

# Commonwealth Human Rights Initiative

# Newsletter

Volume 11 Number 1  
New Delhi, Spring 2004

## Inside

- ▣ What they said
- ▣ Information: It's Our Right!
- ▣ Commonwealth Human Rights Network
- ▣ Abuja's CHOGM: the word on the street
- ▣ My Abuja experience
- ▣ Participation for all?
- ▣ CHOGM 2003: A New Experience
- ▣ Indigenous Peoples and the Commonwealth: Reflections on the Abuja CHOGM, December 2003
- ▣ A Tribute to Margaret Reynolds
- ▣ The Commonwealth after Abuja: Current Issues, Future Directions



## CHOGM 2003: a success for human rights?

-Richard Bourne

*Director, Commonwealth Policy Studies Unit*

At a fundamental level the Abuja summit was a success for human rights, and for the Commonwealth. The Zimbabwe government of Robert Mugabe walked out as it was not prepared to abide by the minimum human rights standards laid down, ironically, in Harare in 1991.

The departure of the Mugabe regime was perhaps the most significant development since the South African apartheid regime of Dr Verwoerd left in 1961. The white South Africans left because the majority of countries were not prepared to tolerate a member state with a built-in system of racial discrimination. It was a victory for racial equality, and for human rights, in the Commonwealth as a whole.

At Abuja in December something equally significant took place. The Zimbabwe issue had been haunting the Commonwealth since its observers had pronounced the 2002 election unfair. The Cullum summit set up the unsatisfactory troika - John Howard, Olusegun Obasanjo and Thabo Mbeki - to review the one year suspension of Zimbabwe in March 2003. When the troika could not agree, Secretary-General Don McKinnon decided after consultation to extend the regime's suspension up until Abuja.

It was fairly clear that Mugabe realised that, in spite of the rearguard action by Mbeki and others, the suspension would be maintained by all the leaders meeting together in Abuja. But the way in which the matter was handled, by a

*Contd... to page 20*

**CHRI will now be using email to send out the CHR Newsletter. To assist us, please email [chriall@nda.vsnl.net.in](mailto:chriall@nda.vsnl.net.in) and provide us with your current email address.**

**We will stop sending hard copies of the Newsletter unless you send us a specific request to continue providing the paper-based version.**

The Commonwealth Human Rights Initiative (CHRI) is an independent international NGO mandated to ensure the practical realisation of human rights in the Commonwealth.

# What they said...

**Clare Doube**

*Advocacy Programme, CHRI*

**A**s is customary at the end of a Commonwealth Heads of Government Meeting (CHOGM), the Heads of Government released two documents: the Abuja Communiqué and the Aso Rock Commonwealth Declaration on *Development and Democracy: Partnership for Peace and Prosperity*.

For human rights activists, and civil society in general, there are points to be celebrated, but there are also glaring omissions which should not be left unremarked. That the Heads of Government have recognised and expressed their commitment to human rights is exemplary, but that is old news. Multiple previous communiqués and declarations have also expressed similar sentiments, and yet violations of these rights are everyday occurrences across the Commonwealth.

Heads of Government must accept that mere words are not enough – reporting mechanisms must be established to monitor and ensure that these commitments are implemented. One such option is the establishment of an office of a Commonwealth Commissioner for Human Rights, which CHRI has advocated for some time. Another option is a human right advisor to the Commonwealth Ministerial Action Group to strengthen CMAG's ability to assess and monitor the human rights goals the Commonwealth has set for itself. Had such a mechanism been included in the 2003 CHOGM communiqué, the Heads' commitments to human rights would have been more meaningful and useful in practice.

Some of the laudable commitments the Heads of Government made in 2003 include efforts to curb the misuse of small arms and light weapons; and to stop landmines by acceding to the Ottawa Convention; acceding to the Rome Statute establishing the International Criminal Court; and efforts to support the least developed and vulnerable members of the Commonwealth. Heads of Government also requested

that members sign and ratify the new United Nations Convention Against Corruption. In light of the disastrous impacts corruption has had in so many areas of the Commonwealth, CHRI welcomes the establishment of a Commonwealth Working Group on corruption and look forward to opportunities to provide civil society input into their deliberations.

Terrorism is an enemy of human rights and it is constructive that the Abuja Communiqué highlights the importance of working together to eradicate terrorism. The Communiqué calls on member states to support the early conclusion of the Comprehensive Convention Against International Terrorism and encourages them to take action according to UN and Commonwealth guidelines. However, in the Communiqué there was a concerning lack of recognition that anti-terrorism legislation and other measures can be - and in some member countries have been - used discriminately and in violation of civil rights. It is disappointing, therefore, that the Communiqué did not reiterate that the rule of law and human rights are paramount and that all anti-terror activities must respect and abide by these principles.

The Aso Rock Commonwealth Declaration on *Development and Democracy: Partnership for Peace and Prosperity* focuses on the theme of the 2003 CHOGM. The Declaration recognises a list of eleven areas which are key to building democracy and development. Among these objectives that Commonwealth members “seek to promote” are some excellent points, most notably, “machinery to protect human rights” and “the right to information”, both of which are essential. That being said, the language of the Declaration is disappointing - “machinery” for example is a very broad term, which may be watered down depending on interpretation. CHRI believes that machinery should at a minimum require the establishment of a National Human Rights Institution. Currently, only 17 Commonwealth members have NHRIs, but we hope that this recent

commitment will lead to the establishment of such institutions, in compliance with the Paris Principles, in all Commonwealth countries.

We are also pleased that the Heads recognise the crucial role that the right to information has in ensuring living democracy and genuine development to the people of the Commonwealth. A commitment to promoting this right is an exemplary move and should lead to the drafting and implementation of legislation in Commonwealth countries according to international best-practice principles. This is one of the commitments that CHRI will be monitoring over the next two years. We hope that by CHOGM 2005 many more countries will have passed effective legislation than the current eleven and will have meaningfully implemented access regimes.

It is positive to see the commitment in the Declaration to “active participation of civil society” and to “productive working relationships between government and civil society organisations” - another essential element to making democracy and development work. However, as with all the Heads’ commitments, more substance is needed to ensure that these do not become just more empty promises. It is to be hoped that not only will governments ensure that space and opportunity for the active participation of civil society is institutionalised, but that the intergovernmental agencies and meetings of the Commonwealth will act as a role model. This is, after all, stated in the Aso Rock Declaration – to ensure international institutions “are themselves models of good practice in democratic accountability, participation and transparency”.

Sadly, one of the major disappointments for civil society at CHOGM 2003 was the lack of exactly what the Heads have promised – their “active participation” – despite previous commitments. Let us hope that activities at CHOGM 2005 will realise these promises,

and that the Commonwealth Secretariat will be the role model by ensuring accountability and transparency through an effective disclosure policy.

While it is clear that the Commonwealth powers-that-be are recognising the need to work more closely with civil society on important issues like development and human rights violations within the member states, there is still a great deal of work that needs to be done. Recognition of problems such as human rights violations is not enough - action must be taken and there is no time for delay. ■

# Information: It's Our Right!

**Clare Doube**

*Advocacy Programme, CHRI*

**T**he prominence of the topic of right to information at the Commonwealth events in Abuja in December 2003 shows the increasing international recognition of not only the theoretical value of the right, but the need for it to be protected and promoted NOW. What was particularly exciting - at a CHOGM where the lack of interaction and dialogue between government and non-government Commonwealth was so remarked - was the broad and non-partisan support for the right. Not only were human rights groups calling for its realisation, but broader civil society coalitions included messages of support, and governments themselves acknowledged the importance of the right.

