

TO FULFIL THE PROMISE OF HARARE

RIGHTS MUST COME FIRST

The Commonwealth Human Rights Unit:
A Chequered History

A report by the
Commonwealth Human Rights Initiative



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FOREWORD

This report arose from CHRI's deep concern about the current moves towards downsizing the Human Rights Unit within the Commonwealth Secretariat. Assurances have been made that human rights will be mainstreamed across the Secretariat and that therefore "more people than ever before" will be working to make human rights a reality. Nevertheless, CHRI believes that without concrete systems for enforcing and evaluating this policy, the Commonwealth Secretariat's stated commitment to human rights hollow.

This report makes practical recommendations for strengthening the ability of the Commonwealth Secretariat to promote human rights vigorously throughout the Commonwealth and to demonstrate proactively its commitment to such values in its internal structure and processes.

RIGHTS MUST COME FIRST

Nervous states or a state of nerves?

The Commonwealth is about democracy and human rights or it is about nothing. Successive Secretaries –General have emphasized the need for human rights to be at the forefront of Commonwealth concerns. Sri Shridath Ramphal, former Commonwealth Secretary-General, recalled in 1975 how Jawaharlal Nehru had hoped the Commonwealth would work in establishing human rights, political and economic, throughout the world.

Nehru had said: *“If the Commonwealth cannot only succeed in doing that in its own sphere but help to do that in the larger sphere of the world, then the Commonwealth will have given the best possible led to the world...There is great scope for the Commonwealth to function in this way, and not only to help itself but help others also.”*¹

For many years after decolonization the Commonwealth was nervous about considering human rights as an issue. For its members, sovereignty was paramount and this led to a situation in which any action that might be thought to smack of intervention in internal affairs was labeled neo-colonial. Several Commonwealth countries had become serious transgressors at a time when the Commonwealth was seeking to occupy a high moral ground over Rhodesia and South Africa. For many years nothing was said; in those days the Cold War was the dominant factor in international politics and some of the worst human rights offenders were allies of the Western bloc.

Ramphal, deeply aware of the contradictions and the particular embarrassment of Idi Amin’s Uganda and the consequent damage that was being done to the Commonwealth’s reputation, broke this silence in 1977. Uganda had remained a full Commonwealth member and the world was still deep in the Cold War. Ramphal said: *“...let it be acknowledged...that gross violations of human rights wherever they occur in the world are the legitimate concern of the international community; that matters cease to be essentially within the human jurisdiction of a state when they give rise to humanitarian*

...let it be acknowledged...that gross violations of human rights wherever they occur in the world are the legitimate concern of the international community.

-Sir Shridath Rampha, 1977

issues of such magnitude that the international community must of necessity grapple with them.

¹ Benham, Hutchinson, 1979, One world to Share: Selected Speeches of the Commonwealth Secretary-General, 1975-79, London, p.218.

Three months later at the 1977 CHOGM, the Commonwealth took the lead internationally and did what the United Nations (UN) and the Organisation for African Unity (OAU) had not done: condemned Uganda for “*the massive violation of basic human rights*”. The Human Rights Unit (HRU) of the Commonwealth Secretariat was a product of the Commonwealth’s uncomfortable Uganda experience.

When Chief Emeka Anyaoku succeeded Ramphal in 1990, he set about strengthening the human rights profile of the Commonwealth. He welcomed the CHRI’s first report, Put Our World to Rights, helped to father the Harare Declaration that followed in 1991, and later was the main architect of the Millbrook Declaration and the establishment of the Commonwealth Ministerial Action Group (CMAG), all of which put the Commonwealth ahead as an international organisation in setting down stringent rules of conduct for its members.

The Gambia puts a plan

Pressure for greater attention to be paid to human rights had initially come from President Sir Dawda Jawara of the Gambia, who had long been personally committed to the creation of a Commonwealth Human Rights Commission. His government presented a paper to the Meeting of Commonwealth Law Ministers in Winnipeg, Canada in 1977 outlining proposals for the structure and functions of such a Commission (see Appendix 1).² It wanted first a preparatory committee to frame a human rights policy.

At their Lusaka Meeting in 1979, Heads of Government asked the Secretary-General to set up a Working Party to make recommendations to them. Before forming it, Shridath Ramphal asked governments for their views. While generally supportive, many were somewhat apprehensive. Several governments such as Britain, Fiji, Solomon Islands and Malawi, did not want a Human Rights Commission. The Solomon Islands said it was hesitant about setting up a body “*to sit in judgment on other nations*”³ (see Appendix 2).

The Working Party was set up in early 1980 with members from nine countries and chaired by Ambassador Yvon Linda Beaulne of Canada, former chairman of the United Nations Human Rights Commission. Its final report (See Appendix 3) was delivered on 28 April 1981,⁴ after taking into consideration the view of governments expressed when the Working Party

² Memorandum by the Gambia, 1997, Establishment of a Commonwealth Human Rights Commission, Presented to the Meeting of the Commonwealth Law Ministers, August 1997, Commonwealth Secretariat.

³ Text of Circular Letter No. 73/79 and Comments by Commonwealth Governments on the Gambian Memorandum. Commonwealth Secretariat.

⁴ Commonwealth Secretariat, 1980, Report of the Commonwealth Working Party on Human Rights.

had circulated an interim report (see Appendix 4).⁵ Both reports have remained when the records labeled ‘Confidential’.⁶

The final report said that the Secretariat should be charged with *“the responsibility of promoting respect for human right throughout the Commonwealth in order to complement the efforts undertaken in other international organisations.”* It recommended that a Special Unit be established. Because of scarce resources, the approach should be gradual, and it should start with a staff of four. Eleven functions were identified for the Unit to perform.⁷

The report also recommended the setting up of machinery to assist governments *“as a particular situation warrants,”* to offer counsel and guidance and to recommend solutions to problems *“in a spirit of conciliation and remedial action”*. This would be accomplished by a Commonwealth Advisory Committee on Human Rights. The machinery should deal with *“a consistent pattern of gross and reliably attested violations of human rights...”* Communications on alleged violations could be submitted to the Committee by any member state.

The report recommended that the Committee could make its good offices available to settle a situation. However, it could not duplicate the work of other regional or global bodies. Members of the Committee would serve in their individual capacity and not as representatives of their governments. The Working Party ultimately rejected the idea of a High Commissioner for Human Rights because *“objection might be raised to vesting wide-ranging powers in a single individual, however eminent and well regarded.”* An alternative, it was said, could be a panel of human rights experts whose services could be called upon to use their good offices at the invitation of governments. Regrettably, nothing of this nature has ever been set up. Such a body would have helped to formulate a stronger mandate for the Unit.

At first, mixed reactions

The initial attitude of some member countries had been revealed earlier when the Gambian paper was first circulated and when the Working Party circulated its interim report in late 1980.⁸ Australia was positive, but also said the idea of a High Commissioner for Human Rights Should be given more thought. Britain warned against overlapping with UN bodies and warned the proposed HRU to be sited in the Legal Division of the

⁵ Text of Circular Letter No.34/80 and Comments by Commonwealth Governments on the Working Party’s Interim Report. Commonwealth Secretariat.

⁶ For the excessive tendency to classify Secretariat documents ‘Confidential’, see the Commonwealth Secretariat’s *Review of the Commonwealth Secretariat’s Information Programme*, April 1997, Commonwealth Secretariat.

⁷ Text of Circular Letter No.34/80 and Comments by Commonwealth Governments on the Working Party’s Interim Report, Commonwealth Secretariat.

⁸ Text of Circular Letter No.73/79 and Comments by Commonwealth Government on Gambian Memorandum. Commonwealth Secretariat.

Commonwealth Secretariat to save money. Canada favoured the idea of an Advisory Committee on Human Rights. India pointed to the UN Machinery already existing, as well as international NGO bodies like Amnesty International saying that these “*should be adequate to deal with human*”

Even those Governments who are the worst offenders realize that internationally agreed human rights norms are not going to go away.

- Mary Robinson, UN High Commissioner for Human Rights, 1999

rights questions within the Commonwealth” and that the creation of new institutions would lead to duplication. Malaysia favoured a Commonwealth Human Rights Commission, but Zimbabwe – this was ten years before the Harare Declaration – said “it is not entirely clear that (the Commonwealth) could effectively and adequately function as a human rights organisation.”

The final report was put before the 1981 Commonwealth Heads of Government Meeting (CHOGM) in Melbourne, where Heads of Government agreed to set up a Human Rights Unit in the Secretariat subject to agreement on how to finance it and after consultation with governments “on an agreed definitely of human rights within the Commonwealth context as well as of the Unit’s function” (see Appendix 5).

A memorandum of the Commonwealth Secretariat dated May 1982 (see Appendix 6) said: “...*the Unit is expected to co-ordinate Secretariat activities in the field of human rights, monitor progress in the national and international human rights fields and be responsible for the collection and dissemination of information between member governments and throughout the Secretariat. The Unit would work closely with all Secretariat divisions and from the outset most significantly those of the Legal and Women and Development (divisions) in initiating and implementing those aspects of their work programmes which have a bearing on human rights. The Unit would maintain close contact with international, regional and national institutions on human rights matters and co-ordinate Secretariat responses to requests for assistance from member governments.*” The emphasis of the Unit was to be on promoting human rights and not protecting them.

A budget for the first year was estimated at £73,430.

At the next Law Ministers Meeting in Sri Lanka in February 1983, the proposal of Working Party was passed and the value of a Human Rights Unit affirmed, but the idea of an Advisory Committee for the protection and maintenance of human rights was kept on the agenda where it has stayed ever since. When in November of the same year Heads of Government met in New Delhi, mention on human rights was conspicuously absent from the final Communiqué – the only time the subject of the human rights has not been mentioned in a CHOGM Communiqué since the mid-1970s.

The process of setting up a Unit thus dragged on over four years – an indication of governments’ continuing reluctance to tackle human rights. The HRU finally came into being in January 1985 without much fanfare. Eight years had passed since the CHOGM strictures on Uganda.

A 46-word mandate

The Human Rights Unit was set up not as an autonomous division, but was located, as had been proposed in the Secretariat memorandum of 7 May 1982, within the International Affairs Division (later renamed the Political Affairs Division of the Commonwealth Secretariat). An Assistant Director (Human Rights) responsible to the Director of the International Affairs Division, a research officer and a personal secretary were appointed – a staff of three. Subsequently the composition of the Unit had a chequered history – sometimes it was comprised of only one person and for one period of “*about a year in 1987-88, there was no-one in the HRU as it was used as a political football in a funding dispute between the Commonwealth Secretariat and donor countries*”.⁹

The mandate of the HRFU was restrictively terse:

- (a) to promote human rights within the Commonwealth; it is understood that the functions of the Unit will not involve any investigative or enforcement role.
- (b) to ensure that in the Secretariat itself due account is taken of human rights considerations in the work of all its Divisions.

Sir Shridath Ramphal said in his 1985 report to governments: “*The HRU’s principal role will be in the promotion of human rights; it has neither an investigatory nor adjudicative function, and will not duplicate the work of other international agencies. The Commonwealth’s major pronouncements on human rights, notably the 1971 Declaration of Commonwealth Principles, the 1979 Lusaka Declaration on Racism and Racial Prejudice and the 1981 Melbourne Declaration, together with the principal international and regional instruments on human rights, provide the conceptual framework for the Unit’s work.*”

“*Commonwealth Declarations demonstrate the clear aspiration of Heads of Government to co-operate in realizing equal rights for all peoples of the Commonwealth, regardless of race, colour, sex or religious belief. They also express the shared resolve of member states to promote the rights of all men and women to live in ways to sustain human dignity.*”

“*During the formative stage the Unit is establishing a ‘clearing house’ for the exchange of information within the Commonwealth on measures to promote human rights. Emphasis is also being given to responding to requests from member states for assistance in meeting their obligations under international*

⁹ Bourne, Richard, 1991, “The Commonwealth and Human Rights”, *The Round Table*, Issue 320, p.412.

and regional human rights instruments. An additional task of the Unit is to ensure that all the Secretariat's divisions take due account of human rights considerations in their work. Fundamental to the decision of Heads of Government to establish a HRU was a recognition of the developmental significance of measures to promote human rights. The scope for constructive consideration in promoting human rights is thus being developed in keeping with the Commonwealth's pronouncements."

Despite its limited mandate, or perhaps because of the comfort level this evoked, the HRU was repeatedly given a fair wind from the top. The 1985 CHOGM Communiqué (Nassau) *"welcomed the setting up of the Unit and looked forward to its assistance in promoting understanding and respect for human rights within the Commonwealth."* The 1987 Communiqué (Vancouver) again *"welcomed"* the Unit's work.

Human Rights - 'a central tenet'

In 1989 the CHOGM held in Kuala Lumpur accepted a Canadian proposal to set up an Expert Governmental Working Group on Human Rights to review Commonwealth co-operation in human rights and to recommend further

The Commonwealth was widely seen as insufficiently committed as an organisation to the promotion of respect for human rights.

- *Expert Governmental Working Group, 1990*

possible cooperation and action in such areas as education, training and technical assistance. The Canadian paper said: *"Canada believes this is an appropriate time to build on past achievements in this field."* The Cold war was by now already in fast thaw.

The Working Group was chaired by Hassan Jallow, Attorney-General and Minister of Justice of the Gambia (who was jailed four years later when the army seized power), and contained members from eight countries. Its report was delivered on 1 July 1990 – the day Chief Anyaoku took over from Shridath Rumphal as Commonwealth Secretary-General.

Disappointingly, the Working Group confined its work to the activity of the HRU and Secretariat, instead of looking at the wider human rights picture. Its report (see Appendix 7) said that *"...the Commonwealth was widely seen as insufficiently committed as an organisation to the promotion of respect for human rights."*¹⁰

It said that the Commonwealth should in the future increase the knowledge of human rights standards and obligations among officials and the people of member countries, encourage high professional standards in the judiciaries,

¹⁰ Commonwealth Secretariat, 1990, Report of the Commonwealth Governmental Working Group of Experts on Human Rights, p.2.

promote adherence of countries to the main international human rights instruments, and assist with the promotion of human rights by governments and the exchange of information on programmes and activities. It said that the Commonwealth should build on its strengths and make a distinct contribution without duplicating existing efforts and that special emphasis should be put on public information activities about Commonwealth work on human rights. The report listed operating principles, educational programmes, training and technical assistance and studies that should be undertaken.

