and competent electoral officials from Commonwealth countries; and (ii) review on a regular basis the availability of such teams as a ready-to-deploy facility.

- R14* Where an adverse report is made by a Commonwealth Observer Group concerning a significant aspect of a general election, a report should be made by the Secretary-General to CMAG immediately and a joint course of action adopted. The Secretariat should systematically follow-up the implementation of the recommendations made by the Commonwealth Observer Groups so that observed deficiencies can be rectified well in time for the next electoral cycle, and be provided the necessary resources for this purpose. Member governments, for their part, should demonstrate their commitment and willingness to address deficiencies identified by Commonwealth Observer Groups in timely fashion before an ensuing election.
- R15* The remit of the Commonwealth Democracy Observer Missions should be expanded to include an assessment of the adequacy of institutional and operational arrangements for post-election political transition and to advise the Secretary-General on actions that may be required to improve such arrangements and to ensure that political transitions respect the results of elections.
- R16* One or more Commonwealth governments, preferably of developing member states, should consider establishing an Academy for Democracy and Electoral training for governments, elections commissions, and civil society organisations on a fee-for-service basis. If established, the Academy should work co-operatively with the Network of Commonwealth Electoral Management Bodies established by the Secretariat.
- R17* The Secretariat should continue actively to explore, with the International Institute for Democracy and Electoral Assistance and

other relevant institutions, ways in which the Commonwealth could co-operate with them in training programmes for Commonwealth countries.

Enhancing the Secretary General's Mandate and Role

- R18* The core values of the 2009 *Affirmation of Commonwealth Values and Principles* (which updates and expands on the earlier 1971 *Singapore Declaration* and 1991 *Harare Declaration* and the 2003 *Commonwealth [Latimer House] Principles on the Three Branches of Government*) should be deemed to be “core Commonwealth priorities” about which the Secretary-General shall speak out publicly as appropriate.
- R19* Aside from the deployment of ‘good offices’, the Secretary-General should be explicitly mandated, when serious or persistent violations appear in his judgement to be either imminent or actually occurring, to: (i) indicate concern publicly to the extent appropriate; (ii) where necessary, refer any matter urgently to CMAG or to the proposed Commissioner for Democracy, the Rule of Law and Human Rights for advice; and (iii) take such other action as he considers appropriate.

Promoting development: Improving the lives of Commonwealth people

- R20* The Secretary-General should develop a clear strategy, marked by identified priorities, to maximise the Commonwealth’s contribution to the achievement of the development goals of its member states. Such enhanced development work, informed by Commonwealth values and aspirations, by Commonwealth positions, and with guidance from member governments, should include: (i) advocacy and consensus building on pertinent issues as required; (ii)

networking between all member governments for co-operation; and (iii) provision of assistance for institutional development.

- R21* The Secretary-General should reform the Secretariat's structures and systems in order to deliver this enhanced vision of the Commonwealth's contribution to development as well as relevantly strengthening its role as a central knowledge and co-ordination hub (a Network of Networks). The Secretary-General should report to the Executive Committee of the Board of Governors on a regular basis on progress in achieving this reform.
- R22* Heads of Government should authorise an enlarged capacity within the Secretariat to provide technical assistance through the placement of technical experts in areas where they are needed by developing member states. Increased financial resources for this enhanced Commonwealth contribution to development is an inescapable obligation if the declared Commonwealth commitment to development is to be taken seriously.
- R23* Heads of Government should give direction and priority at the national level in the implementation of CHOGM mandates to make available increased resources to the Commonwealth Fund for Technical Co-operation (CFTC) to provide expert help to carry out the development tasks required by developing member countries and to train national personnel on-the-job.

Migration and development

- R24* Commonwealth countries should collectively monitor the ramifications of migration and development in the international community, and the Secretariat should foster partnerships with organisations such as The Ramphal Centre to undertake studies that would inform collective Commonwealth decision-making.

Advocating reform of the international financial architecture

- R25* Commonwealth governments should collectively: (i) accelerate as a matter of urgency UN reforms and their effective implementation, through lobbying and advocacy in the UN itself, as well as other international fora; and (ii) further address reforms of the International Monetary Fund and the World Bank so that they serve the needs of all members and the broader global community.
- R26* Commonwealth governments should strengthen their advocacy by involving in a systemic way the full gamut of Commonwealth networks, including civil society and professional associations.

Building capacity and resilience in small states

- R27* The Secretary-General should establish High-Level Advocacy Missions to engage in dialogue with the International Monetary Fund (IMF), the World Trade Organization (WTO) and the World Bank to make progress on specified issues such as a review of the criteria used by international financial institutions to determine the economic well-being and entitlements of a country. Such criteria should take account, additionally, of factors such as a country's level of indebtedness; its fiscal capacity to finance development programmes; and the higher costs it pays for trade because of its remoteness.
- R28* The Secretariat's Office in Geneva for small states should be staffed by technically experienced and entrepreneurial officers with knowledge of the WTO and its negotiating bodies, to provide technical assistance to small states in: (a) negotiating their positions within the negotiating bodies of the WTO; (b) all aspects of trade facilitation; and (c) safeguarding their special interests in the development of the proposed Anti-Counterfeiting Trade Agreement (ACTA) which may involve serious dangers for many Commonwealth countries.

- R29** The Secretariat should develop an overall strategy for capacity development in small states – including, but not limited to, training of personnel – that is appropriate to the needs and constraints of small states.
- R30** Heads of Government should re-establish annual meetings of the Ministerial Group on Small States with a mandate to give enhanced political focus and guidance on small states' priorities.

Dealing with developing countries' debt

- R31** Heads of Government should take a collective interest in the debt challenges facing developing Commonwealth states and small states in particular. In this context, they should instruct the Secretariat to continue to advise member countries on how to avoid unsustainable and risky debt by putting in place adequate legislation and institutional structures for the prudent management of their debts. This should include periodic analysis of the long-term cost and risk of borrowings and the development of appropriate debt management policies to ensure that debt levels remain sustainable at all times.
- R32** The Secretary-General should establish a mechanism so that progress on the debt issue, including responses from international financial institutions, could be tracked and considered by annual meetings of Ministers of Finance and CHOGMs.
- R33** The five Commonwealth members of the G20 should advocate for the Commonwealth's perspectives and policy proposals on debt, and press for discussions on this issue in the G20's policy-making bodies such as the High-Level Development Working Group. The Secretary-General should also seek to advance these issues through high level engagement with successive G20 Chairs.

- R34** Member states should take advantage of the Secretariat's debt management software and the Secretary-General should be proactive in informing member states, as appropriate, of the availability and utility of such software.
- R35** The Secretary-General should include in the Secretariat's spending plans, for approval by the Board of Governors, the strengthening of its support to member states in their debt management through advocacy, policy advice and technical assistance.

Commonwealth and trade: Advocating for change

- R36** A meeting of Commonwealth Trade Ministers, supported by an Expert Group, should be convened to: (i) try to reach a consensus that would inform the current Doha Round of negotiations at the WTO (if it is still in place by the time Heads of Government see this report), with the objective of trying to bring the Round to a successful conclusion; and (ii) consider reform of the WTO in the post-Doha Round, to identify how in the future the shortcomings of the Doha Round process could be avoided and how the needs of capacity-constrained economies could be better advanced within the WTO. If the Round has collapsed, Heads of Government might consider the establishment of a Commonwealth Expert Group to consider and recommend the possible future of the post-Doha trading system to bring greater clarity to discussions in the international monetary sphere and to explore how a new effort in international trade and investment might be launched that includes the perspectives of the G20 countries as well as a range of developing nations, including small states.

