Commonwealth Pledges and Responsibilities

As with the world community, the Commonwealth has made endless commitments to both human rights and the eradication of poverty, yet as we have indicated, many of the objectives remain unfulfilled.

The Commonwealth has acknowledged the challenge posed by the persistence of poverty. In 1991, in Harare, the Commonwealth promised to work with renewed vigour toward the alleviation of poverty. In 1999, in Durban, the Commonwealth had once again to admit that poverty persists, that many millions live in conditions of extreme deprivation and that a sense of social exclusion and failure of moral purpose threatens to undermine the hope of just and stable societies.
Heads of Government have repeatedly expressed their belief that equality, democracy and the rule of law are the bedrock of a good society. A decade ago, they declared their belief in “the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief and in the individual’s inalienable right to participate by free means and democratic political processes in framing the society in which he or she lives” as well as in the “principles of human dignity and equality.” At the Durban Heads of Government Meeting in 1999, “Heads renewed their commitment to the Commonwealth’s fundamental political values of democracy, human rights, the rule of law, independence of the judiciary and good governance.” They reiterated that fundamental political values and sustainable development were interdependent and mutually reinforcing and that economic and social progress worked to enhance the sustainability of democracy. They called for “increased international co-operation to support democracies in achieving benefits for the poor.”

The Heads have on several occasions also urged member states to sign and ratify the international covenants and conventions on human rights. This, despite the fact that in the Communiqués emerging from successive Commonwealth Heads of Government Meetings (CHOGM), member states have been urged to ratify amongst others: the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Rights of the Child (CRC); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and, most recently, the International Labour Organisation’s (ILO) Convention on the Worst Forms of Child Labour. In doing so, the Commonwealth implicitly recognises their commitments to the international human rights order, all of which are vital to the eradication of poverty.

Indeed the Heads of Government have expressed outrage at the depth and extent of poverty and stated the need for action to redress the inequalities between member countries of the Commonwealth. In Harare, they “expressed serious concern at the deteriorating socio-economic condition of the least developed countries.” In the Edinburgh Commonwealth Economic Declaration, they committed their governments to “work to halve the proportion of people living in extreme poverty by the year 2015.” This has also involved recognition that they should increase donor assistance to 0.7% of GNP in line with the UN targets, as well as provide assistance with debt relief “with the overarching aim of reducing poverty in Highly Indebted Poor Countries (HIPC).” Finally, they recognised that “world peace, security and social stability cannot be achieved in conditions of deep poverty and growing inequality. Special measures are needed to correct this, and in particular to help the integration of countries.” Finally, in Edinburgh they affirmed that “there must be effective participation by all countries in economic decision-making in key international fora.”
The Heads of Government have also repeatedly expressed their belief in people-centered development and that participation cannot be distinguished from the effective promotion of human rights. In Limassol, Heads reiterated the “important role played by Non-Governmental Organisations in the area of promotion of human rights.” Whilst, in Durban they “declared that people-centered development implied that people must be directly involved in the decision-making process.”

They have further recognised the importance of human rights to the association by providing the mandate for greater allocation of resources to human rights within the Commonwealth Secretariat. In the Harare Communiqué, they “requested the Secretariat to give greater impetus to its current activities to promote human rights in all its aspects.” Later, in Cyprus, they “asked the Secretariat to provide for increased allocations to that area as much as available resources would allow.”

A Lukewarm Commitment

Despite these fine words, in comparison to the strong articulations of commitment by international organisations such as the UN with its treaties and reporting and monitoring mechanisms, the Commonwealth’s means of actualising human rights is distinctly modest. Apart from serious political interventions that have a high dramatic colour like the actions taken against the Nigerian dictatorship, Fiji or Pakistan, and the honourable role in breaking down Apartheid, the Commonwealth’s commitments to human rights appear lukewarm. Its leadership often appears more concerned to respect the susceptibilities of fellow governments than to advance the interests of citizens. In the past, the Commonwealth has acted only in situations where civil and political rights have been violated or are under serious threat, but has treated the deprivation of economic and social rights and the condition of Commonwealth citizens, however wretched, as best left to member states to deal with unencumbered by anything more than oratory.