It said: *“Regular core funding and Secretariat operational budget for the HRU and other Secretariat units undertaking human rights activity at a minimum must be kept at current levels and enhanced where possible.”* Further, the group recommended that a funding facility be created to allow voluntary funds from governments and other agencies to be channeled to specific technical assistance projects or training programmes coordinated by the HRU. Like the 1980 Working Party, this group of experts recommended the constitution of a Programme Advisory Committee to review progress and advise on activities.¹¹

The report concluded: *“The Commonwealth has a unique role to play in promoting the more effective enjoyment of human rights within and among its member states and in the international community at large. A constructive, imaginative programmes can be framed which capitalizes upon the achievements on the Commonwealth and builds upon the political, legal and societal conditions which its members share. Human rights must remain a central tenet of Commonwealth co-operation in the 1990s and beyond.”*¹²

The Secretary-General’s pledges

In pursuit of this theme, Secretary-General Anyaoku gave an address to the Royal Commonwealth Society in London in September 1991 on the eve of the Harare CHOGM entitled **“Fulfilling the Promise of Commonwealth Declarations”**. He said: *“I consider it highly desirable that the Secretariat’s currently limited assistance to the Commonwealth institutions concerned with the promotion of human rights should be increased. And I hope that it will not be too long before we can progress to the establishment of more formal Commonwealth procedures for assisting constructively in dealing with allegations of serious slippage in the observance of human rights within the Commonwealth countries.”*

At Harare a month later, Heads of Government supported the Report of the Working Party and its recommendations and asked the Secretariat *“to give greater impetus to its current activities to promote human rights in all its aspects.”* It added: *“Heads of Government recognised the role that non-governmental organisations could play in this area.”*

¹¹ Ibid. p.6.

¹² Ibid. p.9.

This was the first CHOGM to be held after the fall of the Berlin Wall and the subsequent end of the Cold War (the previous CHOGM in Kuala Lumpur in 1989 had ended only two weeks before the Wall came down). It was also the first following the release from prison of Nelson Mandela, signaling the end of apartheid in South Africa. As the effects of these momentous events began to be felt, governments slowly became more open in discussing human rights. The Harare Declaration reflected this change.

A year after Harare, in February 1992, Chief Anyaoku addressed the UN Human Rights Commission in Geneva on the Commonwealth's human rights work. He explained that the HRU had a mandate "*to facilitate the promotion*

I consider it highly desirable that the Secretariat's currently limited assistance to the Commonwealth institutions concerned with the promotion of human rights should be increased.

- Commonwealth Secretary-General, Chief Anyaoku, 1991

of human rights through educational activity, information sharing, networking and the provision of supportive expertise from those countries undertaking human rights projects."

He added: "*The Unit has devised an extensive programme for fostering human rights training for public officials and is developing a programme to facilitate national human rights strategies by bringing together politicians, civil servants and NGOs to elaborate national human rights plans. The Unit also provides a forum for the exchange of ideas and facilitates the strengthening of those contacts that are fundamental to the success in the promotion of human rights.*"

In June 1993, Chief Anyaoku told the World Conference on Human Rights in Vienna that "*recognizing the importance of national institutions for the promotion and protection of human rights, the Commonwealth also supports a programme of mutual assistance among its members for the provision of expertise for the establishment and development of such institutions. In all these efforts, it has endeavoured to foster a culture of democracy and human rights through encouraging broad-based debate and discussion, appropriate educational programmes and professional training of key officials.*"

A critical report

In 1993, at the behest of the Commonwealth Fund for Technical Co-operation (CFTC) – the Commonwealth's aid arm—a three-person team evaluated the way in which the HRU had carried out its mandate in human

rights training for public officials.¹³ The team visited Africa, the Caribbean and the Pacific. Its findings revealed that 35 governments had used the programme – testimony to the value such countries put on the training programme. The team underlined the Working Group’s advice that *“the Commonwealth should build on its specific strengths”* and not duplicate the work of others, and said the programme should be continued at least at its present rate. IT had already sensitized a core group of public officials.

But the team was far from happy with the planning and results from the workshops they examined. Over-ambitious targets could not be fulfilled due to lack of time and resources for follow-up. There was confusion in the host countries; those who attended the course came from a scatter of ministries and agencies and none had the national authority to oversee subsequent training.

The Canadian member of the 1990 Expert Group was J. Daniel Livermore, who had been Director of Human Rights and Social Affairs Division of the Ministry of External Affairs. In 1993 he wrote an article in The Round Table on how the HRU had performed in terms of its mandate. The report: *“The general consensus of informed observers is that the Unit has made the most of its opportunities, given the size of staff and budget and lack of political will within the secretariat, particularly from the former Secretary-General...If the Commonwealth’s attempts to develop sound human rights programmes are to succeed, human rights*

The general consensus...is that the Unit has made the most of its opportunities, given the size of staff and budget and lack of political will within the Secretariat.

- J. Daniel Livermore, Expert Group Member, 1993

will need greater support within the Commonwealth Secretariat, particularly on the part of the commonwealth Secretary-General, than it has enjoyed in the past...a number of member states are continuing to fight a rearguard action against the human rights issue, and they have been encouraged by a latent tendency long evident within certain quarters of the Secretariat to downplay the importance of human rights as a matter of priority.

“If it succeeds, the Commonwealth could become an important international executing agency on behalf of other organisations (like the UN or UNESCO) which lack its unique basis of common action. By building on the consensus achieved in Harare on human rights however, the Commonwealth now has the chance to steer a new and potentially significant course in the human rights field. If it can maintain the current momentum and deflect the criticism

¹³ Commonwealth Secretariat, 1993, CFTC Evaluation Studies. No.47, Evaluation Study of Commonwealth Fund for Technical Cooperation/Commonwealth Secretariat (International Affairs Division/Human Rights Unit), Assistance for Human Rights Training of Public Officials.

of a minority of doubting member states, it has the opportunity to make a distinctive and positive contribution to international human rights...¹⁴

The life and death of Development, Human Rights and Democracy

An attempt for a more distinctive human rights policy had been outlined in a paper prepared for the World Conference on Human Rights in Vienna in 1993, describing how the Commonwealth Secretariat was seeking to carry out the Harare mandate by adopting an integrated approach to promote development, human rights and democracy (DHRD). The thinking at the times was that the Commonwealth needed to work on new themes now that South Africa was becoming properly democratic. The focus on DHRD was a move towards an innovative, less traditional human rights policy.

The CHOGM in Cyprus in October 1993 endorsed the integrated approach in which government and civil society would work together to promote DHRD. In their Communiqué, the Heads of Government *“reiterated that all human rights were universal, indivisible, interdependent and inter-related. They stressed that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing.”* This is in keeping with the Vienna Declaration and the subsequent Beijing Plan of Action on Woman’s Rights.

There was much enthusiasm in establishing the DHRD programme. Deputy Secretary-General (Political) Sir Anthony Siaguru said in 1994: *“Indeed, the prospects of making such a programme a truly flagship one in which the Commonwealth is acknowledged as having a comparative advantage is exciting.”¹⁵*

Having received the green light from the Heads of Government, the first workshop on DHRD was held in Windhoek in July 1994, planned and executed by all relevant divisions of the Secretariat (HRU, LCAD, PAD, EAD, MTSD, GYAD¹⁶). The biennial meeting of Commonwealth Senior Officials in Islamabad four months later strongly supported the initiative and second workshop took place in Colombo in June 1995. (See Appendix 8). Growing

There is a clear need for expertise and specialization in human rights over and above what exists in any of the division of the Secretariat.

¹⁴ Livermore, J. Daniel, :Harare and Beyond: The Commonwealth Role in Human Rights”, *The Round Table*, 1993, Issue 326, p.144.

¹⁵ *Commonwealth Programme on Promoting Democracy, Human Rights and Development: Southern African Workshop*, Memorandum, Meeting at Windhoek, 6-8 July 1994, p.1.

¹⁶ LCAD (Legal and Constitutional Division), PAD (Political Affairs Division), EAD (Economic Affairs Division), MTSD (Meeting and Training Services Division), GYAD (Gender and Youth Affairs Division).

support for the approach was generated and key countries, such as India and Malaysia, were represented in Colombo. An inter-divisional Task Force was setup with the encouragement of the Secretary-General. When the Task Force and those at Colombo met to review progress, it was agreed on the basis of the first two workshops to move forward. The Cyprus (paras. 7 and 58) and Harare Communiqué (para. 16) were seen as sufficient mandate.¹⁷

At a follow-up action meeting to the DHRD workshops, it was concluded that “*mainstreaming the DHRD issues into the work programme of the Secretariat did not seem to address adequately the Cyprus CHOGM’s reiteration that DHRD were interdependent and mutually reinforcing.*”¹⁸ The Workshop was perceived as part of a process to facilitate policy development and engender a wider range of initiatives on the complex interrelationship and lead action programme.

By now other major players such as the European Union and the World Bank were beginning to take up the integration theme which the Commonwealth had helped to pioneer. Despite that and the momentum in the Secretariat, the programme was terminated during the third workshop in London in June 1996. Participants were informed that the programme was to be no more, despite the fact that it had received the blessing of Heads of Government and Senior Officials. There seems no clear explanation of why this happened. The fact is, that by mid 1996 DHRD was dead. It would appear that the Commonwealth had forfeited an opportunity to be a front-runner in the pursuit of human rights.

The following year Mary Robinson took office as UN High Commissioner for Human Rights and made Development, Human Rights and Democracy a key component of her Mission Statement. On 1 December 1998, Ms. Robinson

The Commonwealth is about people more than it is about governments and it is the people the Secretariat is there to serve.

signed an agreement with the Commonwealth Secretary-General committing their two organisations to work together. Little or nothing seems to have eventuated since.

CHRI believes DHRD is a good interdisciplinary approach in line with the views of the governments and officials and that what is needed is “*the*

¹⁷ Para. 16 of Harare says Heads of Governments “*requested the Secretariat to give greater emphasis to its current activities to promote human rights in all its aspects.*” Para 56 of Cyprus “*noted with satisfaction the Secretariat’s efforts to promote human rights in all its aspects, through the dissemination of information; the provision of opportunities for consultation and the sharing of experience and expertise; human rights education and training; and assistance with the establishment of strengthening of national human rights institutions and mechanisms. The asked the Secretariat to provide for increased allocations to that area as much as available resources would allow.*” Para. 58 reaffirmed support for the recommendations of the Expert Working Group.

¹⁸ Follow-up Action to the DHRD Workshops, Memorandum. Meeting on 11 July 1995. Commonwealth Secretariat.

greatest possible cohesion between government and civil society".¹⁹ DHRD should be revived.

Human Rights – 13 times over

It cannot be too often reiterated that the Communiqués of every Commonwealth Heads of Government Meeting since the mid-1970s, except the one in New Delhi, have emphasized the importance of human rights.

In 1987, the Heads of Government welcomed the work of HRU and *“asked the Secretariat to continue to facilitate exchanges of information on law reform, national institutions and domestic procedures for the promotion of human rights in Commonwealth countries”*.

In 1989, they affirmed, *“that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should not exempt states from the protection of the other.”*

In the next paragraph they *“reaffirmed their commitment to the observance of all human rights. They stressed the importance of the work of the Secretariat’s HRU in promoting understanding and respect for human rights within the Commonwealth.”* They again asked the Secretariat *“to continue to facilitate the exchanges of information on law reform, national institutions and domestic procedures for the promotion of human rights in Commonwealth countries.”*

In the section on functional cooperation, they noted *“that Commonwealth states have many shared values and traditions which would lead to cooperation in the area of human rights”* and asked the Secretary-General to set up a working group of experts to review Commonwealth co-operation in human rights to date and recommend avenues for enhanced cooperation and action in the future, particularly in such areas as education, training and technical assistance.

When in 1991 the Heads of Governments supported the recommendations of the Expert Working Group on Human Rights and *“requested the Secretariat to give greater impetus to its current activities to promote human rights in all its aspects,”* they further *“recognised the role that non-governmental organisations could*

The Commonwealth Secretariat deserves high praise for what it has achieved in the 35 years of its existence...Secretary-General Anyaoku has also achieved a string of successes in his good offices role.

¹⁹ Commonwealth Secretariat, 1994, Promoting Democracy, Human Rights and Development: From Vienna to Windhoek and Beyond, Final Report, Meeting at Windhoek, 6-8 July 1994, p.1.

play in the area”- a reference particularly to the CHRI whose report Put Our World to Rights had helped the formulation of the Harare Declaration.

The Cyprus Communiqué in 1993 reiterated all this and in its main body used the term ‘human rights’ no fewer than 13 times. The reality has not lived upto the rhetoric.

Progress and achievement

The Commonwealth has come a long way from the days of Idi Amin in putting human rights high on its internal agenda, from which it was once almost totally absent. So too has the wider world, notwithstanding its inability still to prevent massive violations. The key questions are whether the Commonwealth wants to take the lead or merely follow and whether the human rights record of member countries is improving more markedly than that of non-member countries.

In the 14 years since the HRU was set up, the international climate on human rights has changed dramatically. The need for what was at first called ‘good government’ and is now known as ‘good governance’, conceptualized by the West yet not seriously disputed in its broad application worldwide. Over three decades, the Commonwealth has armed itself with several strong statements – the Singapore Declaration of 1971, the Lusaka Declaration on Racism and Racial Prejudice of 1979, the Melbourne Declaration of 1981, the Harare Declaration of 1991, and the Millbrook Action Plan of 1995. These, together with the fact that the 54 member countries share for the most part common legal governmental systems, have positioned the Commonwealth ideally to blaze a human rights trail for the world community.

Furthermore, the Commonwealth action taken during CHOGM in Auckland in 1995 to suspend Nigeria from membership was the step that first marked that contry internationally as a pariah and it profoundly affected Nigeria’s internal situation. The anxious way in which ordinary Nigerians looked for an early return to full membership underlined the respectability which people feel the Commonwealth confers on its member countries. The pressures forced on Nigeria during the Abacha regime by Commonwealth governments in general and by the Commonwealth Ministerial Action Group in regard to the Harare Declaration in particular, although not regarded as adequate by many activists,²⁰ had a profound effect in bringing about the end of military rule in Nigeria.

²⁰ “*In the past, CMAG has limited its scrutiny of ‘serious or persistent human rights abuses’ to three sates – Nigeria, Sierre Leone, and the Gambia – whereas there are chronic human rights abuses occurring in many more Commonwealth sates that require investigation.*” Report by the Commonwealth Human Rights Initiative’s Advisory Commission, November 1999, Over a Barrel: Light Weapons and Human Rights in the Commonwealth.

In this decade, the Commonwealth has made a good start in providing technical help in constitution making, improving parliamentary techniques, training those involved in organizing elections, monitoring elections and in mounting political pressure that has led to the virtual end of the one-party state and military government, although the return of military rule in Pakistan in October 1999 has been a serious setback.