The launch of CHRI's report, *Open Sesame: Looking for the Right to Information in the Commonwealth*, on December 2nd in Abuja was greeted with enthusiasm by the more than 60 attendees including members of the media and civil society from Africa, and a sprinkling from further afield. Launching the report, the Honourable Abdul Oroh, Deputy Chairperson of the Human Rights Committee, House of Representatives, Nigeria, emphasised the impact that the right to information can have and the importance of Freedom of Information legislation. Cases from across the Commonwealth highlighted the impact that the realisation of the right can have from grass-roots to the policy level, and also addressed the need for civil society to be involved both in advocacy and in the drafting of laws. A clear message was heard: countries must enact effective legislation to ensure access to information and they must effectively implement this legislation. And this needs to happen immediately.

Other reports released around the time of CHOGM have also dealt with the right to information. *Making Democracy Work for Pro-Poor Development*, the report of the Commonwealth Expert Group on Development and Democracy, for instance, recognises the key role that freedom of information plays in democracy and development. The issue is in fact mentioned at least ten times in the report. The Expert Group's recommendations cover core institutions that Commonwealth members should commit to, including: "A freedom of information commission that enables the public to gain access to information about executive decisions and allows individuals to access information held about them by the police and public bodies."



The Launch of *Open Sesame*, Abuja

The Secretary-General's 2003 report focusing on development and democracy also specifically dealt with the issue. It highlights the Commonwealth Freedom of Information Principles of 1999 which "recognise the importance of public access to official information, both in promoting transparency and accountable governance and in encouraging the full participation of citizens in the democratic process". These have previously been endorsed by Law Ministers and noted by Heads of Government. The report also noted the model law on freedom of information developed by the Commonwealth Secretariat. The Commonwealth Principles and the model law go some way to providing guidance on drafting legislation – more details and guidance on adopting access regimes can be found in CHRI's *Open Sesame* report available on the website.

Human rights events at the Commonwealth People's Forum also focused on the right. The Freedom of Information Coalition and the Zero Corruption Coalition of Nigeria, for instance, organised a workshop on Tackling Corruption: the Role of Access to Information and Whistle Blowing. Likewise, at the Commonwealth Human Rights Forum speakers and participants alike spoke of the need for the right to be realised in their respective countries. As Bukhari Bello, Executive Secretary of the National Human Rights Commission, Nigeria, put it in the Opening Session of the Forum: "Access to information is important to everyone...The struggle to ensure that member countries enact proper access to information laws is an imperative".

It was positive to note that many other events, with a broader range of participants drawn from not only human rights groups but also other civil society actors from around the Commonwealth such as other NGOs, trade unions, media and faith based organisations articulated their commitment to the right to information. The Civil Society Meeting was one such meeting where civil society representatives from around the Commonwealth were invited by the Commonwealth Foundation to discuss ways of maximising civil society's contribution to democracy and development. In their communiqué they called on "governments and Commonwealth institutions to play a strong enabling role by helping to create an environment in which civil society organisations in their varying organisational forms can function and flourish, through: respect for the rights to freedom of expression, assembly and access to information...". The Commonwealth Youth Forum as well, as a meeting of 150 young people from around the Commonwealth, discussed the value of the right to information both in itself and to ensure the realisation of the full gamut of human rights.

It is particularly interesting to note that it was not just civil society raising their collective voice on the right, but also the Heads of Government. In their Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity, Heads committed themselves to "make democracy work better for pro-poor development". In achieving this, they seek to promote a number of principles including eleven they listed: the right to information is number six. Two others: "a well-trained public service" and "a transparent and accountable public accounts system" are also of direct relevance to the right to information.

Heads of governments are to be congratulated for this commitment and are encouraged to take the next step of drafting and implementing legislation that adheres to the important principle of maximum disclosure. Not only must individual governments act but the agencies of the Commonwealth should also follow the principle articulated in the Declaration by introducing explicit and comprehensive disclosure policies.

Over the coming two years, CHRI will monitor the commitment made in the Aso Rock Declaration and in 2005 will report on progress made by member governments. If you would like to be involved or have information related to this monitoring, please contact Clare Doube at our headquarters: [clare@humanrightsinitiative.org](mailto:clare@humanrightsinitiative.org) or for more information about our Right to Information programme, Charmaine Rodrigues [charmaine@humanrightsinitiative.org](mailto:charmaine@humanrightsinitiative.org)

# Commonwealth Human Rights Network

**Clare Doube**

*Advocacy Programme, CHRI*

**T**he Commonwealth Human Rights Network (CHRN) is a new initiative aiming to enhance adherence to human rights norms in the Commonwealth by linking and building the capacity of organisations working for human rights in the Commonwealth. The Network provides a forum for:

- articulating and pursuing a broad common human rights theme for the Commonwealth;
- sharing of information and collaboration between the diverse groups;
- combined advocacy efforts, for instance regarding monitoring of commitments made by the Commonwealth and member countries;
- raising awareness of the Commonwealth and capacity building to increase use of the Commonwealth as a fora for human rights advocacy.

- Monitoring human rights commitments: between CHOGMs the Network will monitor action of Commonwealth governments in fulfilling their human rights promises.
- Capacity-building for human rights advocacy in the Commonwealth: as requested and as funds allow, workshops may be held to increase organisations' capacity for advocacy in the Commonwealth.

The CHRN is a joint NGO initiative being established by the Association of Commonwealth Amnesty International Sections (ACAIS), Commonwealth Policy Studies Unit (CPSU) and the Commonwealth Human Rights Initiative (CHRI). Initial discussions were held in mid 2003, but dialogue at the inaugural Commonwealth Human Rights Forum held on December 3-4 in Abuja gave the CHRN a stronger mandate for its work.

## Activities of the CHRN include:

- Facilitating advocacy in the Commonwealth: by informing members of upcoming Commonwealth events and opportunities for advocacy, and providing background material in order to assist in such advocacy.
- Experience sharing and facilitating collaboration: this is primarily web-based including a database of members, resources, information about the Commonwealth and human rights, and regular email updates.



*Commonwealth Human Rights Forum, Abuja*

elsewhere in the Commonwealth. It provided a platform for discussion on serious issues related to the Commonwealth, with Zimbabwe becoming a major focal point. Other issues raised include the impact of anti-terrorism measures on human rights; access and participation; poverty; and impunity. Of note was the

The Commonwealth Human Rights Forum was organised by CHRI, Legal Resources Consortium and Nigerian Human Rights Commission and supported by CIDA, Commonwealth Foundation and British Council. It brought together 260 representatives from non-governmental organisations and national human rights institutions from Africa and

*Contd... on pg 21*

# Abuja's CHOGM: the word on the street

Compiled from conversations in Abuja

**A** Maori saying quoted at the Commonwealth People's Forum may be: "The most important thing in the world: it is people, it is people, it is people", but at CHOGM it appears that a more apt description was 'it is government, it is government, it is government'...