There appears a general unwillingness on the part of the Commonwealth to revitalise the association’s overseeing capabilities to take more account of human rights violations. The common justification given is that “the United Nations and its bodies are best placed to investigate and remedy breaches of rights and that the Commonwealth, with no comparative advantage in these areas, is not best placed to advance the global agenda by duplicating the work of other organisations.” However, there remains much more that the Commonwealth can do that would build synergistically on the work of national and international bodies without duplication.

At the Limassol CHOGM, the Heads of Government called on all member governments to become parties to the ICESCR and ICCPR by 1995.
at Auckland in 1995, there was no attempt to check on progress, and subsequent summits have stopped calling for these signatures. It is not clear whether the Heads had stopped worrying about these international treaties because they realised their admonitions were so ineffective, or because they felt they were engaged in something more worthwhile in setting up CMAG, or because they recognised that the real state of human rights in any member country bore little relation to the signature of conventions. Then at Edinburgh in 1997, the Commonwealth committed itself to the International Development Targets now widely adopted in the international community. But again there was no report-back on progress at the Durban meeting in 1999. The Commonwealth, it appears, does not adequately monitor the implementation of its own rhetoric.

In terms of its commitment to economic, social and cultural rights, the general approach of the Commonwealth, over many years, has been to stress the need for development of its poorest states and citizens, but the value of human rights in eradicating poverty has not been central to its prescriptions.

The Commonwealth summit in Durban in 1999, took people-centered development as its theme. Its Fancourt Declaration stated that “the elimination of poverty is achievable.” It urged that the debt burden of the poorest countries should be lifted, that development assistance should increase and that it must be focused on “human development, poverty reduction and on the development of capacities for participating in expanding world markets for goods and capital.” Yet, its support for managed globalisation seemed to be given more weight than its commitment to eradicate poverty, and again there was no sense that its concern for the poor was informed by a rights perspective or an appreciation of the value of economic, social and cultural rights.

The only celebration of the 50th anniversary of the Universal Declaration of Human Rights organised by the Commonwealth Secretariat anywhere in the world, took place in Accra, in December 1998. It had two themes: economic and social rights, and human rights education for schools. Representatives of over half the Commonwealth countries attended. The conference produced a statement on economic and social rights. This was hardly advertised afterwards. A proposal that it should be put before Commonwealth Law Ministers, who met in Trinidad in early 1999, was overruled inside the Secretariat on the grounds that law ministers are not interested in economic and social rights!

Without a clear mandate the Commonwealth Secretariat has generally given a low priority to human rights as a whole and its actions to eradicate poverty have not gone beyond discrete programmes to become a full-scale assault on poverty from all angles.
Matching Reality to Rhetoric

With the force of the rights framework behind it, the Commonwealth, as an association predominantly made up of poor nations, must fulfil in demonstrable ways its unity of purpose to eradicate poverty by effectively amplifying the voice of the poor in international fora. The Commonwealth has already committed itself to doing just that. In the Millbrook Commonwealth Action Programme, Heads of Government endorsed the “use of formal and informal Commonwealth consultations in the wings of meetings of international institutions with a view to achieving consensus on major concerns.” Where the Commonwealth has put its mind to acting in solidarity, it has been part of significant successes. A strong example has been that of the Finance Ministers, who have been campaigning - in their annual meetings prior to the meetings of the World Bank and IMF - for a write-off of debt for the poorest countries (the HIPC initiative). In conjunction with a major NGO mobilisation, especially in Commonwealth countries, the campaign had achieved a fair success by the end of 2000. Recently, the Secretary-General prior to the G8 Summit meeting in Genoa personally called up each of the leaders to encourage them to take a “humane approach” with countries deep in debt.

The Commonwealth must now make explicit its recognition that the persistence of poverty in a world of plenty is a serious violation of human rights, of all kinds - civil, political, economic, social and cultural - and provide its official organs, especially the Secretariat, with an unequivocal mandate to: prioritise poverty elimination through a rights based approach with a singularity of purpose; provide leadership to member states in crafting rights based approaches to poverty eradication within their borders; and as an association of largely poor nations, act to give strong voice to perspectives of the poor in all international fora.