A Commonwealth milestone was the meeting of African Heads of Government held in Kasane, Botswana in February 1997 to discuss democracy and good governance. The event, initiated by the Secretary-General, was preceded by a Round Table of 48 representatives from ruling and opposition parties from 18 of the 19 African member countries. The meeting dealt with, among other things, the separation of powers between the executive

The Commonwealth has come a long way from the days of Idi Amin in putting human rights high on its internal agenda.

the legislature and the judiciary; government responsibility for civic education; the opposition's right to protection; equitable access to the media; a code of conduct for parties; and how to achieve a smooth transition to power after elections. The HRU was not involved in the exercise in any way, although these were all matters touching on human rights.

The Commonwealth Secretariat deserves high praise for what it has achieved in the 35 years of its existence. With lean resources and, what is by international standards, a tiny staff, it has achieved much and received far too little recognition, even from many member countries. Its contribution to the final independence of Zimbabwe in 1980, of Namibia in 1990, and, most important of all, to the crushing of apartheid and the establishment of democratic rule in South Africa, is still not adequately appreciated.

Recently Secretary-General Anyaoku has also achieved a string of successes in his good offices role by breaking political deadlocks in Papua New Guinea, Solomon Islands, Zanzibar, Guyana, and Sierra Leone, and earlier in Lesotho and Kenya. Commonwealth diplomatic pressures on Fiji, as well as Nigeria, led to the end of military rule and a return to full membership.

The system of Commonwealth Secretariat election monitoring exercises, developed first under Ramphal and then under Anyaoku, has proved superior to those of much bigger organizational structures such as the UN and the EU. In each case, election monitoring has been carried out by small handpicked teams on small resources. The high value, low cost work of the Commonwealth Fund for Technical Co-operation (CFTC), which has contributed to many programmes of democracy and human rights and is

currently, and lamentably, being deprived of resources by one or two governments,²¹ continues to win high praise from developing countries.

Feet are dragged

Events in the Commonwealth must be put in the context of what has happened outside it and within the UN. In the round of global conferences that have taken place since 1991 on human rights women's rights, social development, poverty eradication and other fields, Commonwealth governments have made commitments that must now be incorporated into the Harare principles.

Governments should not be allowed to get away with things in the Commonwealth which they cannot do in the UN. Having given the promises, there remains too often in the Commonwealth a lack of accountability. Cameroon, for instance, joined the Commonwealth in 1995 on assurances that it would adhere to the Harare principles, but the human rights

Governments should not be allowed to get away with things in the Commonwealth which they cannot do in the UN. Having given the promises, there remains too often in the Commonwealth a lack of accountability. As with countries, there needs to be accountability in the Secretariat.

situation there has shown little or no improvement since then.²² The report of a mission sent by the Secretary-General to Cameroon to assess its eligibility for membership before the Auckland CHOGM, on which the decision to grant admission was made, has never been published.

In the future, CMAG should send an independent team to a country applying for membership to establish whether human rights criteria are being met and, if they are not, to advise on procedures.²³ Reports of such missions should, in any case, always be made public. Consistent

²¹ The CFTC budget has come down from £27.99 million in 1991-92 to £17.97 million this year. Major contributors Canada and Australia have made substantial cuts (Canada's grant also suffered due to the fall of its dollar against the pound), Britain pays one-third of the total, so its contribution has automatically fallen. However, 26 countries have recently increased their contributions – endorsing their faith in the CFTC's work.

²² "CMAG must rigorously investigate the human rights record of prospective members states in order to bring to life the rules adopted at the Edinburgh Summit in 1997, which require governments to conform to the Harare Principles before they can join the Commonwealth." Report by the Commonwealth Human Rights Initiative's Advisory Commission, November 1999, Over a Barrel: Light Weapons and Human Rights in the Commonwealth.

²³ "CMAG should reinvent its role so that it also functions as a watchdog over governments ensuring that they adhere to and further the principles of good governance, peace and human rights." Commonwealth Human Rights Initiative, January 1999, Action for Human Rights, Harare 1999, Recommendations from the Commonwealth Human Rights Initiative Conference on Pan-Commonwealth Advocacy for Human Rights, Peace and Good Governance in Africa, p.7.

unwillingness to share information does not make the rhetoric of co-operation with civil society a reality.

A perception remains that a minority of member governments while paying lip service to Commonwealth statements and declarations, who rather than the Commonwealth took a low-key approach. This had led to the further perception that some elements in the Secretariat are still less than enthusiastic about promoting its human rights role.²⁴ Yet, as Mary Robinson has pointed out: *“Legitimacy has been secured for the principle that human rights are universal and indivisible. Governments accused of human rights abuses may still try to hide behind the veil of national sovereignty, but it is a position that is increasingly hard to sustain. Even those Governments which are the worst offenders realize that internationally agreed human rights norms are not going to go away.”*²⁵

It is not difficult to identify the countries which are from time to time apprehensive about higher Commonwealth profile on human rights; Zimbabwe, Cameroon, Kenya, Malaysia and Singapore and obvious examples. India, too, has periodic reservations related to deep-seated and intense sensitivity about any international involvement in Kashmir. Most unfortunately, this distraction has obscured internationally the enormous advances in human rights secured within India in the last 30 years. In view of the fact that two-third of the total population of the Commonwealth’s 54 members live in India, that country’s lack of vigour in Commonwealth affairs is a matter for much regret, since its contribution and impact could be leading and constructive.

The Millbrook Plan of Action of 1995 gave the Commonwealth a clear lead as an international organisation in terms of self-discipline. It is an advanced document-perhaps even ahead of its time-but because of governments’ sensitivity, it does not in itself give clearly defined directions for the Secretariat and in particular to the Secretary-General.

CHRI believes the mandates on human rights have not been pushed far enough. The Secretariat has let caution and timidity decide the human rights work when more could have been done without disconcerting governments.

Differences over criteria need to be resolved. Until now, governments have not been prepared to give the Secretariat a human rights monitoring role within the membership and therefore a stronger human rights capacity. Yet,

²⁴ “In any voluntary association, enforcing compliance with a code of values is difficult. Each member of the Commonwealth will naturally interpret values of its own culture, history and national interest.” K. Srinivasan. “What are Commonwealth Values? Traditional Ones – against Aggression and Authoritarianism”, *International Journal*, Autumn 1998, p.627. (see Appendix 9)

²⁵ “Meeting the Challenge of Human Rights”, *Sounding the Century Lecture*, BBC Radio 3, London, UK, 23 September 1999.

as has happened with many international documents in the late 20th century, member countries surrendered some sovereignty when CMAG was established in 1995 and given the right to intervene in cases of serious and persistent violations of human rights.

In the struggle to move governments along to more active support on human rights, the Secretary-General can find strong allies in civil society, as, for example, the UN High Commissioner for Human Rights has been offering of late.

One concern is that from the perspective of many poor member countries, the Commonwealth can seem to be lacking an even-handed approach. These countries perceive the focus as being entirely on human rights violations in their countries, while less attention is drawn to abuse in, for example, the so-called 'ABC' countries (Australia, Britain and Canada). Although the Chief Inspector of Prisons in England and Wales has several times condemned jail conditions in both countries and severe abuses have taken place in Ulster, there is little Commonwealth criticism of such cases. It is interesting to note, however, that a Canadian judge and an Australian judge are involved in the new three-man inquiry into the events of Bloody Sunday. Also, the introduction of a former American senator as mediator in this matter has shown that of late the UK has come to terms with outside intervention in a domestic issue.

In recent years the support of the ABC countries for ill-thought out structural adjustment policies has contributed to the abuse of the rights of many of the poorest peoples of the Commonwealth. Indiscriminate arms sales by the richer countries, dealt with in detail in the CHRI's major report for the Durban CHOGM, Over a Barrel: Light Weapons and Human Rights in the Commonwealth,²⁶ have caused thousands of innocent deaths and supported illegitimate governments that presided over the unashamed looting of natural resources vital to economic survival.

There are other no-go issues of a different nature, such as that of capital punishment. Recently in Zambia, 59 alleged mutineers were sentenced to death, but nothing has been said. When the question of executions in the Caribbean is raised, the Secretary-General says he cannot comment because there is no consensus. He does have a point. Plainly, if he were to take a stand in this case, he would face difficulties with member governments.²⁷

In making this report we have taken into consideration all these complex factors that inform the attitudes of states and the Secretariat's actions. But we reiterate that the democratic injunctions of the Harare Declaration insist that governments are responsible to their peoples, and much of the Secretariat's work is rightly targeted on people.

²⁶ Report by the Commonwealth Human Rights Initiative's Advisory Commission, November 1999.

²⁷ "CMAG must take operational responsibility for implementing the human rights agenda of the Commonwealth." Report by the Commonwealth Human Rights Initiative's Advisory Commission, November 1999, Over a Barrel: light Weapons and Human Rights in the Commonwealth.

CHRI believes the mandate on human rights has not been pushed far enough (see Appendix 10). The Secretariat has let caution and timidity decide the human rights programme when more could have been done without disconcerting governments. This over-caution, together with the “freezing” in mid-1999 of one of the three HRU posts, was the trigger for this

Successive Secretaries-General and other bureaucrats have tended to fall into the usual way of treating human rights as a political issue rather than a non-negotiable international obligation.

- Maja Daruwala, Director of CHRI, 1999

report. The down-sizing sends negative signals about the importance being placed on human rights in the Commonwealth.

To put all these matters in context, it has to be pointed out that the Secretariat is currently being subjected to an unannounced exercise in downsizing overall, which in itself seems unjustified given the expansion of Commonwealth membership in recent years and the proportionate increase in the amount of work it should be undertaking. Root causes for this may indeed lie outside the Secretariat itself, but the preference for cutting back what should be central to the functioning of the Secretariat is the wrong choice.

In 1987, the Commonwealth had 49 member countries and the Secretariat a staff of 410; today there are 54 member countries and the staff is below 300. Further cuts would be alarming for the health of the Commonwealth.

The cut to the HRU was justified on the false premise that human rights work is now ‘mainstreamed’ across the whole Secretariat and that therefore, in the words of Secretary-General Anyaoku, “*there will be more officers working in the human rights area than ever before*”²⁸ (see Appendix 9).

But this ‘mainstreaming’ is no more than what the Unit should have been doing from the outset. It was, after all in the original mandate. The Unit is supposed to be constantly reminding divisions of the need to inject human rights into every aspect of their work. However, that is almost impossible given the ongoing cuts.

This justification therefore is a fudge. The reality is that the divisions of the Secretariat will go on doing what they have done (or should have been doing) in the past. They already have their own full agendas.

²⁸ See letter to Margaret Reynolds, Chairperson of the Advisory Commission of the Commonwealth Human Rights Initiative in Appendix 10.

The HRU has run the risk of becoming a hostage to personalities, to a less-than-transparent bureaucracy, and to interdepartmental rivalries, none of which should be happening.

Location of the HRU

As described earlier, at its formation the HRU was put under the umbrella of the International Affairs Division (IAD) of the Secretariat, with its head ranked as Assistant Director. But in 1994, it was placed within the Legal and Constitutional Affairs Division (LCAD), whose Deputy Director was designated Head of the HRU. There remains a dotted line relationship with the Political Affairs Division (PAD) – something not found any where else in the Secretariat organogram (see Appendix 11). The problem is that the HRU has two masters with different agendas.

In terms of human rights, the HRU, the PAD (formed IAD) and the LCAD need to have quite separate and clear-cut roles the first, programme-oriented for the promotional aspect of human rights; the second for quiet diplomacy; and the third, for the protection of individual and collective rights. The Unit should be able to make its own human rights assessments in consultation with the PAD.

The regular meetings of law ministers are serviced by the LCAD. Their meetings are among the most important and productive of the Commonwealth's activities. Support of these ministers is a crucial ingredient to the advance of human rights. But these activities are only one

The key question is whether the Commonwealth is taking a lead or merely following, and whether the record of Commonwealth countries is improving more markedly than that of non-Commonwealth countries.

segment of the jigsaw puzzle. The placing of the HRU in the LCAD tilts it too far in one direction. Promotion, education and sensitisation of a complex network of peoples and officials are equally important aspects of the work of the HRU.

We have heard that in the recent discussions about the future of the HRU, one proposal was to combine in with the Commercial Crime Unit (CCU), which is also within LCAD. We believe such a proposition should be dismissed; the CCU has in every respect a quite distinct and separate role from the HRU. Also, commercial crime and human rights have never been considered equally high priorities in the commonwealth.

We believe a serious mistake was made in the first instance to place the Unit within any of the divisions, and that it was even more of a mistake of

transfer it to the LCAD. The LCAD's main preoccupation is to cope with the numerous requests from governments on general legal matters. It handles this invaluable work with skill, but much time and effort is involved and the work of the HRU is liable to be treated as a distraction. There is, in any case, a clear need for expertise and specialization in human rights over and above what exists in any of the divisions.

For all these reasons, CHRI advocates that the HRU should be a larger, more free-standing body directly responsible to the Secretary-General's office and with equal access to all divisions-in much the same way as the Strategic Planning and Evaluation Unit (SPEU) has always operated. In addition, it must co-ordinate a task force of representatives from relevant divisions which should be permanently available for consultation and advice and to discuss overall strategy. Human rights will then become more central to the Secretariat's work.

Staffing: from four to none

The Working Party Report of 1980 had envisaged a Unit manned by one director, two programme officers and one secretary. From its inception, the HRU has rarely reached that complement and has sometimes been without staff at all. The HRU remit is extensive and to be effective across all Commonwealth countries it needs at least four officers on its staff.

There is an erroneous assumption that human rights work must be carried out by lawyers. The suggestion has even been made that all members of the HRU should be qualified lawyers. In the legal profession it is only in recent years that human rights has entered the mainstream of activity. For lawyers, human rights is a specialized field and only a tiny proportion practice in this area.

Human rights organisations call in legal advice, as few of their workers are qualified lawyers; they recognize that people of broader experience need to be involved. As it is, the HRU is seen as too legalistic, and needing to concentrate more on human rights awareness and understanding. Indeed, when Senior Officials discussed the Interim Report in Nicosia in 1980, they emphasized that a diverse range of people with different experiences should be employed.

CHRI believes that the HRU should be staffed with human rights specialists preferably with an NGO background. Such people have experience in the human rights context and are used to working innovatively, stretching small budgets and finding means to persuade and advocate in difficult and resistant environments.

Plenty to be done

There is no shortage of human rights work to be done. Requests for the Human Rights Unit's help from governments have often remained unfulfilled.

The activities of the HRU recorded in Appendix 12 gives an idea of the wide range that has been undertaken.

For example, from 1993 to 1999, the HRU held workshops on numerous themes, including: prison management and the drafting of a manual for prison officials (Uganda); democracy, human rights and development (Namibia and Sri Lanka); reporting on international and regional instruments (Zambia); publishing and human rights (Zimbabwe); human rights education (UK); human rights training for law enforcement officials (Cyprus); human rights training in the Pacific (Vanuatu); advancing social, economic and civil rights: learning from successful development experience (UK); an International Ombudsman Institute workshop for investigation officers and one for law enforcement officials from sub-Saharan Africa (South Africa); and human rights reporting in the Caribbean (Jamaica).