The recent rhetoric from the Commonwealth has been that the official and unofficial Commonwealth must work hand-in-hand to achieve their goals, but at CHOGM 2003 it was hard enough for the unofficial Commonwealth to even get information to the official Commonwealth, let alone engage in any mutually-beneficial discussions. Ezra Mbogori of the Commonwealth Foundation's Civil Society Advisory Commission explained the frustration: "There is a huge gap between rhetoric and reality. The Secretariat talks of a desire to help, but we haven't seen it yet. When we really start talking about issues, they are nowhere to be seen."

Frustrations were partly due to the lack of any organised space for interaction between civil society and government. As one source apparently close to Commonwealth Foundation put it to TerraViva, the newspaper of the Commonwealth People's Forum newspaper: "There is a near revolt among civil society leaders. Even the World Bank, International Monetary Fund and the World Trade Organization have better systems for representation by civil society." What made the disappointment all the more marked was that business leaders were offered an opportunity to meet with Heads of Government – a distinction clearly denied civil society. "We find it bizarre that such a privilege is extended to the business community but not to civil society", said Martin Sime of the Scottish Council of Voluntary Organisations.

The disappointing lack of space for civil society and government to meet made the system of "pigeon-holes"

whereby accredited civil society organisations could place statements in the official delegations' "pigeon-holes" all the more important. Although this is only open to those organisations already accredited to the Commonwealth Secretariat and involves a process of the papers being checked and agreed to by Secretariat officials before being placed in the pigeon-hole, it remained one of the very few avenues for the civil society's voice to be heard by the Heads of Government. One would hope that no censorship of statements takes place; however when questioned about the checking process, one senior Commonwealth Official openly defended it by saying, "we can't have just *anyone* putting *anything* in the pigeon holes – after all, someone might put something about *Kashmir* in there". Heaven forbid that such an issue of supreme importance to two Commonwealth nations and their people should be raised!

Accreditation was crucial to ensure access to certain venues and while the value of this is recognised, particularly in this security-conscious age, the process of accreditation must be questioned. For many who had filled in their forms and provided all necessary information, their passes came so late that access to crucial venues such as the media centre were effectively barred. Holding discussions with the international media at the Media centre was of particular importance when very few members of the press appeared to have otherwise received information on the "people's" side of CHOGM. Upon meeting one of the Commonwealth NGOs that luckily did get access to the centre, a South African journalist exclaimed "Oh, there are NGOs here! We've been trying to get in touch with civil society here and yet no one at the media centre can put us in touch."

Even for those who could get access to the media centre, using it effectively was at times hampered by bureaucratic red tape. CHRI and the Association for Commonwealth Amnesty International Sections for

instance requested a media conference to highlight the CHRN-an issue that surely would have captured the interest of journalists given the prominence of Zimbabwe's human rights situation. Their efforts to organise this through Commonwealth Officials, however, were delayed at every turn.

One of the advantages of accreditation was the use of a Civil Society Lounge. While the use of computers, a printer and a photocopy machine were welcomed, the choice of venue at a hotel used by few civil society groups was questioned. And as one delegate put it: "Computers that won't read floppy disks, a wait of 3 hours for paper for the printer and 7 staples in the machine... This is what we get for our accreditation?"

Attending the many different events held across the city of Abuja also proved to be difficult. There was the Conference Centre with its media centre, the civil society centre and nearby People's Marketplace, many NGO events held at three different hotels and the civil society lounge in a different one, while government delegations tended to be in two other hotels again. The taxi drivers of Abuja certainly did well out of CHOGM! One of the hotels has apparently been known fondly as the "mothballed" hotel as it had never previously opened, despite being built decades ago. Rumour has it that it was prevented from opening as it is in such close range to the International Conference Centre that a sniper could knock off a VIP from the comfort of their hotel room. It was opened for CHOGM, although guests reported some teething problems like no curtains, showers that offered only water near boiling point and being locked out of their rooms for no known reason. Fortunately no snipers were active.

While access to governments should be as wide as possible, the security risks involved with having so many global leaders together can understandably lead to some wariness. The accreditation process that ensures that only certain organisations have access to

various venues can therefore be seen as an important part of these security concerns. Considering such measures, it was therefore interesting to note the varied approaches to security around the city. At some points the machine guns and searches seemed to be effectively and efficiently deterring any threats, at other times security was laughable.

At the hotel of choice for Heads of Government and their senior entourages, for instance, security was so tight that only cars with security clearances were allowed into the hotel area. For those using taxis this meant a 10 minute walk from the drop off point. This nuisance was however deflected for some delegates by the advantage of entering through a door at the back of the hotel – where there was no check of their pass, no search, and no metal detector. Another People's Forum participant – a woman from the UK – entered the same hotel wearing a pass with from the Youth Forum stating she was a man from Nigeria. So while accreditation may not necessarily have got access to their governments, perhaps all advocates needed to do was change their tactics and track down delegations at the Hotel pool bar. After all, as a speaker at the Commonwealth Human Rights Forum articulated by quoting Gandhi, civil society must take all opportunities and spaces available to "engage where you can and confront where you must"! ■

# My Abuja experience...

**Annie Watson**

*Chair, Trustee Committee, CHRI*

*No inter-governmental meeting takes place these days without an accompanying “people’s gathering” and the 2003 CHOGM in Abuja was no exception. Here, Annie Watson, Director of the Commonwealth Trade Union Council and Chair of CHRI’s Trustee Committee, reflects on her ‘Abuja experience’.*

**M**y CHOGM experience started when I boarded the flight from London to Abuja on Friday 28 November and met old Commonwealth friends, many visiting Nigeria for the first time. Many of us had already sent our CHOGM messages to be included in the packs for government delegations but there was an air of excitement and anticipation as we hoped that our meetings would also help to influence the decisions taken by Heads of Government.

In Abuja we set about finding the location of the People’s Forum and getting accreditation documents. This proved to be one of the most difficult tasks of the week. For any access other than the People’s Centre – especially to the Media Centre at the CHOGM venue – we needed security passes with photographs. All of us had brought photos, as instructed, but the process to issue the passes was not functioning. I was told I had to go the accreditation centre at the Hilton Hotel and, eventually, after an hour of arguing with officials and my refusal to leave until it had been issued, I got my photo pass. During the next few days, the security pass issue divided the People’s Forum participants into “haves” and “have-nots”. Mystery surrounded the location of the CSO lounge, where there were reputed to be pigeon-holes for each Commonwealth association so that we could receive messages and invitations to functions.

When I studied the programme of meetings at the People’s Forum, I realised that I had come to Abuja for a week but that during that time I wanted to attend three weeks worth of meetings! Some meetings went for 2 or 3 days and every day there were also half-day meetings, lunchtime meetings and evening meetings -

all of them on key issues for civil society activists. Luckily, every evening all of those who organised meetings were invited to give reports to other Forum members.

The first event – on Sunday afternoon - was the official opening by President Obasanjo of the Commonwealth People’s Forum, an event characterised more by the cultural display than the speeches. I was very impressed that the President sat through the whole event – in the UK politicians make their speeches and then leave! The tourism minister invited us to return to Nigeria for relaxation and marry Nigerians to improve international relationships!

On Monday morning it was time for the first session of the Commonwealth Civil Society Meeting on Development and Democracy organised by the Commonwealth Foundation with participants from over 30 countries. Reports from the regional consultations before CHOGM showed that there were several themes that emerged from all corners of the Commonwealth:

- Democracy is about much more than elections: it is about freedom of association, government and administration of justice, accountability and transparency;
- For many people democracy is perceived as having brought a decline in living standards, not development – possibly because it has come to some countries at the same time that the power of states has been reduced because of the international organisations like the IMF, World Bank and WTO;

- The need for civil society organisations (CSOs) – NGOs, churches, trade unions, women’s indigenous and youth organisations, human rights advocates – to work together and have joint campaigns;
- The need for CSOs to run their *own* affairs in a democratic and transparent way;
- The need for governments to listen to and work in partnership with CSOs.