In order to fully realise its pledges, the Commonwealth must radically overhaul its mechanisms and policies to signal the centrality of poverty and human rights to its purpose and direction.

The Commonwealth Ministerial Action Group (CMAG)

CMAG, the Commonwealth’s only overseeing mechanism, was established in 1995 by Heads of Government as part of the Millbrook Commonwealth Action Programme. The ‘Plan of Action’ authorises CMAG to take appropriate action “when a member country is in violation of the Harare Commonwealth Declaration, and particularly in the event of an unconstitutional overthrow of a democratically elected government.” CMAG’s record of work indicates that it has interpreted its mandate to mean that it acts in the case of a military takeover of a democratically elected regime. It also keeps under scrutiny countries where there is a risk to fundamental democratic principles. This is an
unnecessarily narrow interpretation of its role. Paragraph C4 of the ‘Plan of Action’ requires CMAG to “deal with serious or persistent violations” of the Harare Principles, which include all human rights. CHRI calls on CMAG to fulfil its true mandate, by being not only a guardian of the fundamental political values of the Commonwealth, but also a custodian and spokesperson for all the human rights of Commonwealth citizens, including their socio-economic rights. In practice this means that CMAG equip itself and keep under scrutiny the continuing existence of poverty on a large scale - and treat the lack of significant progress by member states in its eradication - as a serious and persistent human rights violation. Its consideration of a country could be prompted by civil society reports and should continue, identifying the responsible duty-holder, until such violations end.

Commonwealth High Commissioner for Human Rights (CHCHR)

For 10 years CHRI has been calling for the appointment of a CHCHR. Heads of Government must appoint a CHCHR to oversee the implementation of human rights in the Commonwealth including, social, economic and cultural rights. By so-doing, they would be giving substantial weight to their rhetoric. The establishment of such an office would provide renewed focus, authority and co-ordination to the Commonwealth’s work towards upholding the Harare Declaration, the work of CMAG, the Human Rights Unit (HRU), the good-offices work of the Secretary-General, election observation missions and more. The CHCHR’s work would include inter alia: well-qualified adjudication in the application of membership and suspension criteria; warning publicly and privately when human rights problems are growing in any region; engaging in fact-finding missions and presenting findings to the public; making annual progress reports on the Official Commonwealth’s human rights work; making oral representations to international fora; presenting the pro-poor Commonwealth perspective at international venues; promoting human rights norms and furthering human rights education within the Commonwealth. Naturally, the work of the CHCHR would be informed by the knowledge and expertise of unofficial Commonwealth organisations working in the field of human rights and national human rights institutions in the Commonwealth.

The CHCHR, would also be well-placed to liaise with the UN and other regional bodies to ensure that duplication is avoided and that the human rights work of these bodies is smoothly integrated into and built upon the work of the Official Commonwealth.

The Human Rights Unit (HRU)

The HRU was set up to “promote human rights within the Commonwealth” and to “ensure that in the Secretariat itself due account is taken of human rights
considerations.” As mentioned earlier, its mandate to promote human rights inside and outside the Secretariat is limited enough, yet in its present condition the unit has neither the stature nor the resources to fulfil its mandate. However it has a role to play in mainstreaming human rights.

**Mainstreaming Human Rights And Poverty Eradication**

The adoption of a human rights approach is particularly valuable to those within the Official Commonwealth who have traditionally seen their role as being of service to governments. Servicing governments is presently perceived in narrow terms as acting at the behest of sovereign states. A human rights approach provides a new way of looking at the role of servicing governments, and equates it with servicing democracy and human rights, as the principal *raison d’être* of governments. By assisting a government to engage with its people, the Secretariat would be contributing to the deepening of democracy and the legitimacy of the state. By assisting the monitoring of a state’s compliance with its human rights obligations, far from acting in confrontation with governments, the Secretariat would be aiding governments in evaluating their own performance and policies. This approach would enable the Secretariat to tackle the political dimensions of its work in a principled and consistent manner, through constructive engagement rather than risk of alienation.

For such change to be institutionalised in practice, it will require a clear signal from the very top about the importance and practicality of the human rights approach for the functioning of the Secretariat, and an equivalent redefinition of what is expected from the institution and individuals.

