

A CONSIDERATION OF THE COMMONWEALTH SECRETARIAT'S DISCLOSURE POLICY

by

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Under the founding legislation of the Commonwealth Secretariat¹ the Commonwealth Secretariat is not subject to '*...any existing, or otherwise extraneous, rules on the release of its own information* (Gilbert, 2003 (a)). Subsequently, any release of information to the public is entirely the Commonwealth Secretariat's own decision but must be with the consent of its member states who share the guardianship of its records.

A significant amount of Commonwealth material is available to the public and is published immediately and without restriction. For instance, the Communiqués of various Commonwealth Ministerial meetings and key speeches – although not the actual papers presented for discussion and minutes – are available to the press and are easily accessible on the Commonwealth Secretariat's website. Yet the Commonwealth Secretariat has not implemented a general overarching disclosure policy that applies to the workings of all ministerial groups. This means that whilst some ministerial groups have become increasingly open and transparent and even allow input from civil society representatives², others have not.

However, the Commonwealth Secretariat does have a policy with regards to the records of its policy formulation and decision making process itself. These records (hereafter referred to as confidential records) which are automatically deemed confidential include documents concerning politics, economic relations, inter-governmental meetings and even those relating to the internal administration of the Commonwealth Secretariat. Such documents are protected under a thirty-year rule, which was introduced in 1997, in part due to the pressure faced by the British government on the 30th anniversary of the Commonwealth, to release national records under its thirty-year rule that included shared Commonwealth records (ibid). Subsequently, should the scenario arise whereby a member state adopts a freedom of information policy that allows for the release of records within a period that is shorter than 30 years then the Commonwealth Secretariat will be forced to review its policy.

Prior to the introduction of the thirty year rule access to the Commonwealth's confidential records was only ever granted to a few specialist consultants working for the Commonwealth Secretariat. The public and even the majority of Commonwealth Secretariat Staff did not have access to such records (Lyon, 2003).

Even with the introduction of the thirty-year rule it is highly debatable as to how much access the public actually has to the Commonwealth's confidential records. Primarily, on viewing a list of documents due for release member governments are able to object to

¹ The Commonwealth Secretariat Act of 1966

² The October 2003 Conference of Commonwealth Education Ministers in Edinburgh will be attended by academics, educationalists and young people from across the Commonwealth.

their release and even before governments view the list, a senior member of the Secretariat's staff may have removed documents from the list that they deemed to be of an extremely sensitive nature (Gilbert, 2003 (a)). Secondly, the main impetus behind the thirty-year rule within the Commonwealth Secretariat was the realisation of the need to preserve and enable staff to access records, not to ensure institutional transparency and openness (Ingram, 2003; Gilbert, 2003 (a)). Thirdly, unless members of the public wanting access to the Commonwealth's records are based in a Commonwealth state with a well maintained and intact archive, which they have the right to access and which has a similar release policy to the Commonwealth Secretariat or they can afford to travel to a Commonwealth state that does, they will not be able to view the documents that are released under the 30 year rule.

One archivist is employed by the Commonwealth Secretariat to disseminate information on and manage the records, both past and present, of the Commonwealth, which are predominantly³ based in the library of Marlborough House. The Archives consist of documents including minutes, records of conversations, policy documents, correspondence, reports and memos on all aspects of the Commonwealth's activities. Members of the public are only granted access to view released records by appointment if the required information is not available in another institution and due to the limited staffing, the Archives do not in practice provide copies of documents on request (Gilbert, 2003 (b)). Instead, members of the public who are unable to visit Marlborough House to view the released archives are advised to employ a researcher (ibid).

It is important to note that some of the above problems are intrinsic of all multi and international institutions but the Commonwealth Secretariat has been criticised for having '... a culture of quite unnecessary secrecy and confidentiality...' (Ingram, 1997: 13). The Information and Public Affairs Division (IPAD), which is responsible for the dissemination of information between the divisions of the Commonwealth Secretariat and to the public, is hindered by a general lack of openness and transparency between the divisions of the Commonwealth Secretariat (Ingram, 1997 & 2003). Subsequently it is often unaware of goings on within other divisions of the Commonwealth Secretariat. To make matters worse, IPAD currently has a poor reputation for effectively disseminating the information that it does hold. Journalists complain that they cannot access information from the Secretariat and have even been brushed off (Ingram, 2003).

³ Records of some UK government departments such as the Colonial Office that predate the establishment of the Commonwealth Secretariat in 1965 are now held in the UK Public Records Office.

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