CSOs’ desire to be heard by governments had particular resonance as Commonwealth leaders would be in Abuja within days. We realised there was no space in their programme for any interaction between civil society and governments. Although the Commonwealth Business Council would make a presentation to the CHOGM, there was no provision for similar access for CSOs. Members of the Civil Society Advisory Committee urgently requested that representatives of governments and civil society should meet. They pointed out that the Commonwealth was lagging behind other international institutions like the United Nations and World Bank that have instituted direct links with CSOs. The following day, Terraviva (the daily independent newspaper for the Forum produced by Inter Press Service) reported that civil society had declared war!

On Tuesday afternoon, CHRI launched ‘Open Sesame’ – a submission to the CHOGM highlighting the importance of the Right to Information in the Commonwealth. This meeting, like many others in the People’s Forum, was characterised by high levels of participation, especially by the many Nigerians who welcomed the opportunity to discuss issues of mutual concern with sisters and brothers from around the Commonwealth.

The Commonwealth Secretary-General, Don McKinnon, came to the People’s Forum on Wednesday

lunchtime to make a short presentation and answer questions. Access for civil society dominated the meeting – the Secretary-General said it was an issue for the governments. Participants urged him to show leadership and promote dialogue between the CHOGM and civil society. We were still hopeful that something might be organised the following day but this was not to be. Other topics included concerns over Zimbabwe, HIV/AIDS and trade. Participants asked why Australia and Britain had not been suspended from the Commonwealth over the invasion and “colonial occupation” of Iraq and the Secretary-General answered that no Commonwealth country had raised the issue.

On Wednesday afternoon, the final statement from the Civil Society Meeting was agreed. We urged that the Commonwealth Secretariat should be given the power to audit the commitments made by Heads of Government and to track progress on good governance, transparency and accountability. We highlighted the threat to human rights from the war against terrorism. We urged countries to be more pro-active on gender issues and to take a lead in fighting for a fairer system of world trade. In an open letter to the CHOGM, over 50 civil society leaders expressed grave concern at the Zimbabwe government’s continued violation of the Harare Declaration through the continuing repression of civil society, the media, human rights defenders and the opposition. We urged the CHOGM to keep up the pressure on Zimbabwe.

On Wednesday evening, representatives of the Commonwealth Youth Forum attended the Forum reports session to present the report on their meeting that had taken place from 25 November. The similarities between their conclusions and those of the Civil Society Meeting were remarkable. The question of access to governments, action on trade, HIV/AIDS and human rights were important issues for young people as well. On Thursday, the CTUC and Nigeria Labour Congress organised a meeting entitled “Trade Union Rights in the Commonwealth: Myth or Reality?” The meeting was

over-subscribed and received excellent television and newspaper coverage. The General Secretary of the Ghana TUC, Kwesi Adu-Amankwah, said that in Ghana the right to organise existed in law but that in practice there were many constraints. Other problems include non-adherence to agreements on severance pay for public servants made redundant and an inadequate Labour Inspectorate. Silam Hassan of the Union of Employees in Construction Industry, Malaysia spoke about non-observance of workers' rights to occupational health and safety and also on maternity conditions. John Odah, General Secretary of the Nigeria Labour Congress, outlined the history of trade union rights in Nigeria under the various military and civilian regimes.

In my presentation, I gave an overview of the trade union rights situation around the Commonwealth. I said that it was a particular issue for the Commonwealth, in which there were many poor countries, because poor people are most vulnerable to exploitation by unscrupulous employers. I said that the battle to attract foreign investment had led governments to promise not to enforce labour legislation. I said that women were over-represented in badly-paid sectors of the economy, as home-workers, casual and temporary workers. I drew attention to the situation in Zimbabwe, where trade unionists and many civil society activists have been victimised because of their criticism of government. I concluded by saying that trade union rights were not a reality in the Commonwealth and that governments were failing in their duty to protect their citizens from exploitation in the workplace. I said that free trade unions were the best safeguard for workers' rights.

On Thursday afternoon, I attended the concluding session of the Commonwealth Human Rights Forum, which had been attended by 260 participants. In the Communique, the Forum affirmed that the business of the Commonwealth is the realisation of all human

rights for all people. Again the issue of participation in CHOGM was key, with the Communique urging Heads of Government to do more than pay lip service to the desirability of partnership with civil society. The Forum also launched the Commonwealth Human Rights Network, co-ordinated by CHRI, which it is hoped should facilitate greater networking on human rights issues.

On Friday afternoon, I attended a meeting of Sierra Leone NGOs on the topic of the "Transition from War to Peace". It made me think about the enormous contribution of the courageous members of civil society who kept the country going during the years of repression and brutality. The same applied to South African civil society under apartheid, to Nigerian civil society under Abacha and now to Zimbabwe civil society under Mugabe. I thought about how quickly the new leaders forget the people who have fought, often with great personal sacrifice, for the restoration of the rule of law and democracy.

On my journey home on Saturday, I found myself wondering why Commonwealth leaders can't acknowledge the role of civil society by having a dialogue with us during the CHOGM? Why don't they realise that dialogue with the business community alone will not result in solutions to the huge problems of poverty, inequality and injustice in the Commonwealth? We can contribute energy, ideas, enthusiasm and Commonwealth- and country-wide networks of activists. We're a valuable resource waiting to be invited to the table.

We now have to reorganise ourselves to lobby for Malta 2005. We need to think about emulating the business community and organising ourselves into a Commonwealth Civil Society Council. But, first, we need some reflection, rest, relaxation and recharging of batteries after the Abuja experience. The resolutions will come with the New Year!

# Participation for all?

**Jo Offer**

*Head of the Human Rights Desk with Radio Nigeria's Network News Division,  
Federal Radio Corporation of Nigeria*

**H**uman rights workers live for buzzwords. It's like they speak a language of their own. From 'capacity building' to 'Millennium Development Goals', there's a new phrase adopted every minute and you could fill a dictionary with all their terminology.

One of the most popular buzzwords in the run up to Abuja 2003 was 'participation'. How to ensure that governments allow their citizens to participate in democracy and governance. And how to ensure that the people's voice was heard, and that their message was carried to the Heads of Government and beyond.

As a human rights journalist, I was thrilled at the challenge. Here was our chance to put the People's Forum, and in particular the Commonwealth Human Rights Forum, on the map and into the psyche of all Africans.

It was with some frustration therefore, that I found myself in one class of people for whom 'participation' was easier said than done.

From the start, it was made clear that those journalists without official accreditation would not be welcome. And so the process of form filling, phone calls and waiting began.

The official CHOGM accreditation process eventually resulted in a stand-off: journalists being refused entry to a building to collect their passes because they did not have passes to enter! But at least these CHOGM passes arrived before the event began and the problems were all dealt with professionally.

To this day, I am still waiting for my People's Forum pass to arrive. And I'm not expecting it any day soon, despite filling in all the forms as asked. Twice.