Individuals need to be convinced about the value of a human rights approach. This requires that the process of mainstreaming and capacity building itself demonstrate the values of human rights and good governance by developing it out of a consultative process which is transparent, egalitarian, open and inclusive. The elaboration of a clear mission statement offers an opportunity for multi-tiered collegial consultations and discussions that create interest and ownership in the process.

Training is an important part of mainstreaming. The nature of the training must go beyond requiring people to know the technical substance of human rights law or the international regime. It needs to include elements that are designed to test out belief systems, question held values and build up solidarity amongst individuals and departments. Training must aim at lowering the thresholds of disquiet that changes in institutional culture always create. It must go beyond knowledge transfer and skills building, toward assuring behavioural change and the incorporation of human rights values in all the policy formulation and programme implementation work of the Secretariat.
Training must avoid starting from particular rights or being overly legalistic, but rather stress generic values that ground human rights such as equity, equality, non-discrimination, inclusiveness, the accommodation of dissent, participation, and accountability.

For the achievement of all this, the presence of a high status focal point with responsibility for overseeing the process - such as a revitalised HRU or a CHCHR - would help to ensure that the momentum builds up and is sustained. This process will strengthen the human rights capacity of the institution internally as well as when it reaches out to others such as political leaderships, judiciaries, in-country bureaucracies, as well as business and the non-profit sector.

**Participation**

Presently the Commonwealth is examining its own legitimacy and relevance to its peoples. As an association composed mainly of poor people, pro-poor perspectives must inform all the work of the Commonwealth. By demonstrating that the major concerns of the Official Commonwealth reflect those of its citizens, the Commonwealth will become a powerful force for the universal promotion of human rights.

As we have mentioned, a key element of the human rights framework is the right to participate in decision-making. The Heads have called upon non-governmental Commonwealth organisations to play their full part in promoting Commonwealth objectives in a spirit of cooperation and mutual support and have affirmed the need for direct participation in decision making. If the Commonwealth can publicly signal its commitment to citizen participation in governance, by enshrining participation within its own mechanisms, it will give itself legitimacy. Furthermore, participation will promote ownership by Commonwealth citizens, enhancing its standing and relevance amongst them. The sustained relevance of the Official Commonwealth will only be enhanced if it can harness the participation of the Commonwealth’s unofficial organisations.

However, until now, the Official Commonwealth has been distinctly reluctant to implement participation in practice. There are many potential opportunities for Commonwealth citizens to participate in the Commonwealth mechanisms, including the Ministerial Meetings, CHOGMs, and involvement in the activities of the Secretariat.
Commonwealth Ministerial Meetings are marginally more open to civil society than CHOGMs and more creative in devising innovative methodologies for meaningful participation. For example: the 2000 Commonwealth Education Ministers Meeting offered free access to the media; pre-Commonwealth Health Ministers’ Meetings are convened for NGOs by the health department of the Secretariat; and Health, Education and Women’s Affairs’ Ministers’ Meetings offer observer status to NGOs to sit in on plenary sessions. These are small steps in the right direction but have a long way to go before they can be truly participatory or honour the idea of equality between citizens and officials.

But even this degree of formal mingling is not available at Heads of Government meetings. CHOGMs are notoriously closed to Commonwealth civil society.

**NGO Accreditation**

Since the 1993 CHOGM in Cyprus, NGOs have been able to apply for registration to CHOGMs. Accreditation brings certain functional benefits, such as the use of an NGO lounge, assistance with distribution of materials to government delegations, and invitations to certain social events. The criteria for accreditation are relatively straightforward; the only two stipulations being that NGOs have ‘Commonwealth’ in their name and are pan-Commonwealth in their governance mechanisms and operations. However the process for accreditation itself is non-transparent and unaccountable and needs to be opened up. A committee including representatives from accredited Commonwealth NGOs, would make the process more peer-oriented and inclusive. Reasons for non-accreditation should be publicly stated.