Action on climate change and existential threats

- R37** The Secretary-General's mandate should be renewed to: (i) explore the potential for partnerships between the Commonwealth, the World Bank and others to provide specific programmes of support to vulnerable economies; and (ii) convene an Expert Group to provide a study to advance the *Lake Victoria Climate Change Action Plan*, including which programmes are a priority, how they could be structured, and how they could be financed and implemented. Such a study should be started immediately after the CHOGM in Perth and completed as soon as possible thereafter.
- R38** Additional financial resources should be provided for the study by the Expert Group. The report of the Expert Group should be widely publicised and made available to all UN bodies, international financial institutions, and regional organisations.
- R39** The Commonwealth's work in respect of climate change should place a special focus on small island developing states, particularly advocacy in the international community to provide them with financing for adaptation and mitigation.
- R40** All Commonwealth governments should keep the dangers of climate change alive in the international community through regular statements by Ministers in all the relevant multilateral and international organisations.
- R41** Heads of Government and Ministers should regularly brief the media in their own countries and in other capitals to which they travel on the specific challenges of climate change with which their countries and the global community are confronted.
- R42** Commonwealth governments should renew their commitment to the Iwokrama Rainforest programme by mandating the establishment of machinery to provide it with core funding, and to make use of the

knowledge and research outcomes gained from its research. The Secretariat should be authorised to set-up a funding mechanism including through seeking partners for the Iwokrama programme from among Commonwealth and non-Commonwealth countries as well as private sector groups and foundations that have an interest in climate change, conservation and sustainable use of forests.

- R43** The Secretariat should establish a working relationship with organisations concerned with disasters occurring in Commonwealth countries and should maintain a roster of professionals upon whom it could call to provide: (i) a rapid response to a member state that requests the help of experienced personnel after a disaster; and (ii) training and guidance in disaster preparation and mitigation. Additionally, the Secretariat should develop with governments an automatic standard for the entry of experts and equipment into affected countries.

Cultivating the Commonwealth's cultural heritage

- R44** Heads of Government should endorse the Commonwealth Cultural Festival proposed to take place in London in 2012 to coincide with the celebration of the Diamond Jubilee of the Head of the Commonwealth.
- R45** The Commonwealth Foundation should consult with the Commonwealth Games Federation and others including the Commonwealth Broadcasting Association (CBA), on the feasibility of organising a Commonwealth Cultural Festival at the time of every Commonwealth Games. Such a festival should be broadcast throughout the Commonwealth, and funded by private sponsorship and contributions, commercial activities, and where appropriate, contributions from governments.

- R46* Heads of Government should mandate Ministers responsible for culture and sport to explore adding to their national and regional cultural, sports, and music festivals, a specific Commonwealth dimension including by inviting the participation of cultural groups from other Commonwealth countries.
- R47* Heads of Government should welcome the creation of the Commonwealth Youth Orchestra (CYO) and express the hope that this venture will become the first of many initiatives that celebrate the variety and excellence of art and culture in all their forms throughout the Commonwealth.

The Commonwealth's Future – its Young People

- R48* Heads of Government should agree to the creation of a Commonwealth Youth Corps (CYC), organised by the Commonwealth Foundation and managed by a board made up of existing and appropriate Commonwealth organisations experienced in the movement of young people, to provide the opportunity for thousands of Commonwealth young people to learn about each other's cultures and aspirations while contributing to education, mentoring, development, democracy education and sport skills development.
- R49* Consideration should be given to mandating the Secretary-General to explore the creation of a Commonwealth Youth Development Fund (CYDF) to which youth across the Commonwealth could apply for funding to deliver innovative, entrepreneurial solutions to youth employment challenges in their communities. Such a Fund could be administered by a consortium of regional development banks with funding sourced from international financial institutions, the private sector and governments.

- R50** The Commonwealth Youth Programme (CYP) should be encouraged to develop a constitution that will help to form an independent and youth-led Commonwealth Youth Council that becomes the recognised voice of youth in the Commonwealth. This Council could significantly strengthen and widen the current pan-Commonwealth Youth Caucus and represent a wide cross section of youth in the Commonwealth.
- R51** The CYP, in association with the Commonwealth Secretariat, should develop a pan-Commonwealth programme building on the youth enterprise scheme that currently exists in some Commonwealth countries, through which banks are being encouraged to accept their responsibility to create special facilities for young people.
- R52** All Commonwealth member Governments should establish national mechanisms, such as national youth councils, so that the views of young people can be taken into account in all possible aspects of national policy development.
- R53** The Secretary-General should be authorised to establish a Youth Implementation Index for the purpose of measuring actions relating to the implementation of the country's national youth policies.

Women: confronting the challenges that remain

- R54** All Commonwealth organisations should review their governance arrangements, including employment policies, oversight boards/committees, and work programmes to ensure that women are included as decision-makers, and also take women's concerns and needs into account in a manner that would advance their status.

R55 The Secretariat should be authorised to strengthen its advocacy of women's issues and to make greater efforts to highlight the specific needs of women in its work related to the challenges of development, trade and investment, debt and climate change.

R56 At the national level, all Commonwealth governments should ensure that: (i) the specific needs of women are addressed in all aspects of law, public policy and allocation of public resources; (ii) women are not discriminated against in law or practice and that remedies for discrimination are provided; (iii) machinery is established to encourage and promote the active participation of women at all levels of decision-making; and (iv) social victimisation, leading to crimes against women and tolerance of harmful traditional practices and economic disempowerment, is brought to an end by the force of law and well-targeted administration. The Secretary-General should monitor and report on these reforms to CHOGMs.

Dealing with HIV/AIDS as a Commonwealth problem

R57 The Secretary-General should ensure that HIV/AIDS is prominent in the agendas of all relevant Commonwealth meetings including those of law ministers, health ministers, ministers for women's affairs and youth ministers to determine and prioritise on-going measures that Commonwealth governments could implement at the national level as well as such advocacy and mobilisation efforts that could be undertaken internationally.

R58 The Secretary-General should be authorised to work with UN bodies, such as UNAIDS, the World Health Organization and UNDP, to develop joint programmes with private sector organisations, including the pharmaceutical industry and philanthropic organisations inside and outside the Commonwealth that could have an impact on preventing and treating HIV/AIDS.

R59 The Secretary-General should be authorised to mount a high-level mission to relevant UN bodies to advocate a review of any criteria that may unfairly disqualify vulnerable developing countries in the Commonwealth from gaining access to the Global Fund to Fight HIV/AIDS on the basis of their per capita income.

R60 Heads of Government should take steps to encourage the repeal of discriminatory laws that impede the effective response of Commonwealth countries to the HIV/AIDS epidemic, and commit to programmes of education that would help a process of repeal of such laws.

R61 Heads of Government should consider the implications of the global laws regarding intellectual property protection (patents) for Commonwealth countries that face the HIV/AIDS epidemic. They should ensure protection of the flexibilities provided in the Trade and Intellectual Property Service Agreements (TRIPS) of the World Trade Organization in the context of new obligations that are imposed, or may be proposed, by bilateral free trade agreements and by the current negotiations of the Anti-Counterfeiting Trade Agreement (ACTA).

Making the Commonwealth Secretariat more productive and significant

R62 Heads of Government should consider authorising the Secretary-General to examine the existing work programmes of the Secretariat using the following criteria to recommend to governments, through the Board of Governors, areas that could be retired: (i) work that enjoys no specific Commonwealth advantage; (ii) work where the size of the Commonwealth Secretariat's resources, compared to those of other organisations involved in the same field, such as the UN, World Bank, regional development banks and major bilateral donors, is too

small to make a significant impact; and (iii) work that overall has demonstrated no significant impact. Further, the operations of the Secretariat should be reviewed by the Secretary-General to improve the integration, cohesion and efficiency of its divisions and their capacity to deliver the mandates set by member states.