At first it was all a bit of an inconvenient joke, having to phone up every day and ask where our passes were, or

travelling across town to repeat the same question. But when the People's Forum started and my staff were turned away, the laughter quickly evaporated.

If the People's Forum is ever going to stand shoulder-to-shoulder with the Heads of Government Meeting, it needs to be every bit as professional in its organisation.

The lack of an accurate timetable meant journalists couldn't plan coverage, which resulted in reduced airtime for the organisers. It also meant media couldn't find those events they'd actually managed to hear about.

Organisers cannot afford to deter those journalists who are active in the field of human rights and who are willing to co-operate. In Africa, they face enough problems as it is - from fear of reprisal to lack of adequate funding - without putting any further obstacles or inconveniences in their path.

Personally, I found myself in the situation of trying to persuade a man with a gun that the photocopied sticker I'd been given was as valid as the laminated card they'd given other participants. When he picked a fight, I wasn't going to argue. I simply left.

I had to travel across town every morning to pick up a daily sticker (for what it was worth), thereby increasing my costs and my inconvenience. Again this may seem like a small issue, but if you make it more difficult for journalists to cover events that they see as periphery anyway, then many will not bother. They will just cover the Heads of Government Meeting and go home. And that benefits neither party.

# CHOGM 2003 : A New Experience

## A Conversation with Clive Baldwin

*Head of International Advocacy, Minority Rights Group International*

**I**n working with an organisation like the Minority Rights Group International (MRG), it is so important to network with other members of civil society and government officials in order to gain a better understanding of the real issues within the human rights sector. I think that is why attending CHOGM 2003 -my first CHOGM- was so important to me.

Most of MRG's work falls within the boundaries of the Commonwealth, and so networking in Abuja was a great tool for furthering our research. While at CHOGM, I was able to sit in on both the Commonwealth Human Rights Forum and other events organised under the Commonwealth Peoples' Forum banner – these were both excellent in showing how many common issues the Commonwealth members shared. I learned a great deal about these key issues, which include law and minorities, and indigenous people and land disputes. Opening lines of communication between NGOs was a vital part of my CHOGM experience. I was able to interact with the Movement For The Survival of the Ogoni People (MOSOP) in Abuja, which is one of our best partners. I even met an employee of another organisation based out of London that is doing very similar work as MRG – amazing that we were able to interact in Nigeria and yet had never met in the UK! This exchange of ideas and interests was an experience that I thought was very unique to CHOGM.

Still, with every interesting bit of information I was able to gather in Abuja, there were areas for improvement as well. There seemed to be a disappointing reaction to the People's Forums by Heads of Government, and thus it was difficult for civil society to really impact the outcome of CHOGM. The media had little invested in the Meeting as well, and someone that was not in Abuja would think that the issue of Zimbabwe was the only important matter discussed. In fact there were many other issues on the table, but

little was heard. While it was fantastic to attend an event in Nigeria it was also disappointing that more voices from the far reaches of the Commonwealth were not heard.

All in all, CHOGM was a positive experience, particularly for the individuals and organisations I met, and the ongoing contact with them I am sure will assist our work. And maybe we will meet again – at CHOGM 2005! ■

# Indigenous Peoples and the Commonwealth : Reflections on the Abuja CHOGM, December 2003

**Dr. Helena Whall**

*Project Officer, Commonwealth Policy Studies Unit*

*“The Commonwealth remains a quarter of a century behind the United Nations in regards to recognition and protection of the human rights of Indigenous Peoples, and has lost an opportunity to modernise its values.”<sup>1</sup>*

So said the Commonwealth Policy Studies Unit (CPSU) and the Commonwealth Association of Indigenous Peoples (CAIP) in their Abuja Press Release, ‘Communiqué Fails the Challenge of the Decade’, following the failure of Heads of Government to make reference to the rights of indigenous peoples in the Aso Rock Declaration.

The Abuja Commonwealth Heads of Government Meeting (CHOGM) was the last occasion for Commonwealth leaders to review their commitment made in Lusaka, 1979, to the rights of the approximately 150 million indigenous peoples living in the Commonwealth, before the end of the United Nations International Decade on the World’s Indigenous People (1995-2004).

## **Commonwealth Policy Studies Unit**

During 2001-2004, the CPSU, an independent think-tank based at the University of London which conducts research and advocacy on contemporary policy issues concerning the Commonwealth, has been home to the Indigenous Rights in the Commonwealth Project. The research based advocacy Project has tried to sensitise the Commonwealth association – at both the official and unofficial level - to the need to recognise the rights of indigenous peoples and to place the issue firmly on the Commonwealth agenda.

Research undertaken by the Project on the status of indigenous peoples in twenty Commonwealth countries highlights the markedly similar experiences of indigenous peoples living in the Commonwealth - whether they live in an industrialised country or a developing one, in a rural or urban area, indigenous peoples routinely suffer from discrimination, social, economic and political marginalisation and poverty.

The CPSU believes it is time the Commonwealth came into line with current international thinking and formulated an explicit position on indigenous peoples. In ‘Recognising and Protecting Indigenous Peoples Rights in the Commonwealth’, the CPSU Memorandum to the Abuja CHOGM 2003, the CPSU urged Heads of Government to include a statement on indigenous rights in the Abuja Declaration.<sup>2</sup>

The Project, which concludes in March 2004, is funded by the European Commission and DfID.<sup>3</sup>

## **Commonwealth Association of Indigenous Peoples**

The CPSU has worked closely with CAIP, a pan-Commonwealth network of indigenous peoples, established in 1999.<sup>4</sup> CAIP actively lobbies the Commonwealth and its member states at both Commonwealth and UN fora to recognise the rights of indigenous peoples. In its Abuja CHOGM Press Release, ‘Invisible Peoples in the Commonwealth’, CAIP called for Heads of Government to make a strong statement in support of indigenous peoples. It stated: “CAIP believes that most governments support the view that CHOGM can, and should, acknowledge the needs of Indigenous Peoples.” It went on to say the “invisibility” of indigenous peoples “needs to be addressed, because it allows a history of inattention to continue, at the regional, national and local levels of government.”<sup>5</sup>

## **Indigenous Peoples and the Commonwealth**

In 1979 the Commonwealth made a rare commitment to pay ‘special attention’ to ‘Indigenous minorities’ and to make ‘special provisions’ for ‘Indigenous populations’ in the Lusaka Commonwealth Declaration, Zambia, 1979.

However, Commonwealth Heads of Government have not followed up on this commitment, nor have they acknowledged the UN Decade. To date, the Commonwealth, unlike most other inter-governmental and regional associations, like the UN, the European Union, the Caribbean Community (CARICOM), the African Union and the Organisation of American States, has no official policy on the rights of indigenous peoples – it is left up to each member state to decide upon their own policy for indigenous peoples. The reality is that many Commonwealth member states do not promote and protect the rights of their indigenous peoples and continue to turn a blind eye to international norms concerning indigenous rights.

### **Commonwealth Peoples’ Forum, Abuja, December 2003**

#### *Fourth Dialogue on Indigenous Rights in the Commonwealth*

As part of the Commonwealth Peoples’ Forum, the CPSU, in association with CAIP, organised its Fourth ‘Dialogue on Indigenous Rights in the Commonwealth’.<sup>6</sup> The Dialogue, which was the only forum-related activity that focused on the rights of indigenous peoples, included indigenous speakers from Australia, New Zealand and Nigeria. There was consensus that it is time the Commonwealth adopt a policy on indigenous peoples.<sup>7</sup>

It was noted that the indigenous peoples living in Abuja and the Federal Capital Territory had experienced displacement and loss of lifestyle due to the development of the national capital and the Statement of the Dialogue called on the government of Nigeria to renew its efforts to provide them with compensation.