In addition, the HRU held training workshop or colloquia for human rights commission and related bodies (India), for judges in Lesotho, Malawi and South Africa (South Africa), a seminar on human right for public officials to draft a manual of human rights training for foreign ministry officials (Malta) and a regional programme for the training of trainers.

The HRU has been criticized for its scatter-shot approach, lack of follow-through and inability to make an impact. Not all projects have proved to be value for money and the list shows a serious lack of coherence and the need for the more strategic approach which we are now calling for.

The Cameroon workshop on the training of prison officers was an interesting example of the potential in what is a much neglected area in many Commonwealth countries-prison conditions. When the workshop opened, officers initially tended to say that in a country like theirs torture needed to be used form time to time. By the end, they all agreed that torture must be stopped. The Minister of Criminal Justice received the report on the workshop afterwards with some political reservations, but accepted almost all its recommendations. The director of the training school for prison officers asked for another workshop, saying: "*We must keep it up*". Ghana too, recently asked for a prisons workshop, and Mozambique wants help to improve general human rights awareness. In current circumstances, the prospect of these requests being met is looking bleak.

Working with other divisions

Almost two-thirds of the population of the Commonwealth is made up by woman and children. An important art of HRU work must involve women's and children's rights. Despite having different agendas and programmes, the HRU and the Gender and Youth Affairs Division (GYAD) have co-operated on many occasions, and they continue to consult each other.

The GYAD helps member countries fight violence against women as well as children through various programmes, conferences, training and distribution of materials.

The 1994-1999 Gender and Judiciary Campaign involved the HRU: Gender Affairs worked with judges and HRU with the magistrates. However, the HRU did not pick up the programme where Gender Affairs left off as intended. This is the kind of start-stop this story that seems to have resulted from the lack of a proper strategy.

An idea for a manual on children's rights came from the May-June 1998 Asia regional meeting on children's rights. South Africa was supposed to have hosted a regional meeting on child rights in September 1999. This workshop, however, is still "*under review*". This is yet another case on the start-stop approach. There is a real need for a Commonwealth agenda for children.²⁹ The Secretariat expects a pan-Commonwealth agenda for children to be ready by the new millennium as a follow-up to A Commonwealth Agenda for Children: The Asian Chapter.³⁰

Similarly, the HRU and the Education Department in the Human Resource Development Division have co-operated in various ways throughout the years. The Education Department approaches education not as a privilege, but as a human rights. It is every citizen's prerogative to have an education. The Education Department is advising heads of schools (through training materials) and teachers (through Teachers Resources Centres) on how to be more democratic, as well as encouraging NGOs who work on human rights and education. The Education Department is also promoting human rights in the classroom, encouraging children to experience human rights in their daily lives.³¹ It is currently carrying out a survey on how governments have celebrated the 50th anniversary of the Universal Declaration of Human Rights in schools and what they are doing to strengthen human rights education. A report from this survey will go to Commonwealth Education Ministers for their next meeting in Halifax, Canada in November 2000.

All 54 Commonwealth countries need educational programmes on human rights, and the Human Rights Unit should be able to help. But again, governments have fallen dismally short in providing the small resources necessary to carry out the work they have given the HRU to do.

The General Technical Assistance Division of the Secretariat has also worked successfully with the HRU. In Belize, together they investigated the possibility of establishing an ombudsman's office. They also liaised on a

²⁹ This is clear, for example, from a request for funding from a British group focusing on female circumcision and children's rights which could be met neither by the Commonwealth Secretariat nor the Commonwealth Foundation.

³⁰ Commonwealth Secretariat, Promoting Good Practice: Implementation on the Rights of the Child, Commonwealth Regional Workshop Report, Dhaka, Bangladesh, 17-20 May 1998.

³¹ "You cannot know your human rights passively. You need to feel and be empowered and have a real sense of what it means in practical terms." Mary Robinson, UN High Commissioner for Human Rights, "Meeting the Challenge of Human Rights", Sounding the Century Lecture, BBC Radio 3, London, 23 September 1999.

project in Namibia funded by Britain's Department for International Development (DFID) for training police and other officials in human rights.

The exercise of human rights in the conduct of elections in another area that calls for detailed attention by the HRU, yet in recent years the Unit has had little input into election observer group work. A human rights adviser should always be part of these groups. No one from HRU has been part of observer teams since 1994.

Earlier this year, the HRU initiated a most successful co-operation with NGOs by holding a workshop in London on the Right to Know, chaired by the Attorney-General of Trinidad and Tobago. A set of Commonwealth Freedom of Information Principles was agreed upon and these were adopted by the Commonwealth Law Ministers in Trinidad in May of 1999. They were forwarded to the Heads of Government for consideration at the Durban summit in November of this year. This was an important exercise achieved by the HRU on a minimal budget. But, sadly, some NGO representatives attending sensed a lack of wider Secretariat commitment to the issue.

Funding the HRU

As in almost every other field of Commonwealth activity, governments have not provided the funding necessary to carry out the extensive programme they expect from the HRU.

The Secretariat's total budget for 1998-99 (excluding the FCTC) at £9.94 million is almost absurdly low for an organisation serving 54 countries. That figure is, for example, much less than the amount Britain alone contributes to a single UN agency, such as UNESCO (£11 million) and UNICEF (£53 million).

Yet the Secretariat is repeatedly subjected to bouts of further tightening by governments. The CFTC in particular has suffered severely in recent years, despite being held in high regard by developing countries and as cost effective by most donors. These overall cutback have been given as the reason the HRU is being squeezed.

For several years now, the Unit has had no clear, fixed budget. The loss of a definite budget seems to have happened when it became part of the Legal and Constitutional Affairs Division (LCAD).

In early days, its total budget of direct costs³² was upwards of £200,000 (see Appendix 13). In recent years, however, the funding has been subsumed in the LCAD costs and is now handled in an ad hoc manner. It would appear that the budget for the Unit is now only £63,333 – the lowest since 1985 when the Unit was allocated £73,000.³³ And although

³² This refers to money spent on programmes and projects outside the Commonwealth Secretariat. It does not include Commonwealth Secretariat staff cost.

³³ This figure includes Commonwealth Secretariat staff cost.

£63,333 has been allocated for the financial year 1999/2000, there is no way of assuring that this sum of money is available. For example, in the financial year 1998/99, the HRU was allocated £95,259 out of a total plan of expenditure of £402,000 for the LCAD. This latter amount was cut short by £120,000, which meant that the total plan of expenditure was in reality £281,400 for 1998/99 – a reduction of 30%. No subsequent revision were made to the allocations agreed within the LCAD, despite the shortfall of £120,000. The actual figure of expenditure for 1998/99 for the HRU as £69,393. Hence, the budget for the HRU in 1999/2000 of £63,333 could in fact be even lower than originally estimated.

These figures show only the direct cost for the HRU – the budget allocated for projects. LCAD staffing costs should be taken into consideration of this quickly dwindling direct cost budget of the HRU.³⁴ Staffing costs have increased from £614,235 in 1994/95 to £822,664 in 1998/99. In 1999/2000, the figure is set to be £766,980. It would seem that the staff budget for LCAD has constantly grown since 1993, except for this financial year where there has been a cutback of £50,000. One explanation we were given for the “freezing” of a position within the HRU was the lack of funds. However, it would appear that there is still money available – at least the LCAD has not been drastically cut. IT does not adequately explain the “freezing” of the HRU position.³⁵

The direct cost budget of the Commonwealth Observer Groups (COG) has had a fluctuating history – not surprisingly since the number of elections observed varies greatly from year to year. It has gone from about £200,000 in 1994/95 to about £800,000 in 1996/97. To compare with the HRU budget, the groups were allocated £545,961 in 1998/99 – the year when the HRU budget was cut short to £69,393. The HRU budget has always been lower than the COG’s budget.

If evidence of commitment of human rights is to be judged by hard resource allocation figures, the Commonwealth Secretariat’s leading role of promoting human rights would seem to be in jeopardy. If it is a key area of Secretariat activity, the HRU must be assured of a separate core budget guaranteed on a constitutional basis. Essential costs should include institutional support and the funding of certain permanent on-going programmes. With a firm base, substantial project funding from outside sources should then be obtainable.

The HRU should devise innovative means of obtaining money. Indeed, it has succeeded from time to time in obtaining project funds from special agencies. For example, the International Labour Organisation (ILO) recently gave a small amount towards the drafting of a manual on ‘Good Practice for the Promotion of Children’s Rights’ and later on child labour; UN agencies have

³⁴ It was not possible to obtain the specific figures for the HRU’s staff cost.

³⁵ A separate budget for the HRU would make it easier to understand the context surrounding the decision to “freeze” one position at the HRU.

offered trainers and material for a 'Training the Trainers' programme; the Canadian Voluntary Fund helped Commonwealth training on human rights; Britain's DFID funded workshops in Mozambique and Cameroon. However, it is not enough that sums are obtained on an activity-to-activity basis. The HRU is in need of a totally new approach to funding.

The HRU could take lessons from the Secretariat's Gender and Youth Affairs Department in how to attract funding. The Youth Affairs Department in how to attract funding. The Youth Affairs Department creates the programme needed and then goes out to find the money. Youth Affairs has raised about £500,000 a year over and above its £2 million budget. The money is not always in cash, but sometimes in facilities. Some countries will even pay more than the Secretariat for a programme because they see the long-term benefit for themselves.

A staff of three (now two) in the HRU cannot possibly be expected to have much time to fundraise itself, but professional fundraiser could be used to do this work on a commission basis which need not affect the HRU budget.

Worldwide, there is no shortage of funding available for human rights. The human rights movement has been gathering pace globally in the 1990s and resources are there to be tapped from external organisations. Both governments and private foundations provide funds for human rights and good governance. Bilateral and multilateral agencies also provide money. However, donors will not provide long-term institutional funds unless they can be assured that there is support for a programme within the larger

Worldwide there is no shortage of funding available for human rights...

Resources are there to tapped

institution, adequate staffing, and a sustained commitment to developing a long-term programme devised on understanding the need and working methodically towards achieving impact.

The role of the HRU

The HRU was created in the 1980s as a facilitating body, as described by the Secretary-General in his Geneva speech. However, as we have illustrated, there has always been a marked lack of strategy.

CHRI believes that leading from the Harare Principles, short and medium term plans need to be worked out to determine the Secretariat's role and relationship with the CHRI, with other Commonwealth associations and with the wider NGO community. Planning should at all times complement the work of the Un and other multilateral bodies dedicated to the promotion and

protection of human rights, as well as guide the direction of HRU programmes.

The Director of CHRI, Maja Daruwala, has said: *“To date, the Human Rights Unit has concentrated almost entirely on the promotional aspects of human rights because successive Secretaries-General and other bureaucrats have tended to fall into the usual way of treating human rights as a political issue rather than a non-negotiable international obligation. For this reason, the protection aspects – monitoring; reporting; taking up individual cases of gross violation of the rights of groups that have been traditionally discriminated against such as woman, minorities, tribals and untouchables – have themselves been untouchable items in the Human Rights Unit. These issues are considered ‘sensitive’ and left to the mainstream bureaucrat’s discretion, and of course he never thinks about it. Contrary to the belief of persons working in this field for years, who imagine that all work must necessarily be informed by human rights values, most officials simply do not look at their work in terms of empowering populations with rights”.*

Lack of strategy has damaged the HRU’s reputation, perhaps unfairly, making it appear ineffective rather than a victim hobbled by circumstances within the Secretariat. We found that the profile of the HRU has snowed diminished to a point where the question is being asked among NGOs and even in Marlborough House: *“Is the HRU still around?”*

The HRU needs to draft a new mission statement. This statement should lead from the Harare principles and lay down operational strategies for ensuring that the principles are being honoured and that there is closer consultation with civil society.

Why not an early warning system?

The HRU should also be able to play an informal early warning role so that in the Secretary-General’s good offices work, private contact can help forestall the type of human rights degradation that has recently occurred, for instance, in Zimbabwe. At present there is total gulf between the machinery of the Secretary-General’s good offices work and the HRU. This should be bridged.

The HRU should also have close contact with CMAG and act as a mini-Secretariat for it. At present it is never consulted and has little or no contact with CMAG although their areas of interest and expertise overlap. One example of the type of useful linkage we are suggesting would have been assisting in the reconstitution and reactivation of the Commonwealth Police Development Task Force for Sierra Leone.

As within countries, there needs to be accountability in the Secretariat.³⁶ In South Africa, the Human Rights Commission requires government departments to report what they are doing to further human rights or gender diversity in their departments, and then holds government departments responsible for performance evaluation a year later. The HRU should evaluate the performance and commitment to human rights in the Secretariat against the same criteria of good governance to which countries are held. CMAG is supposed to ensure that external commitments by countries are met. Likewise, the HRU should have mechanisms in place to ensure that internal commitments are also met. As well as performing an assessment task, the HRU should act as a constructive critic.

The HRU is there to help governments set up structures, such as human rights commissions, ombudsmen and media codes of practice, to take account of best practices. It is also there to help governments find out what is going on elsewhere in the world; to assist them, for example, in accessing environmental groups and in keeping abreast of legal and constitutional developments that are helping to enhance human rights.

Use the eyes and ears of the HRU

As we have shown, it has become clear from all our inquiries that not all the work of the HRU has been well focused or co-ordinated. What could be extracted from the division and departments with which the HRU co-operates in the need for a sharper profile.

We reiterate that the Commonwealth is about people as much as it is about governments. Ultimately, it is the people that the Secretariat is there to serve. The validity of the Commonwealth, its Secretariat, and the HRU will be assured if, above all, its strategy engages the people. The Unit should be a point of access and engagement between civil society and the Secretariat. IT can act as the eyes and ears of the institutions within the Secretariat and cultivate habits of openness. It should be more pro-active in terms of issues and people and use innovative, unconventional ways and means of doing things.

Governments, for their part, must act and not just pay lip-service to the declarations and covenants they sign. That is why, in an area which is first and foremost about people, a newly constituted human rights body within the Secretariat needs to work more closely with NGOs. There should be a regular process of review and consultation with them. CHRI recommends

³⁶ *“That feeling ‘of being answerable’ seems to me to go to the heart of the challenge we face in translating the principles of human rights into reality. Some people regard it as naïve to believe in universal human rights: I believe, on the contrary, that the growth in the human rights movement is one of the most hopeful, optimistic developments of our time. To the often-repeated quote about human rights being ‘the major article of faith of a culture which fears it believes in nothing else’ I would reply that if people believe in nothing else except universal human rights and put them into practice, the world would be a much better place.”* Mary Robinson, UN High Commissioner for Human Rights, “Meeting the Challenge of Human Rights”, Sounding the Century Lecture, BBC Radio 3, London, UK, 23 September 1999.

that the HRU be mandated to develop a list of NGO advisers whom the Secretariat can consult in committee form time to time.