Even NGOs with accredited status have no meaningful interaction with the Heads. Adopting a policy of ‘splendid isolation,’ meetings of Heads of Government and those of civil society occur in parallel with no points of convergence. Since the 1997 Edinburgh CHOGM, NGO activities have been organised in Commonwealth People’s Centres (CPC) and have had participants from both accredited and non-accredited organisations. CPCs are often located in close proximity to the Heads’ meetings and yet NGO representatives and government officials are carefully segregated from each other.

The holding of CHOGMs in relatively open societies such as South Africa - which prides itself on pioneering participatory processes - and Australia, have not been able to prise open these meetings to the people of the Commonwealth. If Heads of Government can take time out to walk through the people’s halls once every CHOGM in carefully choreographed ceremonial visits, there seems little reason why more democratically oriented exchanges between citizens and their representatives cannot be designed. Summits offer a rare opportunity for purposive communication between civil society and officials of the Commonwealth, country delegates, and the Heads. These could take the form of question and answer sessions, regional or thematic meets, and opportunities to speak at plenary sessions or make presentations to working groups. This
would go a significant way toward democratising and revitalising Heads of Government Meetings and need not in any way detract from the privacy and collegiality that the Heads value so highly.

The Commonwealth NGO Forum, a large gathering of varied civil society actors, convenes every four years usually just prior to CHOGM to exchange views and experiences. In keeping with the idea that the Commonwealth is as much an association of peoples as it is of states, the NGO Forum’s statement and recommendations are meant to communicate the views of the many to the few who rule them - and perhaps even influence their decisions. The Commonwealth Foundation convenes the Forum in order to “enable NGOs to contribute to Commonwealth consultative processes.” At the Durban CHOGM the Forum came together to review and discuss a two-year long 47-country survey which asked over 10,000 of ordinary people in various situations what they thought was a good society. From Aotearoa to Zimbabwe, the poor reiterated that they felt alienated from their rulers, hapless in the face of present power structures and helpless to influence the decisions that govern their own lives. Respondents, however poor and remotely placed, offered solutions based on justice, equity and common sense. In view of this, the Forum in the first of its many recommendations to this ‘people-centred’ CHOGM, stated that all institutions “must ensure the practical realisation of the social, cultural, economic and political development of Commonwealth citizens, with particular need for gender equity.”

If logic and democracy ruled, the findings of the survey and the Forum’s recommendations would not only have grounded all that came out of the deliberations of the mighty in Durban, but would have also been cause for anguished introspection amongst the Heads of Government. As it was, the Durban Communiqué merely ‘noted’ the Commonwealth Foundation study on Citizens and Governance and asked senior officials “to study the issue of the Forum presenting its views to the next CHOGM.” That such an account evoked so little response is a matter of concern, and brings into question the real commitment of the Commonwealth to participation and to seriously addressing issues of good governance and poverty eradication. There must be an explicit understanding that once the Forum’s views are presented to the Heads they will impact upon their decision-making and find matching expression in Communiqués.

There are opportunities for contact and cooperation at the operational level of the Commonwealth Secretariat. But all too often the level of interaction is dependent upon the personality of the individual concerned or the persistence of the citizen or group attempting the contact. There appear to be no institutional guidelines on participation, rather a culture of remoteness and distance. Enshrining citizen participation in its mechanisms will bring added
benefits to the Commonwealth. The participation of NGOs would augment the resources and the capacity of the Commonwealth. The future of the Commonwealth depends crucially on the activities and enthusiasm of NGOs.

The notion of consultations within the Secretariat needs to go beyond talking to ‘experts’ or with a few select organisations. If the Commonwealth is concerned with people-centred development, it needs to become a magnet for civil society groups and draw a broad swathe of civil society interest groups and associations into systematic participation. One way to ensure this is to expand the role of the Foundation, which already has civil society networks, and a sympathetic understanding of the sector.