#### *Civil Society Meeting on Development and Democracy*

The rights of indigenous peoples was placed firmly on the agenda of the Civil Society Meeting on Development and Democracy - a three-day meeting of representatives of civil society organisations from

across the Commonwealth, including indigenous peoples - organised by the Commonwealth Foundation. The Abuja Civil Society Statement included a paragraph on ‘The rights of Indigenous Peoples and the right to Self-determination’:

*In this, the penultimate year of the UN Decade for Indigenous Peoples, we ask the Commonwealth to acknowledge that many Indigenous Peoples in the Commonwealth continue to be significantly disadvantaged and that special measures should be encouraged to overcome the continuing effects of racism, colonialism, or globalisation, with their full participation and consent. Further, we urge the establishment of mechanisms to guarantee the rights to self-determination of people in the overseas territories of member countries.*

The Civil Society Meeting Press Release reiterated the importance of including indigenous peoples in the development process.<sup>8</sup>

#### *Commonwealth Youth Forum*

The issue of indigenous peoples, in particular, the impediments facing indigenous youth enterprises, was also discussed at the Abuja Commonwealth Youth Forum (CYF).<sup>9</sup>

#### *Commonwealth Human Rights Forum*

The rights of indigenous people was raised at the Commonwealth Human Rights Forum, however, disappointingly, the Communiqué made no reference to the rights of indigenous peoples.<sup>10</sup> This is unfortunate since in ‘Put Our World to Rights’, 1991, one of the organisers of the Forum, CHRI, made indigenous rights one of its eight human rights priorities for the Commonwealth. The CHRI recommended:

*Commonwealth human rights policy must recognise the special situation of Indigenous and tribal peoples. It must recognise their marginalisation, their vulnerability and the legitimacy of their goals of distinct group survival.<sup>11</sup>*

## **Commonwealth Heads of Government Meeting, Abuja, December 2003**

*Aso Rock Declaration, Abuja, 2003*

Unfortunately, despite the concerted lobbying of the CPSU and CAIP, Heads of Government made no reference to the rights of indigenous peoples in the Aso Rock Declaration. In its Press Release the CPSU and CAIP stated: "The Commonwealth has not lived up to its claims of human rights and equality for all citizens." It went on: "Indigenous Peoples remain the most disadvantaged and oppressed peoples throughout the Commonwealth, and are suffering from ongoing colonialism and racism."

*Report of the Commonwealth Expert Group on Development and Democracy*

However, the Report of the Commonwealth Expert Group on Development and Democracy, 'Making Democracy Work for Pro-Poor Development', endorsed by Commonwealth Heads of Government in Abuja, clearly recognises the serious economic, social, and political marginalisation faced by indigenous peoples in the Commonwealth. The Expert Group notes:

*Around half of the world's 300 million indigenous peoples live in the Commonwealth, and frequently suffer discrimination, intolerance and prejudice, and violation of their land rights.<sup>12</sup>*

## **Looking ahead - Malta CHOGM, 2005**

Despite the setback at the Abuja summit, as their Press Release states, 'The CPSU and CAIP will continue the campaign for reform in the Commonwealth'. While the Indigenous Rights in the Commonwealth Project will soon conclude its work, CAIP will continue to lobby the Commonwealth and its member states to ensure that the rights of indigenous peoples are recognised in the Malta Commonwealth Declaration, 2005.

For further information on CAIP contact Les Malezer, CAIP Coordinator: [les.malezer@faira.org.au](mailto:les.malezer@faira.org.au)

For further information on CPSU contact Richard Bourne, Head CPSU: [rbourne@sas.ac.uk](mailto:rbourne@sas.ac.uk)

<sup>1</sup> For a copy of the CPSU/CAIP Press Release, December 8<sup>th</sup>, see: <http://www.commonwealthpeople.com/main.htm>

<sup>2</sup> For a copy of the CPSU Memorandum, Abuja 2003, see: [http://www.cpsu.org.uk/projects/indigenous/indig\\_advoc.htm](http://www.cpsu.org.uk/projects/indigenous/indig_advoc.htm)

<sup>3</sup> Further details of the Indigenous Rights in the Commonwealth Project can be found on the CPSU website: [www.cpsu.org.uk](http://www.cpsu.org.uk)

<sup>4</sup> Further details about CAIP can be found on the CPSU website at: <http://www.cpsu.org.uk/projects/CAIP.HTM>

<sup>5</sup> For a copy of the CAIP Press Release, December 1<sup>st</sup>, see: <http://www.commonwealthpeople.com/main.htm>

<sup>6</sup> For a copy of the CPSU Report of the Dialogue see: [http://www.cpsu.org.uk/projects/indigenous/indig\\_advoc.htm](http://www.cpsu.org.uk/projects/indigenous/indig_advoc.htm)

<sup>7</sup> For a copy of the Statement issued at the Dialogue see: <http://www.commonwealthpeople.com/main.htm>

<sup>8</sup> For a copy of the Civil Society Meeting Statement, December 3<sup>rd</sup>, and Press Release, December 6<sup>th</sup>, see: <http://www.commonwealthpeople.com/main.htm>

<sup>9</sup> CYF Abuja Communiqué, Section 3, 'Resource Management Frameworks', p. 17.

<sup>10</sup> For a copy of the Communiqué from the Human Rights Forum, December 3<sup>th</sup> - 4<sup>th</sup>, see: <http://www.humanrightsinitiative.org/>

<sup>11</sup> For a copy of 'Put our World to Rights' see <http://www.humanrightsinitiative.org/>

<sup>12</sup> For a copy of the Report see: <http://www.thecommonwealth.org/>

## A Tribute to Margaret Reynolds

*Margaret Reynolds has served as the Chair of CHRI's International Advisory Commission since 1995. She has recently resigned and below Richard Bourne, Director of CPSU and esteemed friend of CHRI, pays tribute to her contribution to CHRI and human rights efforts in the Commonwealth.*

I was recently going through some photographs of the meeting of the CHRI's Advisory Commission, then chaired by Kamal Hossain, in Cyprus in 1993. There, in the middle, was Margaret Reynolds who was attending one of her first meetings as nominee of the Commonwealth Parliamentary Association. Margaret, who has just completed her five-year term as Chair of the Advisory Commission, has actually given ten years of commitment to the CHRI at the highest level.

A former Minister for Women's Affairs in the Bob Hawke Labor government in Australia, Margaret joined the CHRI with particular interest in women's and Indigenous rights. But she took on other issues with enthusiasm. The Advisory Commission is not only responsible for the biennial CHRI reports on the eve of a meeting of Commonwealth Heads. It is also the highest, and internationally representative, policy body for the CHRI. It was at Margaret's insistence, for example, that CHRI formally adopted a position opposed to the death penalty.

At Cyprus, in 1993, the AC met President Clerides, saw the then Secretary-General, Chief Anyaoku, and first called for a Commonwealth High Commissioner for Human Rights (in "Act Right Now"). In a splendid piece of opportunism Margaret, who discovered that there was no Australian Minister attending the Women's Affairs Ministers' meeting in Cyprus immediately after the AC gathering, got herself appointed as leader of the Australian delegation.