- R63* The Secretary-General should be mandated to prepare, by 31 March 2012, a draft plan on which the Secretariat's work and its future development would be focused. The plan should be submitted to the Board of Governors of the Secretariat by May 2012 for its assessment and recommendations, with the aim that the Secretary-General should implement it from 1 January 2013. The next Secretariat strategic plan, currently under consideration, is to be completed by 30 June 2012. This plan should be merged into the process outlined above so that the Secretariat Strategic Plan for the ensuing four years is only finalised after the recommendations of the intergovernmental discussions can be fully taken into account.
- R64* The Secretary-General should be mandated to consult with member governments on the desirability of establishing a legal personality for the Commonwealth as an intergovernmental organisation, so that its members may have greater ownership of the organisation, including appropriate rights and responsibilities towards it.
- R65* In agreeing that remuneration and terms and conditions of service must be competitive with the United Nations family or organisations and other comparable institutions, Heads of Government should mandate the Secretary-General to develop a proposal, for consultation with the Board of Governors, to make the necessary changes.

Focusing CHOGMs on Leaders' discussions

- R66** *Duration:* It is not practical for CHOGM to be any longer than its current duration. While we acknowledge the considerable number of demands by those gathering in events at the margins to have access to leaders, the essence of successful CHOGMs lies in continuing to ensure the maximum amount of time possible for Heads of Government to meet privately for frank and full discussion.
- R67** *Communiqués:* Communiqués issued by CHOGM have been too lengthy, and sometimes impenetrable to the media and the public. We suggest that the CHOGM Communiqué should be replaced altogether with a Chair's Summary, determined by the Chair of the particular CHOGM, with assistance from the Secretariat and following a consultative process with participating Heads of Government. This document should be significantly shorter and should more accurately reflect the subjects actually discussed by the Heads of Government.
- R68** *Mandates to the Secretariat:* Mandates for the Secretariat, which arise from meetings of the Committee of the Whole, and which have been accepted by governments prior to CHOGM, should be tabled for approval by Heads at CHOGM and issued separately from the Chair's Summary of the actual discussion and decisions made during the meeting.
- R69** *Theme:* Having a CHOGM 'theme' can sometimes help to guide discussions and facilitate submissions from Commonwealth bodies and civil society organisations. However, it can also limit Heads from taking advantage of opportunities themselves to 'set the global agenda' and/or to respond to recent or upcoming events. The CHOGM theme also runs the risk of reflecting the interest of one country rather than the collective concerns of Commonwealth leaders even if there is consultation with all leaders before it is settled. Moreover, each such

‘theme’ tends to create new mandates and work programmes for the Secretariat where the necessary resources for implementation may not exist. We believe that Heads should discuss contemporary issues, and carve out a Commonwealth position where possible. Therefore, we suggest that the idea of a special theme should be dropped altogether unless truly exceptional circumstances warrant it.

R70 Access and engagement: We are aware that there are ambiguities in the pre-CHOGM process surrounding civil society engagement. Many of those with whom we consulted suggested that the level and degree of access to Heads for civil society should be enhanced, and that such access should be more democratic, ensuring that all stakeholders are represented. We are conscious of the need to balance access and engagement with the ultimate value of Heads meeting to talk amongst themselves in a very limited time frame. With this in mind, we propose a strengthened engagement between civil society organisations (CSOs) and Foreign Ministers at a pre-CHOGM meeting in the year in-between CHOGMs with a report of the engagement presented to Heads for action.

R71 Presence of non-Commonwealth leaders: The attendance at CHOGM 2009 in Trinidad and Tobago of President Sarkozy of France, Prime Minister Rasmussen of Denmark and UN Secretary-General Ban Ki-moon raised the profile of the Commonwealth and CHOGM. This occurred because of the then imminence of the Copenhagen Conference on Climate Change. However, while we consider it useful for CHOGM to be seen to be having such high-level interface with other global processes, it should be ventured only in exceptional circumstances where global circumstances clearly warrant it. It is important that CHOGM focus on Commonwealth matters, the constructive role that the Commonwealth can play in agreed international issues and specific Commonwealth problems and opportunities.

R72 *Media:* It is essential that each CHOGM should have a considered plan that informs the media regularly of the progress of discussions and provides full disclosure to the outcomes of the conferences and their relevance to the people of the Commonwealth and the wider global community. The structure of the CHOGM needs to be conscious of the requirements of the media in a world of instant communication and a 24-hour news cycle. Therefore, we recommend that there should be thrice daily media briefings by representative Heads of Government drawn from across the Commonwealth and a final full-length media Conference attended by the Chair of the meeting, the Secretary-General and at least two other Heads of Government.

Ministerial meetings

R73 Ministers should continue to consider the relative usefulness of stand-alone Commonwealth meetings as against meetings coinciding with larger international conferences. If meetings are held alongside other international events, Ministers should commit themselves to attending them fully. The duration and programme of such sessions should reflect the special Commonwealth dimensions and produce an action-oriented set of initiatives.

R74 Meetings of Education Ministers and Law Ministers and Attorneys-General should continue to be stand-alone events.

R75 Ministerial meetings should be made more attractive and interactive by doing away altogether with set statements (where possible), and by encouraging group discussions, candid exchanges and facilities for discussions, where appropriate, by Ministers without their officials.

- R76** Each Ministerial meeting should reduce the mandates to a small number of priorities, enabling the Secretariat to pursue a realistic and coherent programme of work, rather than a number of sometimes marginal small-scale interventions.
- R77** Ministerial meetings should provide space for unstructured dialogue with representatives of civil society on matters of particular relevance and urgency, but should also receive, through the Secretariat, written submissions from CSOs for consideration and action.
- R78** Ministers should meet in-between scheduled meetings, in exceptional situations, to pursue high-priority or urgent agenda items.

Chairperson-in-Office and Troika

- R79** The arrangement of a Chairperson-in-Office (CiO) and a Troika of Heads should be abolished. The pre-existing system should be re-instituted under which the Secretary-General is the Chief Executive Officer of the Commonwealth, unambiguously responsible for gauging consensus from Heads of Government, acting as the organisation's public voice and interlocutor, and accountable to member governments. However, the Secretary-General should be able to call on Commonwealth Heads of Government, as appropriate and convenient, including the host of the last CHOGM, to perform functions and make statements on behalf of the Commonwealth at the United Nations and at regional and multilateral organisations in which Commonwealth countries are represented.

The relationship between the Secretariat and the Foundation

- R80* The Secretary-General should continue to have primary responsibility for managing the interface between civil society and governments, and the Commonwealth Foundation should bolster its efforts in grant-making to, and capacity-building of, civil society based on an early review of productive outcomes.
- R81* The Secretariat and the Foundation should strengthen collaboration in the interest of promoting shared values, and specific Commonwealth mandates, including those contained in this report.
- R82* The Secretariat and the Foundation should continue to explore the alignment and sharing, where appropriate, of corporate functions, so as to ensure consistency in working practices, as well as to reduce costs and duplication.
- R83* Member governments, facilitated by the Secretariat, should strengthen the current system of accreditation which should have at the centre of its criteria whether or not an organisation, in its everyday activities, is living up to the values of the Commonwealth. This will ensure that there is recognised and demonstrable value in being accredited to the Commonwealth as well as setting out the associated expectations and responsibilities that apply by virtue of the privilege of that accreditation.

Integrating Commonwealth organisations and spreading the face of the Commonwealth

- R84* To spread the face of the Commonwealth across all regions, governments should offer incentives for existing and new Commonwealth civil society organisations to locate themselves in

their countries. Such incentives could include start-up grants to cover the cost of office space and a small number of staff and/or project funds.