The Commonwealth Foundation was established to deal with the unofficial Commonwealth. It is currently mandated to work with and provide assistance to NGOs in the ‘social sector,’ understood as welfare organisations, but not with human rights organisations or those working on ‘political issues.’ In reality the Commonwealth Foundation does interact with advocacy and monitoring organisations. Rather than being the occasional medium for civil society’s opinions, the Foundation needs to be encouraged to assist the Secretariat to be more inclusive and participatory. For example, it could monitor the Secretariat’s fulfilment of Commonwealth citizens’ right to participation. In cooperation with the HRU it could ensure that each division of the Secretariat integrates the notion of civil society participation in its work and decision-making processes. It should help create spaces for civil society groups to participate in the workings of various departments and organs of the Official Commonwealth, while the HRU assists these groups to adopt a rights based framework for their own work and help them improve their own monitoring and advocacy activities. Heads of Government have verbally supported the activities of monitoring NGOs. In paragraph 57 of the Cyprus Communiqué, they emphasised the “important role played by non-governmental organisations in the area of the promotion of human rights.” However, in reality the Commonwealth’s assistance to ‘monitoring’ NGOs has been sparing.

But there is no reason why this should be. For example, whilst the Commonwealth Fund for Technical Co-operation (CFTC) gives assistance to states in preparing their reports for treaty monitoring bodies, no such assistance is provided to NGOs in preparing their alternative reports. Technical assistance could also be offered to NGOs, for example, in their efforts to do budget analysis and the preparation of alternative budgets. The Commonwealth could take advantage of expertise it has developed in gender analysis of government budgets to provide assistance to NGOs more generally in the analysis of the human rights impact of government budgets. These are matters which require a considerable amount of expertise and which the Foundation could coordinate with the CFTC to provide. This is another illustration of the utility of integrating
the Foundation into the Commonwealth Secretariat, whilst preserving its distinctive identity, enlarging its role and yet giving it the autonomy and status to enable it to monitor and cooperate with the various divisions.

A significant obstacle to participation in the mechanisms of the Commonwealth is lack of information. Without access to relevant information, meaningful participation is undermined. The Commonwealth has been criticised for the culture of quite unnecessary secrecy and confidentiality that has grown up within it. Such unnecessary concealment results in restraining the flow of information even between departments. Indeed, the Information and Public Affairs Division - the first point of contact with the public - has been referred to as the Cinderella of the Secretariat: it does not get documents easily or continuously and like the Foundation is not included or made aware of what is actually going on in other divisions or, even more importantly, in the Secretary General’s office.196 This means it cannot provide information for the public or make the Secretariat’s work intelligible to the outside world, especially the media. The Commonwealth’s website, another opportunity for openness, is at best uneven in the information it provides and has little or nothing on human rights. There is no page or specific link to the HRU or of knowing from the website that the Unit exists.

Creating a New Identity

For the Commonwealth, at the beginning of the third millennium, there will be a price to pay for its failure to be inclusive, to treat poverty as a human rights violation and to attack poverty through a human rights framework. Progressively, regional and international organisations are making human rights a central plank of their association and cooperation. Their collective polices are defined by human rights and the practices of their institutions must increasingly demonstrate human rights values in order to be considered legitimate. This is especially so for an association born out of a colonial past, which could find the antithesis of that past, and a refreshed identity, in the promotion of human rights and assured participation of its citizens in all its policies and programmes. We say that the Commonwealth is about human rights or it is about nothing. For it to retain relevance, the Official Commonwealth must move closer to its people, especially those millions living in poverty. Those people will gain immeasurably if the Commonwealth acts uniformly to enforce human rights.

Recently, the Commonwealth’s crisis of identity and purpose has caused it to reflect on its priorities, modalities, and relationships. At the ‘people-centred’ Durban meet, ten of the Commonwealth Heads of Government referred to as the High Level Review Group (HLRG), were mandated to examine the role of the Commonwealth in the new century. The new Commonwealth-sponsored
examinations of the Official Commonwealth’s treatment of human rights and its relationship with civil society are all indications that it is struggling to overcome its generic character as a club of leaders of sovereign nations and establish itself as an association rich in diverse cultures and peoples.

However, the outcomes of any reorientation must be radical rather than merely incremental. The Commonwealth is in real danger of losing all relevance and credibility unless it engages more urgently and seriously with poverty, and the premier means to overcome it - human rights. To be meaningful, the Official Commonwealth has to commit itself by deeds not words to more just social, political and economic orders. If it does not, its people will pursue their human rights concerns in more relevant fora and the Commonwealth will become redundant.