Margaret got across to Auckland two years later to lobby at the famous Commonwealth meeting at which the Nigerian dictatorship was suspended, after the execution of Ken Saro-Wiwa and eight Ogoni. Her enthusiasm for the CHRI made her a natural successor to Kamal Hossain, the former Law and Foreign Minister of Bangladesh, when his own five-year term came to an end. In 2000 she was heavily involved in arranging the CHRI fact-finding mission to Fiji, and in 2002 she helped make it possible for spokespersons of the Zimbabwe opposition, the MDC, to put their case to journalists covering the Australian summit in Coolum.

Margaret is a thorough-going internationalist, who has always seen the CHRI as serving the whole Commonwealth. During her period in office the Initiative has grown enormously, with offices now in three capitals, and her daughter Rebecca provided invaluable assistance to the London office in 2002-3. Margaret herself has been active for the United Nations Association in Australia, lobbying the UN Human Rights Commission on Indigenous issues, and campaigning on asylum seekers and other matters. As a Professor at Queensland University she also has duties to students, and the academic world.

Her contribution to the Initiative has been great, and it would be fitting if she joined previous international Chairs as a Patron of the organisation in future.

**Richard Bourne**

# The Commonwealth after Abuja: Current Issues, Future Directions

A discussion from the viewpoints expressed at *The Round Table's* conference, Conference Lodge, 12-13 January 2004

**Ellen Pugh**

*London Liaison Officer, CHRI*

"*The Commonwealth is dead!*" was one of the statements made during the Round Table's Conference "The Commonwealth after Abuja: Current Issues, Future Directions" held on 12-13 January 2004. The statement did not ignite anger or disbelief but was one of the many that stimulated free and frank discussion among representatives from the official Commonwealth, Commonwealth professional organisations, NGOs, the media, academia and other interested parties.

The Conference initially focussed on the events surrounding Zimbabwe's withdrawal from the Commonwealth. Zimbabwe's deteriorating economic, social and political conditions were highlighted, particularly the increasing suppression of freedoms and the use of force; food shortages; high unemployment; the proliferation of HIV/AIDS; and an emerging refugee crisis. Given the severity of conditions, the view was expressed that Zimbabwe is in danger of being expelled from further international bodies including the IMF. Mugabe has given no indication that he will relinquish his power before 2008 and has rejected offers of immunity from prosecution conditional on his exile. Subsequently one speaker felt that unless Mugabe loses the support of the Security Forces – a scenario that could ignite civil war – he is likely to remain in power until 2008.

A senior Commonwealth Official gave insight into the workings of the Group of Six established at CHOGM and mandated to resolve the Zimbabwe issue – should Zimbabwe be readmitted to the Councils of the Commonwealth, should the suspension continue and/or should further measures be taken? President Obasanjo played a key role in the negotiations over Zimbabwe and established the Group early to ensure that discussions did not dominate the proceedings of the Commonwealth summit. Due to the Mugabe Regime's flagrant breaches of the Harare Declaration,

delegates at the Conference were informed that the Group was in agreement that the only way forward was to continue Zimbabwe's suspension from the Councils of the Commonwealth. When President Obasanjo received word that Zimbabwe was withdrawing from the Commonwealth, there was fear that other SADC (Southern African Development Community) members would withdraw in support but such action was not taken. The senior official present emphatically denied that the issue of Zimbabwe had split the Commonwealth along racial lines and stated that the Commonwealth was in fact strengthened by events in Abuja.

Speakers praised the high value placed on development issues at CHOGM 2003 and called upon the Commonwealth to make concerted efforts to ensure the realisation of the Millennium Development Goals and revive world trade talks. The need to find ways of assisting land locked states and those frequently afflicted by natural disaster was particularly emphasised. The Commonwealth Secretariat was reported to have commissioned Joseph Stiglitz to write a piece on how International Financial Institutions can assist such states. Yet delegates questioned whether such action was sufficient. Indeed, the Commonwealth was criticised for the scope of its mandate and the capacity of the Commonwealth Secretariat to fulfil it.

The Commonwealth's post CHOGM agenda is even longer than before but as one Commonwealth expert stated, streamlining the Commonwealth's priorities would not necessarily improve the commitment of states. The needs of members are so diverse that a broad agenda is reflective of their needs and to reduce its scope would alienate members, some of whom already feel marginalised. A senior academic stated that a major obstacle to the fulfilment of the Commonwealth's objectives is the lack of awareness of the

Commonwealth, what it stands for and what it does. The following factors were also mentioned:

- The need to increase youth involvement
- The Commonwealth's attempts to mirror the UN
- A lack of high calibre employees willing to work in Commonwealth organisations
- Inflexibility and slowness to react over pressing international issues of our time
- Lack of support given to the Secretary-General
- Disparity in the roles of the Secretariat and Secretary General

Delegates agreed that the Commonwealth is not a priority of its member states and it is unlikely to be in the future. The Commonwealth may well have been called a "fossil" by one of the speakers and "dead" by another but few present doubted the potential of the organisation if member states give high quality input even when time and money are short.

A senior Official from the Commonwealth Foundation emphasised the growing recognition of the importance of civil society involvement in Commonwealth proceedings. For the first time in the history of the Commonwealth, civil society provided input into the meeting of the Committee of the Whole before CHOGM 2003. It was stated that the two-tiered system (Government & Civil Society) is coming to an end yet these improvements are taking place against a deeply ambivalent government attitude that favours reforms that are geared towards business. A representative from an Indian NGO stated that civil society organisations are facing a number of challenges. Civil society interaction with both government and business heads is minimal, and subsequently begs the question as to how applicable the Communiqué is to all three actors: civil society, government and business.

As well as criticism there was optimism for the Commonwealth under the strong Chairmanship of President Obasanjo. His unprecedented visit to the Commonwealth Secretariat to meet staff and his handling of the Zimbabwe crisis has impressed commentators on the Commonwealth and will hopefully set an example for future Chairs. However, the Chair alone cannot make significant progress and during the conference it became increasingly apparent that if the Commonwealth is going to increase its impact, government, civil society and business must work together to enable the realisation of its goals. ■

*Contd...from Cover page*

group of six leaders chaired by P J Patterson of Jamaica, was skilful. Their formulation never actually mentioned suspension - but it was clear that the Zimbabwe government would stay suspended. And this snub precipitated Mugabe's departure.

Why was this so important for human rights and the Commonwealth? Because leaders from around the world abandoned the idea that this was a private battle between Britain and Zimbabwe, or that it was only about the inequitable allocation of land prior to the Zanu-PF land invasions. And they set aside the special pleading of some of Mugabe's neighbours in the old boys' club of liberation leaders.

They focused instead on the actual disaster overtaking what had been one of the most prosperous countries in southern Africa, whose independence was a triumph of Commonwealth diplomacy in 1979-80. They focused on the hunger, the unemployment, the refugees, the suppression of newspapers, the collapse of social services and the value of the Zimbabwe dollar and the politicisation of the police. They took account of the decay of the whole gamut of civil and political and social and economic rights. And they concluded that the present Zimbabwe government was not fit to rejoin the councils of the Commonwealth.

While the Commonwealth established in the 1990s that a military government should be suspended - and Pakistan stayed suspended at Abuja because General Musharref and military influence had not entirely withdrawn from the government - the decision on Zimbabwe and its actual walkout mark a major development. The Commonwealth has recognised that a civilian government can be so abusive that it too has no place. The club rules have tightened.