- R85* Commonwealth governments should create a “Commonwealth” page on their official websites including a list and contact details for all Commonwealth accredited organisations, and membership of Commonwealth professional networks and civil society organisations should be promoted through relevant Ministries and national umbrella organisations.
- R86* The Commonwealth Foundation should be given an explicit mandate to mobilise Commonwealth civil society around global issues. This would be another expression of the Foundation’s existing mandate to be a focal point for drawing together the strands of Secretariat-accredited Commonwealth civil society organisations including non-governmental bodies and professional associations.
- R87* The Commonwealth Secretariat should co-ordinate its work with associated Commonwealth institutions, at annual meetings convened by the Secretary-General, to draw on their technical and other expertise so as to avoid utilising expensive external consultants, where possible, and reduce in-house costs. The Secretariat should allocate funds for which these organisations can apply to implement programmes for which they are better suited than the Secretariat.
- R88* The Commonwealth Business Council should review its governance to make its membership and its work inclusive of businesses in all Commonwealth countries. It should mount programmes specifically for investment from developed Commonwealth countries into developing Commonwealth states. It should also organise seminars and conferences to utilise the knowledge, expertise and venture capital of economically successful developing countries in other developing member states that are lagging behind.

R89 The Secretary-General should refocus the work of the Civil Society Liaison Unit, whose task would be to develop better linkages and functional co-operation between Commonwealth agencies in the field so as to unify and integrate their work more effectively with the Secretariat's programmes.

R90 Commonwealth governments should continue to support the 'Commonwealth Connects' portal as a cornerstone of twenty-first century networking and partnership, and to support expansion of professional 'communities of practice' such as *CommonLII*.

Making engagement between governments and civil society meaningful

R91 Foreign Ministers should hold dedicated and pre-planned meetings with representatives of CSOs and professional organisations in the years between CHOGMs to agree on recommendations for joint programmes and projects which would be submitted to the next CHOGM for endorsement and implementation.

Building strategic partnerships

R92 Heads of Government should mandate the Secretariat to continue to develop strategic relationships within the UN system and with: (i) other intergovernmental organisations; (ii) private sector and philanthropic organisations within and outside the Commonwealth; and (iii) development agencies of Commonwealth and non-Commonwealth governments.

- R93** The Secretary-General should be mandated to: (i) proactively promote the Commonwealth Scholarship and Fellowship Plan (CSFP); and (ii) appoint one staff member with special responsibilities to carry out a co-ordinating role for Commonwealth countries that contribute awards to the CSFP.
- R94** Heads of Government should consider the expansion of currently available scholarships and fellowships by the provision of additional opportunities in the form of Jubilee awards available after 2012. Additionally, the range and types of scholarships should be widened to encourage entrepreneurship, innovation and business studies.

Raising the Commonwealth's profile

- R95** Member governments of the Commonwealth should demonstrate a higher public commitment to the Commonwealth, for instance through investment and support for Commonwealth Day events in member states; references to the Commonwealth's values and aspirations in public addresses including in statements to the UN General Assembly and other international and regional bodies; and references to shared Commonwealth bonds during bilateral visits and other engagements.
- R96** Heads of Government should designate a Minister of State responsible for Commonwealth Affairs. This would not only accord a higher profile to the Commonwealth, it would also act as a catalyst for promoting knowledge and understanding of the association.
- R97** The Secretary-General should be authorised to seek, international expertise to help enhance the profile of the Commonwealth. Should this recommendation be pursued, clear terms of reference should be established, the financial outlay assessed, and a clear client relationship created that would be tied to performance.

- R98** The Secretary-General should be encouraged to consult the Commonwealth Media Group (CMG) about an immediate programme of practical co-operation between the Secretariat and CMG to help distribute the Commonwealth's messages to its constituent publics.
- R99** The Secretary-General should be mandated to invite appropriate organisations throughout the Commonwealth to offer themselves for selection to carry out a full review and overhaul of the Secretariat's information processes that will result in a more effective, open, and timely communication strategy and the establishment of machinery to implement it.
- R100** The Secretary-General should be authorised to convert the four Commonwealth Youth Centres into Commonwealth Regional Centres to provide information and research material on the Commonwealth to media, educational institutions and the general public in addition to its current activities related to youth.

Facilitating border crossings

- R101** Heads of Government should authorise the Secretary-General to create an Expert Group to report to the next CHOGM on ways in which entry to Commonwealth countries by Commonwealth citizens on business or holiday might be gradually improved either across the Commonwealth or through bilateral arrangements between Commonwealth states.

Sport for Peace and Development

- R102** Every effort should be made by the Commonwealth Games Federation (CGF) and the countries that host the Commonwealth Games to enhance the attractiveness of the Games and to preserve their integrity and reputation.
- R103** Heads of Government should request the CGF to include in its mandate the use and presentation of the Games as an instrument for peace and development.
- R104** The Commonwealth Secretariat and the CGF should be asked to build better linkages between themselves in order to provide more opportunities for young people around sports for development and peace. Additionally, the CGF should be asked to pay the Secretariat a modest royalty for the use of the Commonwealth 'brand' to help finance sports for peace and development in developing Commonwealth countries.
- R105** National sports federations should also be requested to commit themselves to establishing and strengthening linkages between sport, development and peace.
- R106** The Secretariat should be authorised to play a co-ordinating role through policy analysis, training and development, data collection, monitoring and evaluation, to help Commonwealth member states develop "Sport for Peace and Development" initiatives.

Annex 2 A Draft Charter of the Commonwealth

WE THE PEOPLE OF THE COMMONWEALTH OF NATIONS

PREAMBLE

REMEMBERING the historic evolution that, by the wisdom and resolve of our forebears, transformed an imperial dominion over our nations and peoples into a free association of member nations to which we, the peoples of the Commonwealth of Nations, belong;

RECALLING the sacrifices and struggles, the pain and sorrow of earlier times and the achievement of the independence of our nations within the Commonwealth, each nation responsible for its own laws, practices and policies but co-operating in the Commonwealth in the interests of their peoples and promoting the objectives of international understanding and world peace; [Harare, par.2];

CELEBRATING the shared experiences of history and language [Harare, par.3], similar institutions and aspirations and including peoples of many different races and origins, encompassing every state of economic development and comprising an unequalled variety of races, origins, cultures, religions, traditions and institutions of the world [Harare, par.(2)].

MINDFUL that economic and social development must remain a primary and urgent goal for the great majority of the people of the Commonwealth and therefore of the Commonwealth itself;

RECOGNISING that the Commonwealth today comprises more than 50 nations; more than 2 billion people; and more than 1 billion young people who have a special potential to promote development, peace and democracy, to uphold Commonwealth values and to achieve the Commonwealth's aspirations for the future which they will further inherit and determine;

REJOICING in the family of nations and peoples that is the Commonwealth and cherishing the links that connect our nations and peoples together in friendship for one another, at peace with the world;

DETERMINING that, in each succeeding generation, we will strengthen the bonds that connect us together and broaden and deepen our links of friendship, co-operation, trade and shared values and aspirations;

ACKNOWLEDGING the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948, whose proclamation coincided with, and heralded, the birth of the Commonwealth itself in its present form; and

AFFIRMING that we will support each other in the observance of the Values and Aspirations of this Charter, both in the Commonwealth and throughout the world

NOW SOLEMNLY RESOLVE by the decision of the Heads of Government of the Commonwealth of Nations made on our behalf and in our own name, to uphold, preserve and defend the Values and Aspirations of the Commonwealth as declared in this Charter.