The theme for this year's CHOGM in Durban is people-centered development. Heads of Government agreed in the Harare Declaration to "*extending the benefits of development within a framework of respect for human rights.*" One of the roles of the Unit should surely be to assess whether in fact civil, political, social and cultural rights are being made a prerequisite to a particular development; to find out whose rights are being protected and whose ignored.

One valuable way to mainstream human rights more effectively into the work of the Secretariat would be for the HRU to help assess the impact of Secretariat initiative on human rights. For example, if technical help is provided to improve the functioning of a police force which endemically beats up its people, the intervention cannot be said to be improving human rights.

Another way to sharpen the HRU profile – and that of the Commonwealth – would be to publish a booklet on Human Rights in the Commonwealth which could be given to trainers employed on contract by the divisions.

Governments must act and not just pay lip-service to the declarations and covenants they sign.

Currently consultants are furnished with the Harare Declaration, but something more detailed is needed, listing the Commonwealth's and the Unit's activities in terms of human rights. Those persons going through London could be given information and papers on the human rights situation in their area of operation.

Yet another way to sharpen the profile would be to provide Commonwealth Secretariat programme staff within in-house training on human rights. This would also help to reintroduce the HRU to the staff.

A revitalized HRU also needs to resume publication of its Human Rights Update, which ceased publication in 1994. This newsletter reported the work of the Unit, positive human rights developments in member countries as well as countries outside the Commonwealth, human rights legal cases of particular significance, and such valuable material as a table showing the status of human rights instruments in all countries of the Commonwealth. It was produced in-house from 1991 and appeared somewhat sporadically – in all, 15 were published. The publication was of questionable quality, being produced without proper staff time and resources, but it received a favourable feedback from member countries and NGOs.

In 1993, an HRU evaluation report had said: *“The HRU newsletter could become a major channel for human rights training in the Commonwealth. As a matter of accountability, and to help guide the development of a more flexible programme, a short two-page evaluation report should be agreed before the end of each workshop. These should be collated on an annual*

Human Rights is a subject not to be found on the Commonwealth Secretariat’s website at all.

basis with an introduction by the Head of the HRU and be made available to Governments, qualified Commonwealth NGOs and other appropriate bodies, and conclusions should be summarized in the HRU newsletter.”³⁷

This advice seems to have been rejected and, at a high Secretariat level, Human Rights Update was considered unnecessary. With the loss of this publication, the profile of the HRU has been reduced. CHRI recommends the restoration of Human Rights Update.

New electronic means, such as a special web-page can at little additional cost, increase the reach and profile of human rights work at the Secretariat. As it is now, human rights is a subject not to be found on the Commonwealth Secretariat’s website at all.

Still wanted: a Commonwealth High Commissioner for Human Rights

Ever since its inception, CHRI has called for enhanced status and resources for the HRU, seeing its work as central to the development of the Commonwealth. In its founding report, Put Our World to Rights (1991), CHRI called for the appointment of a Commonwealth High Commissioner for Human Rights at the head of an independent body to investigate serious violations of human rights. We have repeated the suggestion several times since.

The 1999 CHRI report on light arms proliferation says the Commissioner should exist independently of the Secretariat but provide advice and recommendations to the Secretariat and the Commonwealth Ministerial Action Group.³⁸ In a memorandum submitted to the August 1999 meeting of CMAG, the CHRI spelled out how it saw the human rights responsibilities of CMAG and the duty and status of a High Commissioner.³⁹

It may be that a new Secretariat proposal, which CHRI welcomes, to hold a conference of representatives of national human rights institutions in early

³⁷ *Commonwealth Secretariat, 1993, CFTC Evaluation Studies, No.47, Evaluation Study of Commonwealth Fund for Technical Co-operation/Commonwealth Secretariat (International Affairs Division/Human Rights Unit), Assistance for Human Rights Training of Public Officials, p.22.*

³⁸ Report by the Commonwealth Human Rights Initiative International Advisory Commission, November 1999, Over a Barrel: Light Weapons and Human Rights in the Commonwealth.

³⁹ Commonwealth Human Rights Initiative Submission to the Meeting of Senior Officials Reviewing the Future of the CMAG, August 1999. p.4-5.

2000, would provide an opportunity to canvas views on the feasibility of establishing the post of High Commissioner. The Commonwealth now contains 63 national human rights institutions set up as a mechanism for the promotion of citizen's rights, and such a conference should offer a useful consensus.

In conclusion

This report contains a large number of suggestions aimed at ensuring that human rights is at the forefront of Commonwealth concerns in the twenty-first century. Our criticism of past performance are made in a constructive spirit and our recommendations are all offered as positive contributions to the development of the Commonwealth.

We believe that with Harare and Millbrook, and a strengthening of CMAG and the HRU, the Commonwealth can set itself standards of human rights that will be an example to the wider world. We want to see it build – and not falter – in its use of the mechanisms that have already been successfully put in place.

As we said at the outset, the Commonwealth is about democracy and human rights or it is about nothing.

Stop Press

After this report was completed, CHRI learned that a paper proposing a new two-year strategy for the handling of human rights had been prepared at the Commonwealth Secretariat and is now under consideration. Some of the ideas appear to be along the lines we have outlined in this report. CHRI greatly welcomes this development as an indication that the Secretariat is re-thinking its human rights programme.

Appendix 1

Meeting of Commonwealth Law Ministers, August 1977

'Establishment of a Commonwealth Human Rights Commission'

Memorandum by the Government of the Gambia

Introduction

6. At the June Meeting of the Commonwealth Heads of Governments the Gambia proposed the establishment of a Commonwealth Human Rights Commission as a feasible and effective step forward in the Commonwealth's effort to defend human rights. In greater detail the Gambia herein proposes again for your consideration the establishment of a Commonwealth Human Rights Commission, an institution to give legal protection to fundamental freedoms.
7. This paper represents the views of the Gambia in the area of human rights and the establishment of such a Commission, focusing on two general aspects:
 - (a) need for the establishment of a Commonwealth Commission on Human Rights;
 - (b) general structure and functions of a Commonwealth Commission on Human Rights.

The need for the establishment of a Commonwealth Commission on Human Rights

A Multi-National Effort is needed

10. A united effort is essential for a nation does not exist in a vacuum. Each of us cannot strive in isolation to build a better world. Rather nations must work together. The Commonwealth nations from a voluntary association of independent sovereign states representing diversified philosophies, politics and cultures. But we have come together sharing values and a common goal: the promotion of international understanding and world peace. We have unanimously recognised the need for the defence and advancement of human rights and dignity everywhere. What would be a more appropriate and positive step for the Commonwealth in these times of grave human rights concerns in many parts of the world than to join together in our struggles and work closely and effectively to encourage respect for human rights. As emphasized by the President of the Gambia in his address to the Commonwealth Heads of State this June, our Government "is particularly concerned about the disturbing increase in gross violations of human rights in the world and we feel that the Commonwealth ought to play its part in combating this tendency".

Ad hoc condemnation is not enough

12. We must be realistic about the increased violations of human rights in many parts of the world, including here within our Commonwealth Federation. The efficacy of ad hoc condemnation of

such violations as they arise must be seriously doubted. Et us be reminded again and again of the current atrocities being carried out in Uganda for they are too serious and outrageous a violation of basic human rights to be ignored. A newly released report submitted to the United National Commission of Human Rights by the International Commission of Jurists just this year documents human rights atrocities which must shock our consciences and threaten a very fabric of our Commonwealth principles. (Uganda Human Rights Report of the International Commission to the United Nations, 1977.)

13. Indeed, the Commonwealth Heads of Government condemned these violations in strong and unequivocal terms at the June meeting of the Commonwealth in London. But discussion and ad hoc condemnation alone is of questionable consequence.

An organized effort at Human Rights protection is needed

18. A Commonwealth Commission on Human Rights would serve the Commonwealth Nations well as such an institution. While the beginning might be necessarily slow, its existence could foster an atmosphere of awareness and an official stand to support our peoples in their struggles. As e are all aware, especially in the international community, words of support and considered judgement on international violations by recognised international bodies are tantamount to action where individuals are struggling for basic human freedoms.

Definition and realization of a substantive Human Rights policy is needed

22. There are economic, social, and cultural rights. Included here are the fundamental rights to food, housing, medical care, education and necessary social service. We recognize that in the developing world and particularly in our own Africa, the achievement of these rights may to some extent depend upon the state of a nation's economic development. But we do not believe that such human rights in Africa, should be ignored or set aside as a special case or category. For we know that such rights can be consciously violated by Government through corrupt practices that benefit a rich elite at the expense of the needy poor. All Governments, big or small, rich or poor, black or white should respect these rights through fair economic practices and equitable distribution of whatever resources do exist.
25. Also, in the realization of human rights policy, one of the most important preliminary tasks of the Commission should be to encourage all member nations to ratify the several United

Nations instruments on human rights and to support specific United Nations initiatives to promote basic rights in various parts of the world. Indeed, this could be a task the present gathering of Commonwealth Law Ministers should immediately assume with respect to their own Governments.

26. Specifically, all members of the Commonwealth should be strongly encouraged to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the United National Genocide Convention and the International Convention on the elimination of all Forms of Racial Discrimination. The Gambia has already initiated efforts within the Government toward this end.
27. As an official working human rights body within the Commonwealth, the Commission could actively pursue the goal of ratification of these international conventions by all Commonwealth members.

General Structure and Function of the Commonwealth Human Rights Commission

28. The creation of a detailed proposal for the specific structure and functions of a Commonwealth Commission on Human Rights is a serious matter, calling for collaboration and consultation by all member nations. A first step might be to create a working preparatory committee representative of the Commonwealth membership. This committee, with support and assistance from the Secretariat, might draft an instrument framing a human rights policy, laying out the Commission's functions and jurisdiction, as well as the member nations' obligation in this regard. This draft instrument could then be scrutinized by each member nation and finalized after careful review of all comments received. Final ratification might come through a Special Commonwealth Meeting or the next regular meeting in Lusaka in 1979. The Gambia would hope, however, that such ratification could be achieved before the 1979 meeting.
29. This process of formulation and comment is something we are familiar with through international law. What is needed at present is a starting point from which to develop the framework and direction for such a Commonwealth instrument. Thus we offer the following suggestions:
 - (i) Initially, the proposed Commission could be composed of eight to ten distinguished jurists, if possible with competence in the field of human rights, elected by the member nations from nominations presented by each

member. Care should be taken so that these members are broadly representative of various regions in the Commonwealth and so that there is no more than one national from the same state. Specific terms of office and election procedures could be formulated by the preparatory committee and contained in the resulting documents.

34. Acting on behalf of the Commonwealth countries, the Commission should:
- (1) give open and strong support to those countries working to improve the human condition, where possible using positive steps of encouragement and inducement to guide each member country ensure respect for human rights at the national level through development of institutions and procedures for this purpose;
 - (2) welcome efforts of individuals and private organisations such as religious, humanitarian, and professional groups within the Commonwealth countries to work for human rights, and consider the possibility of constructive co-operation with such organisation;
 - (3) encourage all members of Governments to ratify and implement the United Nations Conventions on Human Rights;
 - (4) continue an absolute and unequivocal condemnation and rejection of racial discrimination, apartheid and colonialism; and aggressively support efforts particularly in the developing Commonwealth countries toward the improvement of the status of women;
 - (5) work closely with all member countries to help each fulfil both the spirit and letter of the Commonwealth human rights commitments.
36. It should also be stressed that the proposed Commission has nothing to do with the political ideology or type of regime of any member country. Precise moral rights and political ideologies of men in some communities may well differ from precise rights and ideologies of men in other communities. National sovereignty must be respected. But as stated above, human rights rests on universal principles. And, thus, countries and institutions must act as international guardians of these rights. That is why human rights maxims cannot be rigid. Strict values or solutions must not be imposed on others. The Commission must be realistic about the limits of its power and wisdom. It will need to be guided by flexibility and compromise so as to create an atmosphere within the

Commonwealth which will allow effective and constructive progress at mutual improvement and protections of universal human rights.

Conclusion

38. The Gambia recognizes the need for each member nation of the Commonwealth to declare and actively pursue the human rights commitments outlined in the Singapore Declaration and the several United Nations instruments on human rights. As expressed in this paper, the Gambia also sees the need for definite action on the part of the Commonwealth body to give legal protection to fundamental freedoms.
39. Where peoples share common principles and institutions of freedom, they may agree on a programme of protection of fundamental liberties. This programme may be embodied and defined through the establishment of a Commonwealth Human Rights Commission, similar in general respect to the European Commission on Human Rights. This effort will help us strengthen the Commonwealth Federation and bring us closer to attaining our goals of international understanding and world peace. Sincere efforts in this area may strengthen our bonds and progress in economic co-operation and development as well. For it must be recognised that failure to protect and advance human rights remains a matter of grave concern in many parts of the world today and, apart from basic consideration of principle, this is becoming an increasing and major obstacle in international relations.
40. Change and progress in this field will, admittedly, be gradual. But it will come if pursued with determination and consistency. The Gambia commits itself to this effort.

Appendix 2

Text of Circular Letter No. 73/79 and Comments by Commonwealth Governments on the Gambian Memorandum

Commonwealth Human Rights Commission

You will recall that when Heads of Government met in Lusaka, they welcomed in principle the initiative of the Government of the Gambia in proposing the establishment of a Commonwealth Human Rights Commission. They also asked that I urge Governments to communicate their view on the subject to me before the next Commonwealth Law Ministers' Meeting in Barbados, and requested me to appoint a Working Party to make recommendations for consideration by Governments.

I am giving urgent consideration to the composition of the Working Party, about which I will be writing to Governments again shortly. As it is my hope that the Working Party will be able to begin its task before the Law Ministers meet, it would be helpful if I were to receive Governments' preliminary views, if possible, present thinking at an early stage of their deliberations. They might then be able to prepare a Discussion Paper in time for the Barbados meeting.

Shridath Ramphal

Commonwealth Secretary-General

Britain (29 February 1980)

The United Kingdom therefore, at this stage, feels unable to commit itself on the specific question of a Commonwealth Human Rights Commission, but nevertheless agrees that all aspects of the subject could usefully be considered by the Working Party which you, as Secretary-General, have been requested to appoint.

Cyprus (14 March 1980)

As you are aware, the Government of the Republic of Cyprus has already supported the proposal for the establishment of such Commission, during the last Meeting of Heads of Government in Lusaka. We continue to believe that the promotion of human rights and fundamental freedoms on a world-wide scale as well as their effective safe-guarding, is an essential prerequisite for the maintenance of world peace and security.