This is the reality of the Abuja summit. Just as kith-and-kin arguments among "white" governments in the early 1960s were overridden when apartheid South Africa left, so regional friends of Mugabe could not block a worldwide Commonwealth view that his government was defying its principles. The advantage of a transregional body was demonstrated again.

However, even if this is the reality, the periodic shyness of Commonwealth Heads to stand up for human rights as an expression remains disappointing. Their statement on Zimbabwe did not use it once, talking instead about "national reconciliation" and "the importance of supporting and consolidating democracy, ensuring peace and harmony, and promoting development and growth."

In this connection it was sad too that the summit, and the officials who had met earlier in November in London to consider functional matters, had not been persuaded by a paper I wrote on behalf of the Commonwealth Policy Studies Unit. This argued the case for a qualified Human Rights Adviser to the Commonwealth Ministerial Action Group of Foreign Ministers (CMAG). CMAG has a scrutiny function in relation to the Harare Principles but suffers from a major defect — none of its Foreign Minister members are, unless by chance, expert in human rights. Some states still appear fearful of both the words and the expertise, although the Aso Rock declaration of Heads did state that they want to promote "machinery to protect human rights."

It remains to be seen whether CMAG itself, will emerge strengthened or weakened from Abuja. One former member, Canada, has now rejoined and the membership of eight has been expanded to nine, with the arrival of the Nigerian Foreign Minister as representative of President Obasanjo, Commonwealth Chair for the next two years. President Obasanjo is likely to be active in this role,

and will stay involved with Zimbabwe in spite of Mugabe's withdrawal from the Commonwealth.

In other respects the summit saw progress. A long campaign by Commonwealth legal NGOs and the Commonwealth Parliamentary Association bore fruit when the leaders endorsed recommendations by Law Ministers on the accountability and relationship between the executive, parliament and the judiciary. The Latimer House guidelines, as they are known, should discourage governments from packing the judiciary (which has not only happened in Zimbabwe, but elsewhere in the Commonwealth as well). One of the first fruits of these guidelines, incidentally, has been the decision by the UK government to establish a supreme court, ending a practice by which Law Lords have sat in parliament.

Leaders also encouraged members to accede to the Ottawa convention on landmines, and stood up to US pressure by urging more of them to sign up to and ratify the Rome statute for the International Criminal Court. The CHRI also had its successes. The Aso Rock declaration called for the right to information, for which the CHRI has argued so hard, and the Abuja communique contained two paragraphs excoriating the spread of light weapons, the theme of CHRI's 1999 report to the Commonwealth, "*Over a barrel.*"

Although not directly related to human rights, the summit, for the first time in more than a decade, made a strong statement in favour of education. "We affirm that education, whether formal or informal, is central to development in any society and is of the highest priority to the Commonwealth," the Heads stated. If this includes effective education in human rights it may well be, along with the Zimbabwe result and the decision by human rights NGOs to set up a human rights network and to hold a biennial human rights forum in conjunction with a Commonwealth summit, a lasting legacy from Abuja, 2003.

*Contd ...from pg 6*

universal agreement that a mechanism is needed to monitor the commitments made by Commonwealth member governments, and that proper civil society participation in official Commonwealth activities must be ensured. The final Communiqué affirmed that the business of the Commonwealth is the realisation of all human rights for all people, and that this is our Common Wealth. The Communiqué can be downloaded from: **[www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)**.

The Commonwealth Human Rights Forum played an important role in ensuring the prominence of human rights at CHOGM, and CHRI and the Commonwealth Human Rights Network look forward to it becoming a regular event at CHOGM. For more information on the Forum or Network, or to become a member, please contact Clare Doube at the CHRN Secretariat: [chrn@humanrightsinitiative.org](mailto:chrn@humanrightsinitiative.org)

# CHRI Calendar

## CHRI New Delhi Office

**November 18, 2003**

Workshop with Action India, New Delhi: on Governance reforms and election watch: Citizens participations

**November 24, 2003**

Delhi Election Watch - Press Meeting

**November 25, 2003**

Launch of 'Handbook for Prison Visitors' at IIC, New Delhi

**December 2, 2003**

Launch of Open Sesame: Looking for the Right to Information in the Commonwealth, Abuja, Nigeria

**December 3-4, 2003**

Commonwealth Human Rights Forum, Abuja, Nigeria

**January 30, 2004**

Resource person in a workshop on Developing Guiding Principles for the Right of Access to Information Bill, Kampala, Uganda.

**February 2-3, 2004**

Participation in International Information Commissioners' Conference organised by the South African NHRC

**February 4, 2004**

Presented at National Workshop on Right to Information, organised by the South African NHRC

**February 6-7, 2004**

Participated in Southern Africa Regional RTI Strategy Planning Meeting, organized by Open Democracy Advice Centre South Africa and Media Institute of Southern Africa.

**February 12, 2004**

Workshop on human rights and policing in collaboration with Ministry for Home Affairs in New Delhi

**February 14, 2004**

Police training and sensitisation programme in Raipur, Chhattisgarh

**February 28, 2004**

Workshop for Action India and its partner groups on Governance Reforms and election watch: Citizens Participations.

## CHRI London Office

**January 2004**

Attended the Round Table post CHOGM conference, Cumberland Lodge

**February 2004**

Attendance and presentation of paper on RTI and HR Defenders at Conference in Jamaica

Participated in RCS/ FCO seminar on implementation of the Abuja Declaration and the Road to Malta.

## CHRI Ghana Office

**January 9-13, 2004**

Human rights workshop for journalists, conducted with Journalist for Human Rights

**January 25-26, 2004**

Commonwealth West Africa Workshop on Constitutions, The Gambia

**February 25, 2004**

Workshop on Peace and Human Rights: An Agenda for Development, conducted with Ministry of Women and Children Affairs, and Institute of Adult Education.

*The Commonwealth Human Rights Initiative (CHRI) is an independent international NGO mandated to ensure the practical realisation of human rights in the Commonwealth. It was launched in 1987 and is currently constituted by the Commonwealth Journalists Association, Commonwealth Trade Union Council, Commonwealth Lawyers Association, Commonwealth Legal Education Association, Commonwealth Medical Association, Commonwealth Parliamentary Association and the Commonwealth Press Union, Commonwealth Broadcasting Association. The funding organisations felt that while Commonwealth countries had both a common set of values and legal principles from which to work, they required a forum from which to promote human rights. It is from this idea that CHRI was born and continues to work.*

**Editor :** Clare Doube **Design :** Anshu Tejpal, CHRI  
**Acknowledgement :** Many thanks to all contributors.

**Executive Committee:** B.G. Verghese - Chairperson; P.H. Parekh - Treasurer  
**Members :** T. Ananthachari, Vasudha Dhagamwar, N.R. Madhava Menon, Ashis Nandy, P.P. Rao,  
Jagdish C. Sobti, R.V. Pillai



**Published by CHRI, B-117, Sarvodaya Enclave, New Delhi - 110 017, INDIA**  
Tel.: 91-11-2685 0523, 2686 4678 Fax: 91-11-2686 4688 Email: [chriall@nda.vsnl.net.in](mailto:chriall@nda.vsnl.net.in)

Visit our website at [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)  
for information on activities, publications, CHRI News, links and more.