VALUES OF THE COMMONWEALTH

1. We believe in international peace and security, recognising that the scourge of war, genocide and conflict has brought untold loss and sorrow to humanity [UN Charter, Preamble 1] which the Commonwealth helps seek to avoid and repair. We pledge our support for the United Nations and other international institutions in the search for peace, disarmament, development and the promotion of international consensus on major global political, economic and social issues [Harare, par.9(n)].
2. We believe in economic growth and development throughout the Commonwealth, recognising their special importance for the transformation of our nations, the elimination of poverty, the removal of

disparities and unequal living standards, and the strengthening of all of these changes in every land [TT, par.5(a) and (h)];

3. We believe in an effective multi-lateral system for the maintenance of our global relationships, based on inclusiveness, equity and international law and in the strengthening of the United Nations as the surest foundation for achieving securing global peace, equity and justice in the challenges that face the world;
4. We believe in democracy as the central principle for governance of our own nations and the safest means of resolving disagreements at home and in the world:
 - 4.1 We re-affirm our belief in the inalienable right of Commonwealth citizens to participate, by means of free and democratic political processes, in shaping the societies in which they live;
 - 4.2 We believe that governments, political parties and civil society have vital responsibilities for upholding and promoting a democratic culture and practices in all nations of the Commonwealth;
 - 4.3 We believe in the accountability to the people of all those who hold public office, whether elected or appointed; and
 - 4.4 We recognise that parliaments and local government and other forms of national, regional and local governance are essential elements in the exercise of true democracy throughout the Commonwealth [TT, par.5(b)]; and
 - 4.5 We recognise that electoral integrity is essential to entrenching democratic processes and accountability [TT, par.11].
5. We believe in universal human rights and that they are applicable to all persons throughout the Commonwealth in accordance with the principles of international law:
 - 5.1 We re-affirm our commitment to the Universal Declaration of Human Rights of 1948 and to human rights covenants and instruments that declare the universal rights of all;

- 5.2 We believe that equality and respect for the protection and promotion of civil, political, economic, social and cultural rights for all, without discrimination on any grounds, are foundations for the creation and maintenance of a peaceful, just and stable society; and
 - 5.3 We believe that all these rights are universal, indivisible, inter-dependent and inter-related and that they may not be implemented or denied selectively [TT, par.5(c)].
6. We believe in gender equality, re-affirming that such equality and empowerment are:
 - 6.1 A requirement of the universal principles of human rights [Harare, par.9(b)];
 - 6.2 Essential for human development; and
 - 6.3 A pre-condition, through the advancement of women's rights, for effective and sustainable development throughout the Commonwealth [TT, par.5(i)].
7. We believe in tolerance, respect and understanding among all peoples in the diverse nations of the Commonwealth:
 - 7.1 We recognise that such values strengthen both democracy and development;
 - 7.2 We realise that respect for the dignity of all human beings is essential to the promotion of peace and prosperity; and
 - 7.3 We acknowledge that unjustifiable discrimination against individuals or groups impedes the attainment of the values of the Commonwealth and demands proper correction and redress [Harare, par.4(b); TT, par.5(d)].
8. We believe that good governance throughout the Commonwealth is essential to the attainment of these values in all member nations:
 - 8.1 We commit ourselves to ensuring integrity, transparency and accountability in the governance in our own countries and in the organs of the Commonwealth itself; and

8.2 We pledge ourselves to strive, by effective and co-operative means, to root out systemic and systematic corruption of those who hold power over others, both at national and international levels [TT, par.5(k)];

9. We recognise the importance of maintaining the integrity of the distinctive functions of the Legislature, the Executive and Judiciary [TT, par.5 (e)];

10. We believe in the rule of law as an essential protection for the people and an assurance of limited and accountable government:

10.1 We recognise that, in each nation of the Commonwealth, the Legislature, the Executive and the Judiciary have distinctive roles to fulfil as guarantors of the rule of law;

10.2 We assert that access to justice and to an independent judiciary is among the universal rights belonging to all peoples and that it is fundamental to the maintenance of the rule of law;

10.3 We acknowledge that the rule of law implies that the content of law should conform to universal human rights and to the principles of lawfulness, justice and reasonableness; and

10.4 We believe in the enhancement of the rule of law by effective, transparent, ethical and accountable governance throughout the Commonwealth, by the appropriate sharing of legal materials and by undertaking and promoting systematic reform of the law [TT, par.5(f)].

11. We believe in human diversity and human dignity and we oppose all forms of discrimination whether it be based in race, ethnicity, creed or gender or other like cause [Coolum report, par.3]. We believe in freedom of thought, conscience and religion and oppose discrimination upon any such ground [UDHR, art. 18]

12. We believe in the important role functions that civil society and the media of communications plays in our communities and nations:

12.1 In affording opportunities to the people of the Commonwealth to express their civic freedoms and to fulfil themselves as citizens and as human beings;

- 12.2 In enhancing the pursuit of freedom and happiness in life in all Commonwealth countries [TT, par.5(l)];
- 12.3 In promoting and supporting these Commonwealth values; and
- 12.4 In advancing the attainment of these Commonwealth aspirations.
13. We believe in the strengthening of civil society and of the organisations that, individually and collectively, can give expression to these Commonwealth values and aspirations, and help harness our shared historical, professional, cultural and linguistic heritage [Harare, par.11] in an abiding spirit of co-operation and mutual support [Harare, par.12].
14. We believe in access to shelter, health care, education [Harare, par.9(d)] and work for all peoples of the Commonwealth; and in the fulfilment of the universal principles of human rights as essential means to alleviate poverty; to promote sustainable development [Millbrook, par.6]; and to uphold justice in every land [Harare, par.9(e); TT, par.5(j)].
15. We believe in mutual support in times of natural calamity or where peace building is needed [Youth Declaration TT, pmb1 2]. We commit ourselves to the proper protection and defence of the natural environment and to equity, sustainability and diversity in our planet and for all living creatures that make it up. [TT 12]. [Declaration Port-of-Spain: Partnering for a More Equitable and Sustainable Future: Release 29 Nov 2009].

COMMONWEALTH ASPIRATIONS

16. We aspire to a Commonwealth that is in harmony with the future: an association that draws on its history; utilises its strengths; pursues the common interests of its members; and seizes the opportunity to help to them and others to shape a better world [Coolum, par.8].
17. We aspire to a Commonwealth that is foremost in the elimination of poverty, unjust discrimination, powerlessness and despair. We pledge ourselves, through the Commonwealth, to contribute to the enrichment of life for peoples everywhere and to provide a powerful

influence for peace, development, good governance and human rights throughout the world [Singapore, par.14].

18. We aspire to a Commonwealth that builds on its strengths but is unafraid to evolve and to adapt itself constantly prepared to adapt to changing times and fresh challenges [Coolum, par.8].
19. We aspire to good relations between our nations so that they are conducted in accordance with the values of the Commonwealth and consistent with the principles of consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy and responsiveness that mark the Commonwealth out amongst international associations. [TT, par.6].
20. We aspire to an enlarged role for the Secretary-General of the Commonwealth [Millbrook, par.4] and the Commonwealth Secretariat in promoting and upholding the Commonwealth's values; in supporting adherence by our countries to such these values and principles; in preventing and settling any conflicts that may arise; and in giving voice in the Commonwealth and in the world to these values and aspirations to which we pledge ourselves.
21. We aspire to give affording practical assistance and technical aid to build the capacity of the public and private institutions in Commonwealth countries that uphold Commonwealth values and to strengthen the institutions of member countries so as to ensure the attainment of our values and the avoidance of all violations [Millbrook, par.2], CMAG [Millbrook par.3]
22. We aspire to an effective role for the Commonwealth Ministerial Action Group (CMAG) as the special custodian of the Commonwealth's values. We call on CMAG to respond and deal promptly and effectively and promptly with all instances of serious or persistent violations of Commonwealth values; to adopt measures designed to prevent such violations from occurring and to pronounce and act upon them, including in public as

appropriate, so that the commitment and resolve of the Commonwealth to abide by its values will not be put in doubt [TT, par.8].