Fiji (14 January 1980)

Whilst the Government of Fiji has no objections to a Working Party being set up to make recommendations on a Commonwealth Human Rights Commission, it did not, in Lusaka, support the establishment of such a Commission and this is still Fiji's position.

Grenada (14 April 1980)

In view of the history of Human Rights violations in Grenada, the Government of Grenada welcomes the proposed setting up of a Commonwealth Human Rights Commission as a significant step towards the protection of basic human rights in the Commonwealth.

Malawi (29 January 1980)

The Malawi Government's view on this matter is that since there already exists a United Nations Commission on Human Rights which performs the same functions as those envisaged for the Commonwealth Human Rights Commission, there is no need for the establishment of this body.

Solomon Islands (11 February 1980)

Solomon Islands joins the Gambia in recognition of the need for each Member Nation of the Commonwealth to declare, and actively pursue, the human rights commitments in the Singapore Declaration. But whether it is possible or practical to pursue these commitments by the establishment of a Commonwealth Human Rights Commission is a matter which the Solomon Islands would like to consider further.

Appendix 3

Report of the Commonwealth Working Party on Human Rights, 1980

The Members of the Working Party

Britain

Sir Ian Sinclair, KCMG, QC
Legal Adviser, Foreign and Commonwealth Office

Canada

Ambassador Yvon Beaulne
Ambassador to the Holy See and Former Chairman of the United Nations Human Rights Commission (Chairman)

Dominica

Professor Telford Georges
Professor of Law
University of the West Indies
Barbados

The Gambia

The Honourable Alhaji M.L. Saho
Attorney-General and Minister of Justice

Ghana

Mr. J.B. Quashie-Idun
Legal Practitioner and Former President of the Ghana Bar Association

Malaysia

Tan Sri Zaiton Ibrahim
Senator and Chairman of the Urban Development Authority and Former Permanent Representative to the United Nations

Mauritius

The Honourable Mr. Justice Rajsoomer Lallah
Judge of the Supreme Court of Mauritius and Rapporteur of the United Nations Human Rights Committee

Sri Lanka

Mr. H.W. Jayewardene, QC
President Emeritus of the Bar Association of Sri Lanka and Chairman of the Sri Lanka Foundation on Human Rights

Tanzania

Mr. E.E.E. Mtango
Head of the International Law Section, Ministry of Foreign Affairs

Report of the Commonwealth Working Party on Human Rights, 1980

1. Terms of Reference and Meetings of the Working Party

At their meeting in Lusaka in August 1979, Commonwealth Heads of Government authorized the Secretary-General to appoint a Working Party to examine a Memorandum presented by the Government of Gambia. Pursuant to that mandate, the Secretary-General invited us to serve in our individual capacity as members of the Working Party on Human Rights. We were given the following terms of reference:

“Taking into account that at their Lusaka Meeting last August, Heads of Government re-affirmed the importance they attached to the observance of human rights and welcomed in principle the initiative by the Government of the Gambia for the establishment of a Commonwealth Commission on Human Rights, the Working Party will examine the Gambian proposal and make recommendations through the Secretary-General for consideration by Commonwealth Governments.”

5. In addition we have been particularly inspired by the following important considerations in arriving at the recommendations contained in this report:

- the resolute commitment by the Commonwealth to the effective enjoyment and protection of human rights as proclaimed in the Singapore Declaration (January 1971), the London Communiqué (June 197), the Lusaka Communiqué (August 1979) and other relevant international human rights instruments;
- the fact that all members of the Commonwealth include the protection of human rights in their legal systems and many of them are also parties to one or more global and regional human rights instruments;
- the importance attached by Commonwealth Governments to the adherence or accession to global and regional instruments on human rights and the need to avoid duplications with existing mechanisms or procedures for the promotion and protection of human rights;
- the special character of the Commonwealth as an association based on consultation, discussion and co-operation;
- the belief by Heads of Government in the unique potential of the Commonwealth fostering co-operation among its diverse membership in order to assist the international community in advancing global accord and the reaffirmation of their commitment to use the Commonwealth relationship in practical ways in pursuit of this objective; and

- the belief shared throughout the Commonwealth that human rights activity should relate to both the promotion and the protection and maintenance of human rights.

All these elements helped to shape our deliberations.

6. On the basis on these considerations, we examine the Gambian Memorandum while preserving the crucial distinction between, on the one hand, the promotion and, on the other hand, the protection and maintenance of human rights. With regard to these two aspects, we would wish to make the recommendations set out below in Sections 2 and 3 of this Report for consideration by Governments.

2. Promotion of Human Rights within the Commonwealth

7. In the field of promotion of human rights within the Commonwealth, we agreed that member governments should consider the desirability of charging the Secretariat with the responsibility of promoting respect for human rights throughout the Commonwealth in order to complement the efforts undertaken in other international organisations. To this end, we recommend that a Special Unit be established within the Secretariat to carry out responsibility and to collaborate with the other Divisions of the Secretariat whose work has a bearing on the subject of human rights.
8. In their comments on our Interim Report, some Governments enquired whether the functions proposed for the special Unit might not be undertaken by the Secretariat without the need for additional personnel. We were informed by the Secretariat that this would not be feasible because the resources of existing Divisions were already fully stretched. In view of this fact and taking into consideration the need for economy, we felt that a gradualist approach might be appropriate with regard to the establishment of the Special Unit. We therefore recommend that it be set up initially on a modest and limited basis, subject to a review of progress after a year or two. Accordingly, we envisage that the Special Unit could perhaps starts its life with a Director as its Head, assisted by a Research Officer and one or two secretaries.
9. With regard to the functions of the Special Unit, we adopted the proposals contained in paragraph 34 of the Gambian Memorandum and modified them as appropriate. We also took into consideration the comments offered by Governments on our Interim Report. We particularly felt that Commonwealth action in respect of promotion of human rights might be most effectively

pursued if the Special Unit were to be given the following functions:-

- (i) to give such assistance to Commonwealth Governments as is practicable to ensure respect for human rights through the development of national institutions and procedures for this purpose;
- (ii) to encourage Commonwealth Governments who have not yet done so to accede to relevant global and regional instruments on human rights;
- (iii) to act as a clearing-house through which Commonwealth Governments could be informed of measures adopted by other Commonwealth Governments fulfillment of their human rights obligations;
- (iv) to work closely with Commonwealth Governments with a view to helping them fulfil their Commonwealth human rights commitments;
- (v) to respond to requests from Commonwealth Governments for assistance in reviewing legislative and other measures designed to give effect to their obligations under relevant global and regional instruments on human rights to which they are parties;
- (vi) to give appropriate support to efforts undertaken in Commonwealth countries in regard to the improvement of the status of woman;
- (vii) to respond to requests from Commonwealth Governments for assistance in devising measures designed to fulfil the special needs and aspirations of children;
- (viii) to help develop an awareness of human rights among the peoples of the Commonwealth, and to this end,
 - (a) to disseminate information on human rights and
 - (b) to encourage and assist educational institutions in Commonwealth countries in the teaching of human rights;
- (ix) to prepare studies and reports, and organize seminars, symposia and lectures for the promotion of human rights within the Commonwealth;
- (x) to co-ordinate its activities with those of other international organisations engaged in the promotion of human rights and fundamental freedoms; and

- (xi) to perform such other functions concerning the promotion of human rights within the Commonwealth as may be assigned to it from time to time by the Secretary-General after consultation with the proposed Commonwealth Advisory Committee on Human Rights.

3. Protection and Maintenance of Human Rights within the Commonwealth

11. Sp far as the protection and maintenance of human rights within the Commonwealth is concerned, we proceeded from the recognition that the Meetings of Heads of Government are themselves the ultimate authority for joint action in human rights in the Commonwealth.
12. It must be recognised, however, that Meetings of Heads of Government take place only once every two years in the intervening period the Commonwealth association is without any effective formal machinery to assist the process of protection of human rights within the Commonwealth. Although we agreed that initially activity should be directed to the promotion of human rights, nevertheless with a view to filling this gap, as well as assisting Heads of Government in this difficult but most important task, we recommend the establishment of machinery within the Commonwealth which could be called upon to assist Governments as a particular situation warrants.
14. We also concluded that the machinery should deal only with situations which appear to reveal a consistent pattern of gross and reliability attested violations of human rights and fundamental freedom.
15. We agreed that the best approach would be the establishment b Heads of Government of a Commonwealth Advisory Committee on Human Rights whose composition and functions would be as follows:-
 - (i) the Committee would consist of seven Commonwealth citizens elected by Commonwealth Governments, taking into account of equitable geographical distribution, from among nominations submitted to them. The members should be persons of high moral character and of recognised competence in the field of human rights, consideration being given to the usefulness of participation by some persons having legal experience. Members of the Committee should serve in their individual capacity for a team of five to six years and would be eligible for re-election.

They would not be paid salaries or fees, except the Chairman who might be given an honorarium;

- (ii) communications relating to the alleged human rights violations referred to in paragraph 14 of this Report could be submitted to the Committee by any State member of the Commonwealth, individuals from countries where such violations occur or organisations concerned with the maintenance of human rights;
 - (iii) where the Committee, after seeking the Government concerned observations on the communications and conducting whatever examinations it considers appropriate, decides that a situation of the kind referred to in paragraph 14 exists, it would, with the agreement of the Government concerned, make its good offices available and, where appropriate, undertake conciliatory functions for the settlement of the situation;
 - (iv) the Committee should meet as often as may be required and the Secretary-General would provide the necessary staff and facilities for the effective performance of the functions of the Committee;
 - (v) the proceeding and documentation of the Committee would be confidential;
 - (vi) the Committee would submit to Heads of Government through the Secretary-General such reports as appropriate concerning its activities;
 - (vii) for the better performance of its functions, the Committee could delegate to its Chairman or a sub-committee such powers as it considers appropriate;
 - (viii) the Committee would establish rules of procedure designed, *inter alia*, to ensure the speedy and efficient discharge of its functions, the confidentiality of its documents and proceedings and the form and content of its reports.
17. We further recommend that the proposed Commonwealth Advisory Committee on Human Rights would not duplicate the work of other global or regional bodies in the field of human rights. The Committee would not be empowered to consider any communications submitted by an individual claiming that he or she was the victim of a violation of human rights, except to the extent that that communication tended to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedom as indicated in paragraph 14 of this Report. This limitation serves to differentiate the work of the Committee from that of other bodies entitled to receive and consider

specific treaties and under the conditions laid down in those treaties. The procedures under Resolution 1503 of the Economic and Social Council of the United Nations (ECOSOC) bear some resemblance to the activities of the Committee. But the analogy is by no means exact. The members of the Committee would serve in their individual capacity and not as representatives of their Governments. Furthermore, the activities of the Committee would be entirely confidential. Finally, it could be expressly stipulated (and we have so recommended in paragraph 16) that the Committee should not take up any matters already under investigation by other competent international bodies.

19. We considered carefully whether the objectives stated in paragraph 13 and 14 could be achieved by other means. One alternative approach would have been to envisage the appointment of a Commonwealth High Commissioner for Human Rights. However, we concluded that objection might be raised to vesting wide-ranging powers in a single individual, however eminent and well-regarded. Furthermore, confusion might result if the proposal (at present under consideration in the United Nations) to establish a United Nations High Commissioner for Human Rights were to be adopted since this would inevitably create a further risk of overlapping jurisdiction. For these reasons we did no favour the alternative. Another alternative approach would have been simply to establish a panel of human rights experts whose services could be called upon to carry out an investigation and/or exercise good offices on an *ad hoc* basis at the invitation of Commonwealth Heads of Government. This is however open the objection that urgent action might be required during the intervals between the biennial meetings of Heads of Government. In our view, this later native would not be a satisfactory substitute for the proposed Advisory Committee. We would further emphasise that although the proposed Advisory Committee would, in principle, be a standing body it would nevertheless be convened only when the performance of its functions is required.
20. We agreed that the recommendations contained in this Report area acceptable to Heads of Government. The establishment of the proposed Commonwealth Advisory Committee on Human Rights could be worked out in detail by the Secretary-General in consultation with Governments within the framework of a Memorandum of Understanding or other appropriate instruments.

Appendix 4

Text of Circular Letter No.34/80 and Comments by Commonwealth Governments on the Working Party's Interim Report

Commonwealth Working Party on Human Rights

Pursuant to the Lusaka Communiqué and Circular Letter No.26/80 of 2 April, informing Governments of the appointment of a Commonwealth Working Party on Human Rights in accordance with the mandate given to me by Heads of Government at their meeting in Lusaka last August, the Working Party met in London from 14 to 18 April and I now have the pleasure of forwarding its Interim Report to Commonwealth Governments.

The Working Party has expressed a desire to hold another meeting early next year in order to prepare its final report and has asked me to urge Governments to give consideration to the specific recommendations contained in its Interim Report so that it would have the benefit of their thinking before these recommendations were finalized. Accordingly, it would be most helpful in preparing for that meeting if I were to receive any views Governments may put forward at this stage, if possible, by 31 October.

Shridath Ramphal

Commonwealth Secretary-General

Australia (6 November 1980)

Australia considers that of the two facets of human rights work identified by the Working Party, promotion and protection, promotion offers the best immediate scope for useful activity by the Commonwealth, especially since it can be carried out on a general and non-selective basis... Possibilities to which more thought could be given might include the establishment of a Commonwealth High Commissioner for Human Rights, or another role of some kind which might draw on the experience and expertise of members states in an *ad hoc* basis in seeking to assist states where violations of human rights are occurring.

Britain (29 October 1980)

With regard to the recommendation for a special unit in the Commonwealth Secretariat, we assume from the Interim Report that it is the intention that this unit would have an advisory rather than an executive role... With regard to the proposed Advisory Committee, our understanding of the wording of sub-paragraph (10)ii is that the proposed Committee would be entitled to consider only those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights.

Canada (9 January 1981)

It considers that the working party, in preparing its interim report, properly divided the responsibilities of the Commonwealth with respect to human rights into two separate, but in fact complementary elements, namely, the promotion of human rights and their protection... In principle, the Canada Government would support the creation of such a body ["Commonwealth Advisory Committee on Human Rights"] and considers that the designation of the committee as "advisory" would be appropriate in light of the special nature of the Commonwealth.

India (received after publication of the Interim Report)

...existing institutions for protection of human rights should be adequate to deal with human rights questions within the Commonwealth also and any attempt at creating new institutions would only lead to further proliferation and duplication of institutions would only lead to further proliferation and duplication of institutions in the field of protection of human rights.

Malaysia (11 December 1980)

...Malaysia is not in favour of the setting up of the proposed Commonwealth Human Rights Commission.