23. We affirm that, in the face of serious or persistent violations of the values expressed in this Charter, silence on the part of the Commonwealth is not an option [EPG, 26 October 2010].
24. We recognise the particular vulnerabilities of small island and developing states [Millbrook, par.6(e)] as well as the urgent need for concerted action by the international community to address their special needs. We aspire to a Commonwealth that will pursue innovative and practical support for small states and recognise its role as a special and effective voice at international forums for the small and vulnerable states of the world [Coolum, par.7; pars. 37 and 38].
25. We aspire to immediate progress consistent with Commonwealth values that will transform the Commonwealth in ways that seize the opportunities and respond effectively to the challenges of our time:
 - 25.1 By enhancing the role that the youth of the Commonwealth will play in the governance, institutions and diverse voices of the Commonwealth, acknowledging that the future of the Commonwealth belongs to them;
 - 25.2 By increasing the linkages of the people of the Commonwealth through new information technology so that the shared means of communication and our common use of the English language will enhance national, individual and group relationships, promote national and international understanding and strengthen the ties of friendship; and
 - 25.3 By promoting the advantages of the freest possible multi-lateral trade within the Commonwealth [Harare, par.9(f)], utilising the shared media of language, legal, educational, sporting [Harare, par.9(h)], professional and other commonalities so that our unique global association will become a true commonwealth for all its

peoples linking together economies rich and poor, large and small, developed and developing, to the benefit of the economic progress of all; to strengthen economic capacity and resilience so as to support and advance Commonwealth values and aspirations and the wellbeing of all Commonwealth citizens.

26. We aspire to a Commonwealth that will be a strong and respected voice in the world, speaking out on major issues; committed to strengthening and enlarging the many networks that already exist; dedicated to raising the profile of the Commonwealth in the world; and devoted to improving the lives of the peoples of the Commonwealth and thereby of humanity everywhere.
27. And we aspire to strengthen the Commonwealth as a free association of peoples who are represented in its councils and agencies by democratically elected and appointed leaders, served by uncorrupted officials, based on these abiding values and aspirations and organised to give primacy to the people of the Commonwealth in whose name this Charter is expressed.

DONE at-----, this-----day of-----20-- , in the name of the peoples of the Commonwealth of Nations, and in the presence of the Head of the Commonwealth

(Signed) by Commonwealth Heads of Government

Annex 3 The Members of the Eminent Persons Group (EPG)

The EPG comprises 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), Sir Ieremia Tabai (Kiribati).

Tun Abdullah Ahmad Badawi is a former Prime Minister of Malaysia and minister of education, defence, foreign affairs, home affairs, finance and deputy prime minister. He succeeded Mahathir Mohamad as Prime Minister in 2003, building a progressive and modern multi-racial society as well promoting wide-range reform. He was a member of the Commonwealth Ministerial Action Group and an architect of the Commonwealth Youth Programme.

Dr. Emmanuel O. Akwetey is the founding Executive Director of the Institute of Democratic Governance (IDEG) in Ghana. He is an advocate of democratic governance and human development. He has been consulted by the Government of Ghana, the African Capacity Building Foundation (ACBF), the Government of Liberia, UNDP and several bilateral donor agencies.

Ms. Patricia R. Francis is the Executive Director of the International Trade Centre in Geneva. She previously served as President of Jamaica Trade and Invest, where she served as President since 1995. She served twice as President of the World Association of Investment Promotion Agencies and chaired the Organisation of Economic Co-operation and Development's Caribbean Rim Investment Initiative as well as the China-Caribbean Business Council.

Dr. Asma Jilani Jahangir is a prominent human rights advocate from Pakistan. She was Chairperson of the Human Rights Commission of Pakistan and President of the Supreme Court Bar Association of Pakistan. At the United Nations, she serves as Special Rapporteur on Extra-judicial, summary or arbitrary execution and as Special Rapporteur on freedom of religion or belief.

Mr. Samuel Kavuma is the interim Chairperson of the Commonwealth Youth Caucus. He has been a student leader in Uganda since 1997. In 2004, he was elected to the National Youth Council of Uganda and in 2007 he was elected to be the Regional Youth Caucus representative and he has helped pioneer the establishment of the one-stop youth centre by UN-Habitat.

The Hon. Michael Kirby AC CMG was a Justice of the High Court of Australia (1996–2009). He was President of the International Commission of Jurists (1995–1998) and in 2010 was named co-winner of the Gruber Justice Prize.

Sir Malcolm Rifkind KCMG QC served as a Minister in the United Kingdom government from 1979–1997, first as Secretary of State for Defence then as Foreign Secretary. He is currently a Member of Parliament and is Chair of the Intelligence and Security Committee which has oversight of the UK's Intelligence Agencies.

Sir Ronald Sanders KCMG is an International Consultant, Writer, and former Caribbean diplomat who has served on Commonwealth advisory Committees and as a trade negotiator. He has held senior positions in the private and public sectors including as a member of the Executive Board of UNESCO. He has written extensively on small states.

Senator Hugh Segal CM was appointed to the Canadian Senate in 2005 and has served as Chair of the Senate Foreign Affairs Committee and is currently Chair of the Anti-Terrorism Committee. He served as Chief of Staff to the Prime Minister of Canada, Associate Cabinet Secretary

(Ontario) for Federal-Provincial Affairs and Policies and Priorities, Legislative Assistant to the Leader of the Opposition (Ottawa). He was President of the independent Institute for Research on Public Policy.

Sir Ieremia Tabai is currently a Member of Parliament of the Republic of Kiribati. He was the country's first President from 1979 to 1991 when he stepped down as required by law after serving the maximum of three terms or twelve years as Head of Government. Sir Ieremia was educated in both Kiribati and New Zealand. He spent three years at St Andrews College in Christchurch before going to Victoria University in Wellington where he did a degree in commerce.

Annex 4 Affirmation of Commonwealth Values and Principles

Affirmation of Commonwealth Values and Principles by Commonwealth Heads of Government in Port-of-Spain, November 2009 which established the Commonwealth Eminent Persons Group

1. We, the Heads of Government of the Commonwealth, meeting in Port of Spain in this the 60th anniversary year of the modern Commonwealth, take pride in our collective achievements over the past six decades and, as we look to the future, reaffirm our strong and abiding commitment to the Commonwealth's fundamental values and principles.
2. We reaffirm that the special strength of the Commonwealth lies in the diversity of its membership, bound together not only by shared history and tradition but also by an ethos of respect for all states and peoples, of shared values and principles, and of concern for the vulnerable.
3. We reaffirm our belief in the Commonwealth as a voluntary association of sovereign independent states whose pursuit of common principles continues to influence international society to the benefit of all. We are resolved to make the Commonwealth an even stronger and more effective international organisation as we look ahead to the rest of the 21st century.
4. We recall earlier statements through which the Commonwealth's values and principles have been defined and strengthened over the years, including the Singapore Declaration, the Harare Declaration, the Millbrook Action Programme, the Latimer House Principles and the Aberdeen Principles.

Our Values and Principles

5. We solemnly reiterate our commitment to the Commonwealth's core values:
 - *International peace and security*: believing firmly that international peace and security, economic growth and development and the rule of law are essential to the progress and prosperity of all; and expressing our commitment to an effective multilateral system based on inclusiveness, equity and international law as the best foundation for achieving consensus and progress on major global challenges;
 - *Democracy*: reaffirming our belief in the inalienable right of the individual to participate by means of free and democratic political processes in shaping the society in which they live; underlining that not only governments but all political parties and civil society also have responsibilities in upholding and promoting democratic culture and practices as well as accountability to the public in this regard; and recognising that parliaments and representative local government and other forms of local governance, are essential elements in the exercise of democratic governance;
 - *Human rights*: reaffirming our commitment to the Universal Declaration of Human Rights 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;
 - *Tolerance, respect and understanding*: recognising that tolerance respect and understanding strengthen democracy and development; recognising also that respect for the dignity of all human beings is critical to promoting peace and prosperity;

- *Separation of powers*: recognising the importance of maintaining the integrity of the roles of the Executive, Legislature and Judiciary;
- *Rule of law*: reiterating that each country's Legislature, Executive and Judiciary are the guarantors of the rule of law and emphasising that access to justice and an independent judiciary are fundamental to the rule of law, enhanced by effective, transparent, ethical and accountable governance;
- *Freedom of expression*: emphasising that peaceful, open dialogue and the free flow of information, including through a free, vibrant and professional media, enhance democratic traditions and strengthen democratic processes;
- *Development*: stressing the importance of economic and social transformation to, inter alia, eliminate poverty and meet the basic needs of the vast majority of the people of the world; seeking the removal of wide disparities and unequal living standards, guided by the Millennium Development Goals; reiterating that economic and social progress enhances the sustainability of democracy;
- *Gender equality*: reaffirming gender equality and empowerment as an essential component of human development and basic human rights, and acknowledging the advancement of women's rights as a critical precondition for effective and sustainable development;
- *Access to health and education*: reaffirming our commitment to health and education for all citizens, both as human rights and as instruments for poverty alleviation and sustainable development;
- *Good governance*: reiterating our commitment to promote the rule of law, ensure transparency and accountability and root out, both at national and international levels, systemic and systematic corruption; and

- *Civil society*: acknowledging the important role that civil society plays in our communities and nations as partners in promoting and supporting Commonwealth values and the interests of the people.
6. We reiterate our commitment to the core principles of consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy, and responsiveness.

Working Together to Strengthen our Values and Principles: Looking to the Future

7. We reaffirm our full support for the Good Offices role of the Secretary-General in supporting adherence to Commonwealth principles; in conflict prevention and resolution; and as an instrument to protect and promote the Commonwealth's fundamental values.
8. We recognise the vital role of the CMAG as the custodian of the Commonwealth's fundamental political values. We call on CMAG to explore ways in which it could more effectively deal with the full range of serious or persistent violations of such values by member states and to pronounce upon them as appropriate.
9. We also express our continuing support for the Commonwealth Secretariat's work on strengthening democratic institutions, processes and culture. In this context, we welcome the Secretariat's collaboration with the Commonwealth Parliamentary Association (CPA), the Commonwealth Local Government Forum (CLGF) and other relevant organisations to promote best practice and democratic culture.
10. We underscore the importance of coherence in order to protect the Commonwealth's image and credibility. We urge all Commonwealth organisations to subscribe and adhere to Commonwealth values and principles in every possible way, including by acting in conformity with the letter and spirit of the decisions of CMAG.

11. Acknowledging the key role of elections in furthering and entrenching democratic processes and accountability, and affirming our commitment to the Commonwealth Secretariat's work in strengthening democratic institutions, processes and culture through election observation, we endorse the proposed Commonwealth Network of National Election Management Bodies, which would facilitate experience sharing and serve to create support mechanisms, promote good practices and facilitate opportunities for peer support across the Commonwealth, thus enhancing member countries' capacity to hold credible elections which enjoy the confidence of the people. Through this Network, we envisage the Commonwealth advancing the norm of the highest electoral standards.
12. We welcome forward-looking, contemporary and innovative initiatives that generate and strengthen creative networking and partnerships within the Commonwealth community, and that underpin adherence to the Commonwealth's fundamental values and principles, mindful especially of the theme of the 2009 CHOGM, Partnering for a More Equitable and Sustainable Future. In that regard, we endorse the proposed Commonwealth Partnership Platform Portal, and encourage support for it.
13. We note the need to strengthen Commonwealth processes, institutional frameworks and capacities for delivering collective action and global public goods as highlighted by the Report of the High Level Group in 2001/02 and the 'Commonwealth Conversation'. We call for 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. We are committed to securing a greater level of co-ordination and collaboration between all Commonwealth contributors and stakeholders, particularly including governments, civil society, business, the diversity of Commonwealth professional and other associations that bring together our citizens, academia and others.

14. We call for the Commonwealth Secretary-General to consolidate and further strengthen ongoing efforts to improve the Secretariat's governance, its responsiveness to changing priorities and needs, and its ability to enhance the public profile of the organisation. We commit ourselves to supporting the Secretariat in this endeavour. We also underline the importance we attach to intensifying the Secretariat's commitment to strategic partnerships with other international organisations and partners in order to promote the Commonwealth's values and principles.
15. We call for the Eminent Persons Group to examine, inter alia, the format, frequency, and content of Ministerial meetings in order to ensure that these continue to support the Commonwealth's values and principles, and provide the greatest possible addition of value and cost-effectiveness. We affirm that such meetings should also continue to have mandates that are focused; time-bound; affordable; of the highest possible relevance at the national level and in international exchanges; and are delivered.
16. By these and other practical measures, we believe that the Commonwealth will build a stronger and more resilient and progressive family of nations founded on enduring values and principles. By such measures, we also believe that the Commonwealth will remain relevant to its times and people in future.

Port of Spain

Republic of Trinidad and Tobago

29 November 2009

Annex 5 List of Organisations and Individuals who made written submissions to the EPG

Submissions Received in Response to First Public Consultation in November 2010

Commonwealth Intergovernmental Organisations:

Commonwealth Foundation

Commonwealth of Learning

Commonwealth Civil Society Organisations:

Association of Commonwealth Literature and Language Studies

Association of Commonwealth Universities

Building Understanding through International Links for Development

Commonwealth Association Commonwealth Association for Public

Administration and Management

Commonwealth Association of Law Reform Agencies

Commonwealth Association of Surveying and Land Economy

Commonwealth Association of Tax Administrators

Commonwealth Broadcasting Association

Commonwealth Business Council

Commonwealth Consortium for Education

Commonwealth Forestry Association

Commonwealth HIV/AIDS Action Network and International HIV/AIDS Alliance

Commonwealth Human Ecology Council

Commonwealth Human Rights Initiative

Commonwealth Judges and Magistrates Association

Commonwealth Lawyers Association

Commonwealth Local Government Forum

Commonwealth Media Group

Commonwealth Nurses Federation
Commonwealth Organisation for Social Work
Commonwealth Parliamentary Association
Commonwealth Partnership for Technology Management
Commonwealth Youth Exchange Council
Council for Education in the Commonwealth
Global Commission on HIV and the Law
International Council on Social Welfare
International Federation for Human Rights
Royal Agricultural Society of the Commonwealth
Royal Commonwealth Ex-Services League
Royal Over-Seas League
The Ramphal Centre
The Round Table
The Royal Commonwealth Society

Commonwealth Secretariat Staff:

Wonderful Hope Khonje	Jonathan Ockenden
Tom Baird	Nicholas Broadbridge
Geoff Martin	Alastair Rabagliati
Isaac Njoroge	Victoria Holdsworth
Chris Hindle	Adeyemi Ogunmefun
Yvonne Apea	Dorothy Leathley
Robert Wooding	Victor Kitange
Anuja de Silva	Cristian Martin
Janet Strachan	Watipaso Mkandawire

Commonwealth Commentators and General Public:

H.E James Aggrey-Orleans	Asama Abel Excel (Cameroon)
Chief Emeka Anyaoku	Nji Phyllis
Hugh Bailey MP	Akepe Linus Enobi
Derek Ingram	Neil Kemp (UK)
Professor Ian MacDonald	Tim Davies (UK)
Kishore Mahbubani	Dr Muhammad Mamman (Nigeria)
Lord Mark Malloch-Brown	Alison Duxbury (Australia)
H.E. Farooq Sobhan	Zoe Ware (UK)
Judith Hanratty	Bernadine Vester (New Zealand)
Emmanuel Sanyi	Deepak Sharma (India)
Limpo Zambo Malica Castigo	Radhika Bhasin
Sarika Katoch	Natasha Lokhun
W.A. Nurjannah	Shellecia Brooks
Subir Das	Steve Packer
Shahreen Srbaon Tilottoma	K.S. Ramesh (India)
Dalbir Singh	Dinya John Buga (Uganda)
Hamza Khaleel	Matthew Horne (UK)
Daewin How Zean Shiung	Joan Tonkin MBE JP (Australia)
Shellecia Brooks	'Mary' (UK)
Mike Mburu	Arthur Hunt
Roger Kamga Tchwaket Ignace (Cameroon)	Igor Mesner
Dave McGill (Australia)	Godwyns Onwuchekwa (UK)
Matthew Albert (Australia)	Mario Gerada
Vic Craggs (UK)	Francene Leaversuch (UK)
Suelin Low Chew Tung	'Sreelatha' (India)
Lobti Emilia Nuiselie (Cameroon)	Steve Bernard (UK)
Jade Cochran	P. Selvaratnam (UK)
Toabwa Anre (Kiribati)	Ainuddin Ridzuan
Oliver Ibbetson	Maria Namukwaya
Jean-Paul De Lucca (Malta)	'Kritika' (India)
	Godlove Aka Binda (Cameroon)

'Harsh' (India)
Ashling Haslehurt (UK)
Eric Adabor (Ghana)
Julian Plummer
Rev. Derek F. Nicholls (Canada)
Dr. Navratan Dhanuka (India)
F Hugh Eveleigh (UK)
Opeyemi Akinsulie (Nigeria)
Eni Tekanene (Kiribati)
Joseph Davies
David Spence (Canada)
Mutongole Sam (Uganda)
Gordon Wilson (Australia)
Herbert Bangura (Sierra Leone)
Frederick Russell-Rivoallan (France)
Paul Ward (Australia)
Ndunge BD Tuazaana (Namibia)
Manda Boolell (Mauritius)
Peter Kucherepa (Canada)
Greg Ross (Australia)
Michael Keating (Australia)
Gale Mohammed-Oxley (Trinidad
and Tobago)
Vidyaratha Kissoon
Joslan Ingilby
Shilpa G Brahne (India)
Carl Howarth (UK)
Chevon McGhie (USA)
Emma Hayward
Susan Kaleson Theophilus (Nigeria)
Professor Lord Smith of Clifton (UK)
Gia Gaspard Taylor (Trinidad and
Tobago)
David Ian Bevege
Neville Grant
Arjun Dahiya (India)
Adi Elisapeci Samanunu (New
Zealand)
B. K. Das (India)
Wajahat Nassar (Pakistan)
'Savage' (New Zealand)
Reverend Peter Astley-Bogg
(Australia)
Peter Richter (Australia)
Sarah Leonard (UK)
Bill Kirkman (UK)
Christopher Powell (UK)
Fiona Graham
Andy Killan (Netherlands)
William Cerf (USA)
Ainuddin bin Ridzuan
Riane Trotman
Kevin James (Canada)
Kushan Jayawickrama
Simon Baker (UK)
Kumari Nallakumar
Gamunu Jayasinghe
Dr Simon Obendorf (UK)
Roger P. Arnold (UK)
Siaanoi Marima (Kenya)
Kiapi K Frederick (Uganda)
Ron Leask (France)
Alex Whittekar
Iswandy Ahmad (Brunei Darussalam)
Kate Hewitt (UK)
Dr Keith Graham Riglin (UK)

Alexander James-Cassidy Goode	Richard Longhurst
Simon Goodlad	Ryan Gawn
Dr Henry Kaluba (Zambia)	Jethro Musoke (Uganda)
Jon-Paul Teasdale (UK)	Alex Summerlee (New Zealand)
John Oxenham (UK)	Jack Davs
Ryan Blakely	Will Henley
Tim Davies (UK)	Oliver Boorman-Humphrey
Helen Jones	

Submissions Received in Response to Second Public Consultation in May 2011

Commonwealth (and other) Civil Society Organisations:

Australian Federation of AIDS Organisations
Australian Tamil Congress
Australian Volunteers International
Commonwealth Advisory Body on Sport
Commonwealth Association of Museums, and Association for Commonwealth Literature and Language Studies
Commonwealth Business Council
Commonwealth Disaster Management Agency
Centre for Citizenship Education in New Zealand
Commonwealth Human Ecology Council
Commonwealth Human Rights Initiative
Commonwealth Lawyers Association
Commonwealth Local Government Forum
Commonwealth Media Group
Commonwealth Magistrates and Judges Association
Commonwealth Nurses Federation
Commonwealth of Learning
Commonwealth Medical Trust

Commonwealth HIV/AIDS Action Group
Commonwealth Scholarship Commission in the UK
Commonwealth Association of Planners
Commonwealth Society of Bangladesh
Commonwealth Women's Network
Commonwealth Consortium for Education
Commonwealth Organisation for Social Work
Council for Education in the Commonwealth
Commonwealth Trade Union Group
Commonwealth Youth Exchange Council
Dignity International and Pusay Komus
Environmental Justice Foundation
Equal Ground
International Federation for Human Rights
Outcomes of the May 2011 Commonwealth Civil Society Consultation
Friends of Rwandan Greens
Royal Commonwealth Society – Manitoba Branch
Royal Commonwealth Society – Toronto Branch
Royal Commonwealth Society – Western Australia Branch
Commonwealth Lifesaving – The Royal Lifesaving Society
Royal Over-Seas League
Various Organisations on Sri Lanka
The Round Table
Women for Justice and Peace
Commonwealth Youth Sub-Committee on Human Rights & Democracy

Commonwealth Secretariat Staff:

Rajkumar Bidla, Project Manager	Paul Hibberd
Victoria Chimbwanda	Victoria Holdsworth
Richard Simpson	Watipaso Mkandawire
Julius Kaberere	Layne Robinson
Arlette Daniel	

Submissions from Governments and Institutions:

Senator Bob Brown, Australian Greens
Australia Human Rights Commission
Russ Hiebert, Member of Parliament, Canada.
Jamaican Ministry of Foreign Affairs and Foreign Trade
Government of Malta
Leader of the Opposition, Sri Lanka
Ministry of Housing and the Environment, Trinidad & Tobago
Government of the United Kingdom

Commonwealth Commentators and General Public:

'Adibah', Sisters in Islam	Derek Ingram
Martin Allsworth (UK)	Professor Margaret Kobia (Kenya)
Professor Andreas Antoniou (Cyprus)	Harold F. Lane
Joint Submission from Mihir Bhatt, Warren Nyamugasira, Petros Pashiadis and Balasubramanyam Chandramohan	Neville Linton The Rt. Hon. The Lord Luce, KG, GCVO (UK)
Richard Bourne (UK)	Sir Peter Marshall (UK)
Deryck Brown	Sir Don McKinnon (New Zealand)
Carlton Davis (Jamaica)	Peter Meincke
Associate Professor Alison Duxbury (Australia)	Alina Roche Menoch (Canada)
Joint submission from Dr John W. Foster, Gail Larose, Jim McKee, Paul Larose, Joy Tilsely, Christopher Walters and Dorienne Rowan-Campbell	Ciaran Murphy Wajahat Nassar Matthew Neuhaus (Australia)
Malcolm Fraser (Australia)	Vincent Ogero (Kenya)
Raja Gomez	Najeen Phillip
Charles Gunning	Andrew Robertson
J. Donald Harper	Professor Timothy Shaw
	Krishnan Srinivasan (India)
	C. Lloyd Stanford
	Nicholas Watts



Commonwealth Secretariat