Mauritius (11 December 1980)

The creation of a special unit within the Commonwealth Secretariat encourage Commonwealth Government to adopt measures to ensure respect for human rights and to help them in their human rights legislation is a necessity. On the other hand, the proposal to establish a Commonwealth Advisory Committee on Human Rights is welcome especially when such machinery would be conciliatory rather than accusatory and then it would deal with situations where there is a consistent pattern of violations of human rights.

Seychelles (20 November 1980)

I wish to state that the Seychelles is in full agreement with the interim report of the Commonwealth Working Party on Human Rights. Seychelles is also in favour if the proposal to set up a Commonwealth Human Rights Commission.

Sri Lanka (10 February 1981)

The approach taken by the Working Party in differentiating between the promotional aspects of human rights, on the one hand, and the protection and maintenance of human rights work, on the other hand, and the emphasis given by the Working Party to the promotional aspects of human rights activity is, given the consensual tradition of the Commonwealth, a realistic one.

Zimbabwe (10 February 1981)

Whilst it is conceded that the Commonwealth is beneficial to member countries in its present form, it is not entirely clear that it could effectively and adequately function as a human rights organisation.

Appendix 5

Commonwealth Heads of Government
The Melbourne Communiqué, October 1981

Human Rights

83, Heads of Government considered the report of the Commonwealth Working Party on Human Rights and reaffirmed the importance which all commonwealth Governments attached to the observance of human rights. They urged those governments which had not yet done so to accede to relevant global and regional instruments on human rights. They endorsed in principle the recommendations of the Working Party concerning the establishment of a special unit in the Secretariat for the promotion of human rights within the Commonwealth subject to agreement being reached on the appropriate method of financing the unit. They requested the Secretary-General to consult further with member governments on an agreed definition of human rights within the Commonwealth context as well as of the unit's function. They took note of the Working Party's proposals for an Advisory Committee for the protection and maintenance of human rights and asked that these should be further considered by the next meeting of the Commonwealth Law Ministers.

Appendix 6

Memorandum by the Secretariat

Commonwealth Activity in the Field of Human Rights: Proposal to set up a Unit within the Commonwealth Secretariat

1. The proposal to set up a unit on Human Rights within the Secretariat stems from the 1981 Melbourne meeting of Heads of Government when they considered the Report of the Commonwealth Working Party on Human Rights established as a result of their decision at Lusaka in 1979.
2. On the questions of an agreed definition of human rights within the Commonwealth context, the Secretary-General in his Circular Letter No. 1/82 of 5 January suggested that the Commonwealth's several major collective pronouncements on human rights issues – the 1971 Singapore Declaration of Commonwealth Principles, the 1979 Lusaka Declaration on Racism and Racial Prejudice and the 1981 Melbourne Declaration – would provide an important starting point. They cover a wide range of basic issues, both economic and social as well as civil and political and would, together with the relevant international and regional instruments on human rights which member governments have accepted, provide the framework within which the special unit proposed by the Working Party and approved at Melbourne.
3. No government has expressed any views of the contrary, though some have sought further clarification on how the proposed unit will operate, having regard to the ongoing and related work of some other Secretariat divisions. If the proposal of the Working Party is to be implemented in 1982/83, it would be necessary to include provision therefore in the year's budget estimate.
4. It is envisaged that the proposed unit will not constitute a new and autonomous division but be located within an existing divisional structure, namely the International Affairs Division. The key post would be that of an Assistant Director, responsible to the Director of the International Affairs Division. He would be assisted by a Research Officer and a Personal Secretary, making a total complement of three officers.
5. In summary, the unit is expected to co-ordinate Secretariat activities in the field of human rights, monitor progress in the national and international human rights fields and be responsible for the collection and dissemination of information between member governments and throughout the Secretariat. The unit would work closely with all Secretariat divisions and from the outset most significantly those of the Legal and Woman and Development in initiating and implementing those aspects of their

work programmes which have been on human rights. The unit would maintain close contact with international, regional and national institutions on human rights matters and co-ordinate Secretariat responses to requests for assistance from member Governments.

6. It has been understood from the outset that the Secretariat could not assume the additional functions of the proposed unit within existing financial resources. The costs involved in establishing the unit are estimated at £73,430 for the first full financial year 1982/83 (see attached annex). There should be some additional costs in printing and postage etc., and any substantial technical assistance would have to be provided through outside consultants on CFTC terms. Their costs, however, would need to be borne by the Secretariat budget, because the nature of their work would appear to preclude CFTC funding.
7. The Melbourne Meeting of Heads of Government invited the next Meeting of Commonwealth law Ministers to examine further the Working Party's proposal for an Advisory Committee. Any proposals that the Secretary-General may put forward to that Meeting will be communicated to Governments in due course.

Commonwealth Secretariat
Marlborough House
7th May, 1982

Human Rights Unit: Budget Estimates

1982/83
(12 months)

(a)	Recurring Costs	(GBP £)
	<u>Salaries</u>	
	Assistant Director (D£)*	20,610
	Research Officer (M2)	14,800
	Personal Secretary (S2)	7,900
	<u>Allowances</u>	
	Including housing, education and Entertainment (D3)	14,360
	Travel – Official Duty	5,000
	Commissioned Studies	2,000
(b)	Non-recurring Costs	
	Fares/Expenses on Appointment (D3)	5,000
	Installation Grant	1,260
	Office Equipment/Furniture	2,500
	Grand Total	----- £73,430 -----

** Costs of married officer and 2 children (at maximum salary) and included expatriation and dependants' allowances and superannuation.*

Appendix 7

Report by the Commonwealth Governmental Working Group of Experts on Human Rights, 1990

Letter of Transmittal

Members of the Working Group on Human Rights

1. Background to Human Rights Promotion in the Commonwealth
2. Objectives
3. Operating Principles
4. Future Commonwealth Action
 - a. Education, Training and Technical Assistance
 - b. Commissioned Studies
 - c. Financing
5. Proposed Framework for a Commonwealth Secretariat Human Rights Programme
6. Programme Advisory Committee
7. Conclusion
8. Summary of Formal Recommendations

Annex 1

Memorandum by the Government of Canada – Strengthening Commonwealth Co-operation in the Area of Human Rights

Annex 2

Extract from the Kuala Lumpur Communiqué, October 1989 – Commonwealth Co-operation in Human Rights

A governmental working group of experts on human rights was convened to review Commonwealth co-operation in the area of human rights and to recommend possible avenues for further co-operation and action. The working group met on the 3-4 April 1990. The Working Group consisted of the following experts:

Bangladesh

Mr. A.K.H. Morshed

Chairman

Bangladesh Institute of International and Strategic Studies

Barbados

Mr. Oliver Jackman

Chairman

Inter-American Commission of Human Rights

Britain

Mr. James Watt

Head, Human Rights Unit

Foreign and Commonwealth Office

Canada

Mr. Daniel Livermore

Director

Human Rights and Social Affairs Division

Department of External Affairs

The Gambia

The Hon. Hassan Jallow (Chairman of the Working Group)

Attorney-General and Minister of Justice

New Zealand

Ms. Dell Higgin

Head, Human Rights Unit

Ministry of External Relations and Trade

Pakistan

Justice Dorab Patel

Zimbabwe

Justice Simbarashe Muzemba

High Court Judge (Bulawayo)

1. Background to Human Rights Promotion in the Commonwealth

7. The Group considers that the strengths of the Commonwealth in the promotion of human rights lie in its shared traditions of common law; its shared acceptance of human values; its shared language; and its invaluable network of professional and personal contacts through which effective programmes of technical assistance can be carried out. The Group noted in this respect the ability of the Commonwealth to perform certain tasks more cost-effectively than the United Nations or other bodies. The Group noted that the Commonwealth already carried out some successful human rights activities on a modest scale. But it considered too that the Commonwealth was widely seen as insufficiently committed as an organisation to the promotion of respect for human rights.

2. Objectives

- a. to increase knowledge of international human rights standards and obligations among officials in Commonwealth countries, and among the population at large;
- b. to encourage and sustain high professional standards in the judiciaries and law enforcement agencies of Commonwealth countries in dealing with human rights matters, and to reinforce the independence of these judicial systems;
- c. to promote the adherence of Commonwealth countries to the main international human rights instruments, and to assist their effective implementation;
- d. do facilitate the promotion of human rights by governments, and exchanges of information on human rights programmes and activities.

3. Operating Principles

- (c) the Commonwealth should build on its specific strengths. It should recognize the value of co-operation with other bodies such as the United Nations or regional organisations, and undertake activities only where it can make a distinct contribution and without duplicating existing efforts;
- (e) Commonwealth human rights objectives, while managed in the Secretariat primarily by the Human Rights Unit, should be reflected more fully in all the work of the Secretariat;
- (f) particular emphasis should be placed on public information activities including information about the work of the Commonwealth in promoting respect for human rights.

4. Future Commonwealth Action

(a) Education, Training and Technical Assistance

13. Many human rights advocates have observed that respect for human rights is largely a cultural phenomenon, embedded in the institutions and traditions of each society. Education, training and technical assistance can therefore play a key role in ensuring that respect for the rights of the individual becomes a central element in the development of future generations.

14. It is therefore proposed that the Commonwealth, with its recognised expertise and effectiveness in the area of providing technical assistance to member states, should undertake such assistance in the following areas:

- (i) Training of selected Government officials at the highest levels in human rights, with the aim of providing a greater awareness of the content of international human rights standards and of their relevance to their national jurisdictions. Trainees would come from:
 - (a) the judiciary;
 - (b) the legal profession;
 - (c) police and military forces;
 - (d) other appropriate government ministries and institutions
- (ii) Human rights education at all levels albeit with an initial focus at the secondary level, possibly including the creation of model curricula.
- (iii) Creation of a bank of human rights educational programmes; the Commonwealth Secretariat could provide a useful service by assembling information on human rights education programmes and making such information available to Commonwealth countries on request.
- (iv) Development of educational material for human rights training, on the lines of existing Manual on Human Rights training for Public Officials.
- (v) Development of specialized training programmes for legal draftsmen to assist in the translation of universal human rights standards into national instruments.
- (vi) Technical assistance and advice to national and regional organisations, both governmental and non-governmental.

- (vii) Joint activity with organisations active in the area of human rights education.
- 16. It is also proposed that Commonwealth governments be invited to expand existing fellowship programmes to include specific post-graduate training in human rights law.

(c) Financing

- 19. Given the difficult fiscal situation of many member states and the consequent impact on the Secretariat, it goes without saying that the framing of new programmes and initiatives will be largely dependent upon the availability of programme resources. While human rights demands will necessarily have to be balanced against demands from other quarters at a time of scarcity, it should be emphasized that human rights is a relatively recent Commonwealth activity whose programme base should not be allowed to wither because of its comparative youth. Moreover, with goodwill, careful planning and clear programming, much can be accomplished with even a slender resource base.
- 22. Nevertheless, there are a number of activities that must be initiated and conducted by the Secretariat. The Working Group therefore makes the following financial recommendations:
 - (i) Regular core funding and Secretariat operational budget for the Human Rights Unit and other Secretariat units undertaking human rights activity at a minimum must be kept at current levels and enhanced when possible.
 - (ii) A standing facility, initially in the range of £30,000 funded by voluntary contributions through the Commonwealth Fund for Technical Co-operation (CFTC), should be created and made available to the Human Rights Unit to be used at its discretion on an annual accountable basis.
 - (iii) A funding facility through the CFTC should be created to allow voluntary funds from governments and other agencies to be channeled to specific technical assistance projects or training programmes co-ordinated by the Human Rights Unit.
 - (iv) The Secretariat should be clearly mandated to approach the United Nations and other agencies to act as an implementing body for these organisations for human rights programme within the Commonwealth.

6. Programme Advisory Committee

- 24. The Group believes that it is necessary to establish a programme advisory committee to further the recommendations of this report.

The Group therefore recommends the creation of a Programme Advisory Committee, consisting of between eight and ten members to be nominated by the current working Group, and subsequently be the Programme Advisory Committee itself, and confirmed by the Secretary-General. The would be authorized to meet as appropriate. The Committee's mandate would be to review Commonwealth activities in the area of human rights and to advise the Secretariat on objectives, programmes and activities which could be undertaken within the framework of the general budget or through the provision of voluntary funding.

7. Conclusion

25. The Commonwealth has a unique role to play in promoting the more effective enjoyment of human rights within and among its member states and in the international community at large. A constructive, imaginative programme can be framed which capitalizes upon the achievements of the Commonwealth and builds upon the political, legal and societal conditions which its members share.
26. Human rights must remain a central tenet of Commonwealth co-operation in the 1990s and beyond.

8. Summary of Formal Recommendations

1. The Commonwealth must remain committed to the observance of all human rights, and that these human rights and fundamental freedoms particularly as set out in the two International Covenants, on economic, social and cultural, the civil and political rights, are invisible and inter-related. Human Rights must remain a central tenet of Commonwealth co-operation in the 1990s and beyond.
2. The objectives of human rights promotion in the Commonwealth must be to increase knowledge of international human rights standards and obligations; to encourage and sustain high professional standards of judiciaries and law enforcement agencies; to reinforce the independence of judicial agencies; to promote the adherence to and implementation of international human rights instruments; and to general facilitate the promotion of human rights.
3. Commonwealth measures should pursue and achievable objectives to encourage full respect for human rights in accordance with international standards and build upon the specific strengths of the Commonwealth.
4. Education, training and technical assistance can play key roles in the promotion of human rights, and there are numerous

ways in which future Commonwealth action in this area can be furthered. The Group has outlined a number of financial recommendations that should be put into effect to achieve those measures. A series of commissioned studies should be immediately undertaken to further the ability of the Group and the Secretariat to address some of those promotional measures.

5. The Human Rights Unit should begin to develop a series of programmes with long-term goals and objectives, in particular, a national institutions programmes; a regional institutions programme; an international instrument programme; a professional support programme; a public affairs and information programme; a Commonwealth human rights resources directory; and a human rights and development programme.
6. It is essential to establish a programme advisory committee to further the work of the Commonwealth Secretariat on a long term basis.

Appendix 8

Report of the Commonwealth Workshop:

“Towards an Integrated Agenda: Government and Civil Society Working Together to Promote Development, Human Rights and Democracy”

Colombo, Sri Lanka, 19-22 June 1995

I. Introduction

2. The Colombo Workshop complemented the first Commonwealth Workshop held at Windhoek in July 1994, which had sought to explore ways in which democracy, human rights and development could be pursued in an integrated and mutually reinforcing way. While the Windhoek Workshop had regional representation, the Colombo Workshop brought together a representative cross-selection of the Commonwealth. The objective of the Colombo Workshop was to develop an integrated agenda on Development, Human Rights and Democracy. As at Windhoek, the event was unique in that representatives of government and civil society came together to discuss and seek consensus on issues on common concern.
4. These statements [by the Commonwealth Heads of Government at their Cyprus meeting in 1993] reiterated positions expressed by the Vienna World Conference on Human Rights, whose outcome reflected a significant contribution from Commonwealth governments and representatives of civil society.
5. The Workshop was perceived as part of a process to facilitate policy development and engender a wider range of initiatives on this complex inter-relationship and led eventually to an action programme whose implementation by Commonwealth countries would depend on their specific national circumstances.
6. The persistence of poverty severely undermines development, human rights and democracy. The mutually reinforcing relationships between them are now firmly on the international and Commonwealth agendas. The challenge for the Commonwealth is to develop the capacity to support institutions and programmes to respond urgently to these imperatives.

Appendix 9

The Round Table (1997), 344 (513-516)

A Force for Democracy, Human Rights and the Rule of Law? Do Harare and Millbrook go too far or not far enough?

Krishnan Srinivasan

The first part of my topic is phrased as a question – a force for democracy, human rights and the rule of law? The answer is yes. Another question: do Harare and Millbrook go too far or not far enough? When I was young, there used to be a prominent advertisement for a shaving cream, which used to have the caption ‘Not too little, not too much, but just right.’ This would be the answer to my second question.

The Commonwealth is an association without a constitution. Both Singapore and Harare called it a voluntary association of independent sovereign states, each responsible for its own policies. The Harare Declaration has come closest to a charter for the Commonwealth. Like all charters and constitutions, we may query what is left out; what has been stated we might prefer to change, but what is in the Harare Declaration has been accepted by all member states without reservations. Its principles are, by and large, unexceptional and its references to democracy, human rights and the rule of law can be considered a powerful point of advocacy for Commonwealth members. Countries which have sought to join the Commonwealth like Cameroon in the years 1991-95 have pledged adherence to Harare, and countries which now seek to join the Commonwealth must be ready to do so the same.

International Journal, Autumn 1998 (p. 622-633)

What are Commonwealth Values?

Traditional ones – against aggression and authoritarianism

Krishnan Srinivasan

From Singapore to Harare

Since 1991, the Harare values have provided the moral framework for co-operative action, for technical assistance and other Commonwealth programmes, and for some of the work of the non-governmental bodies that comprise the informal Commonwealth. (p.626)

Values have little impact if the association fails to act on them. In any voluntary association, enforcing compliance with a code of values is difficult. Each member of the Commonwealth will naturally interpret values in the light of its own culture, history and national interest. (p.627)

Human Rights and Democracy

The Commonwealth seeks to promote not only civil and political rights (known as first generation rights), and economic, social, and cultural rights (second generation rights), but also third generation rights which are collective or people’s rights as opposed to individual rights – rights to

development, a healthy environment, peace, and food security. These groups of rights have otherwise been called liberty rights, namely protection for the individual; equality rights, which guarantee essential social and economic goods and services and opportunities; fraternity rights, or new forms of collective or people's rights. The Commonwealth places equal store on all three categories of rights despite the known position of certain members who give additional weight to a particular category.

The Commonwealth has identified democracy as a fundamental political value which means the Commonwealth is committed to democracy, both as a style of Government and as a style of decision-making. Three principles lie at the heart of democratic values: pluralism, citizenship or civil society, and human rights. Democracy involves some level of citizen participation in decision-making, the rule of law, the liberty to oppose, and just and honest government. This implies freedom of assembly and expression and the accountability of those in power.

Democracy is a core Commonwealth value but it does not mean that every Commonwealth country is or should be governed by the same parliamentary or representative model. As an association, the Commonwealth embraces diversity, recognizes national circumstances, and rejects discrimination on the basis of race, gender, religion, culture, size or level of development. Equally, as an association, the Commonwealth has been a strong champion of international humanitarian law, urging member countries to accede to and comply with international covenants on human rights. (p.629-30)

Appendix 10

PARLIAMENT OF AUSTRALIA – THE SENATE

Senator The Hon Margaret Reynolds

Chair, Commonwealth Human Rights Advisory Committee (New Delhi/London)

Suite 51-60 Parliament House
Canberra ACT 2600

Chief Emeka Anyaoku
Commonwealth Secretary-General
Malborough House
LONDON SW1Y SHX

Dear Secretary-General

I am deeply concerned to hear that the Commonwealth Secretariat is considering a recommendation to abolish a position with the Human Rights Unit.

As Chair of the International Advisory Commission of the Commonwealth Human Rights Initiative I join other members of CHRI in affirming support of the Secretariat's human rights work and indeed, have argued for increased staffing, funding and effectiveness of the Unit.

It is imperative that the Commonwealth Secretariat continues to lead the way in promoting human rights, especially within Commonwealth countries. Any downsizing of the Human Rights Unit must surely be interpreted internationally as an erosion of the Secretariat's commitment to the Universal Declaration of Human Rights. The proposal, if implemented, would have damaging effects on the viability of the Human Rights Unit, limiting the Secretariat's capacity in the role of advocate for peoples and, inevitably, undermining the high esteem in which the secretariat stands internationally.

I would ask you, therefore, to give your urgent further consideration to the recommendation.

Yours sincerely,

MARGARET REYNOLDS

10 June 1999

**COMMONWEALTH
SECRETARY GENERAL**

H.E. Chief Emeka Anyaoku, C.O.N

29 June 1999

Dear Margaret,

Thank you for your letter of 10 June 1999 regarding the reduction of one post in the Human Rights Unit of our Legal & Constitutional Affairs Division.

The reduction, at least for the time being, of this post has been agreed to by member countries of the Commonwealth as a part of the response to diminishing resources of Secretariat budgets and the need to divert as many available resources as possible to direct program activities. I can assure you that program activities in our human rights work will in now way suffer in consequence, since we have taken decisions in recent years to mainstream human rights work across the whole Secretariat. The Commonwealth Ministerial Action Group on the Harare Declaration, our programmes for good governance, rule of law, gender equality, electoral support, media and other training, to name just a few, are all imbued with and have strong human rights characteristics; in other words, human rights activities in the Secretariat are by no means confined to the Human Rights Unit alone. We have already adopted the policy that democracy development and human rights being indivisible, these features would be mainstreamed across the Secretariat programmes.

In regard to the Legal and Constitutional Affairs Division, its resources have also fallen to almost a third of what they were only two years ago, and we have decided that this Division, consisting in the main of highly qualified lawyers, will work as a team in future covering all the Division's work programs rather than working separate compartments dealing with commercial crime, human rights, the Commonwealth Law Bulletin and so on. In this manner, we shall in fact have more officers working in the human rights area than ever before.

Finally, I would like to note that we have recently added to the Legal & Constitutional Affairs Division in a senior capacity a former Legal Adviser to the Truth and Reconciliation Commission of South Africa and this person brings to the Secretariat very considerable experience in the human rights field.

With warm regards, your sincerely

Emeka Anyaoku

Senator The Hon. Margaret Reynolds
Parliament of Australia – The Senate
Suite 51-60 Parliament House
Canberra ACT 2600
Australia

16 June 1999

Chief Emeka Anyaoku
Secretary-General of the Commonwealth
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y SHX

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Dear Chief Anyaoku,

We are very concerned to learn that proposals put forward as part of the current review process being pursued within the Commonwealth Secretariat may lead to a reduction in both its capacity and expertise on human rights. In particular, we understand that one of the few existing posts in the present Human Rights Units is to be eliminated or indefinitely frozen and that the Unit may lose its separate identity and be incorporated into Legal and Constitutional Affairs Division, whose staff are not required to have specific expertise or experience in Human Rights.

We find the prospect of such changes alarming. If implemented, we fear they will send an entirely negative signal about the priority which the Commonwealth attaches to human rights-almost akin, if I may utilize a cliché, to snatching defeat from the jaws of victory given the progress which the Commonwealth has made on human rights during your own tenure as Secretary General and the Commonwealth's contribution to bringing about recent changes in Nigeria.

As you know, ARTICLE 19 HAS WELCOMED THE OPPORTUNITY TO WORK IN CO-OPERATION WITH Commonwealth institutions to promote human rights and wider observance in practice of the Harare Principles. Recently, we were pleased to contribute to the work of the Commonwealth Expert Group on the Right to Know, whose proposal for a new Commonwealth standard on freedom of information was substantially endorsed by Commonwealth Law Ministers at their recent meeting in Trinidad. The Human Rights Unit, of course, played a vital role in this and it was, in our view, a model of how the Secretariat should effectively interact with civil society actors. In addition, we have followed closely and contributed information, including oral evidence, on the CMAG since its establishment by decision of the 1995 CHOGM and we have welcomed your own good offices interventions in serious cases of human rights abuse such as the recent case of Mr. Njam Sethi in Pakistan.

ARTICLE 19 has interpreted these developments as positive and timely indicators of a new mood within the Commonwealth to promote genuine adherence to the values enshrined in the Harare Principles. Consequently, we would have expected any review of resources within the Secretariat to

lead to a significant strengthening of the status and capacity of the Human Rights Unit and not, as is proposed, the contrary.

We appreciate, of course, the importance of the Secretariat periodically reviewing its resource utilization and we are aware that the current recommendations have been prepared by an independent consultant. We are convinced, however, that changes along the lines proposed, however they may be explained, will be widely interpreted as representing an effective downgrading of human rights by the Commonwealth generally and specifically by the Secretariat. We urge you, therefore, to think again and to ensure that the Human Rights Unit is preserved and, indeed, strengthened to meet the human rights challenges which the Commonwealth will face as we enter the new millennium.

Malcolm Smart

Deputy Director

ARTICLE 19

COMMONWEALTH HUMAN RIGHTS INITIATIVE

Supported by: Commonwealth Journalists Association, Commonwealth Trade Union Council, Commonwealth Lawyers Association, Commonwealth Legal Education Association, Commonwealth Medical Association, Commonwealth Parliamentary Association and Commonwealth Press Union

Trustee Committee. C/o 28, Russell Square, London WC1B 5DS
Patrons: Hon. Flora Macdonald, Dr. Kamal Hossain

Chief Emeka Anyaoku
Commonwealth Secretary-General
Marlborough House
London SW1Y 5HX
9 June 1999

Re: Human Rights Unit at the Commonwealth Secretariat

We have learned with concern that there is a proposal to reduce by one third the small professional staff in the Human Rights Unit, which would leave it with only two persons and put the Secretariat's longer term capability in this area in question.

So soon after your speech at the inauguration of President Obasanjo, which drew attention the importance of human rights, and on the eve of a Meeting of Commonwealth Heads in South Africa—scene of one of yours and the Commonwealth's greatest success for the rights of its people – we believe that adoption of this proposal would result in serious and negative publicity.

The Commonwealth Human Rights Initiative is of course a coalition of Commonwealth non-governmental bodies with its own mandate. It has, however, consistently supported the Secretariat's own human rights work for governments, and argued for increased staffing, funding and effectiveness for the unit.

It is worth recalling that in our founding report *Put our World to Rights* (1991), which was published just after the Hassan Jallow report on the Unit and just prior to the Harare CHOGM, we stated, "The Commonwealth has a modest institutional structure for the promotion of Human rights which needs to be strengthened if it is to prove effective for the Commonwealth Human Rights Policy. We support the current human rights related activities of the Secretariat..." (P26). This position has been reiterated since.

We are worried that reduction of the Unit's staff and programme may lead to their entire abolition and an end of the Secretariat's specific capability to assist government in necessary promotional and educational activity for human rights. General legal advice is no substitute, and indeed in our experience a specific legal qualification is not always necessary for the planning of good human rights programmes.

We hope that you will act to prevent managerial recommendation from turning into a political mistake: what looks like a phased withdrawal from

the Secretariat's most visible commitment to "fundamental human rights..." (Harare Communiqué, P5) and "extending the benefits of development within a framework of respect for human rights" (Ibid, P6).

Maja Daruwala
Director

Richard Bourne
Chair Trustee Committee

17 June 1999

HE Dr. Abdul-Kader A Shareef
High Commissioner
Tanzanian High Commission
43 Hertford Street
London W1Y 3DB

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Dear High Commissioner,

We understand that representatives of Commonwealth governments will meet in London tomorrow, 18 June, with Tanzania in the chair, to consider a report on Change Management within the Commonwealth Secretariat and, specifically, proposals which would reduce the Secretariat's capacity and expertise on human rights. In particular we understand it is being proposed that one of the few existing posts in the present Human Rights Unit be eliminated or indefinitely frozen and that the Unit should lose its separate identity and be incorporated into the Legal and Constitutional Affairs Division, whose staff are not required to have specific expertise or experience in human rights.

We find the prospect of such changes alarming. If implemented, we fear they will send an entirely negative signal about the priority which the Commonwealth attaches to human rights and undermine efforts to secure greater adherence in practice by Commonwealth government to the Harare Principles.

As an international human rights organisation working to promote freedom of expression, ARTICLE 19 has welcomed the new opportunities which have arisen recently to work in co-operation with Commonwealth institutions to promote human rights and wider observance in practice of the Harare Principles. Recently, we were pleased to contribute to the work of the Commonwealth Expert Group on the Right to Know, whose proposal for a new Commonwealth standard on freedom of information was substantially endorsed by Commonwealth Law Ministers at their recent meeting in Trinidad. The Human Rights Unit, of course, played a vital role in this and it was, in our view, a model of how the Secretariat can interact effectively with civil society actors. In addition, we have followed closely and contributed information, including oral evidence, to the CMAG since its establishment by decision of the 1995 CHOGM. We have welcomed too the willingness of the Commonwealth Secretary-General to intervene under his good offices role in cases of serious human rights abuse, such as the recent case of the Pakistani newspaper editor, Njam Sethi.

ARTICLE 19 has interpreted these developments as positive and timely indicators of a new mood within the Commonwealth to promote genuine adherence to the values enshrined in the Harare Principles. Consequently, we

would have expected any review of resources within the Secretariat to lead to a significant strengthening of the status and capacity of the Human Rights Unit and not, as is proposed, the contrary.

We appreciate of course the importance of the Secretariat periodically reviewing its resource utilization and we are aware that the current recommendation have been prepared by an independent consultant. We are convinced, however, that changes along the lines proposed, however they may be explained, will be widely interpreted as representing an effective downgrading of human rights by the Commonwealth generally and specifically by the Secretariat.

In light of these considerations, we urge your government to give close attention to this matter and to ensure that the Human Rights Unit within the Commonwealth Secretariat is preserved and indeed strengthened to meet the human rights challenges which the Commonwealth will face as we enter the new millennium.

Malcolm Smart
Deputy Director.
ARTICLE 19

TANZANIA HIGH COMMISSION

43 Hertford Street
London W1Y 8DB

16 July 1999

Mr. Malcolm Smart
Deputy Director
International Centre Against Censorship
33 Islington High Street
London, N1 9LH

Dear Mr. Smart,

Many thanks for your letter of 17 June 1999 in which you raised the question of staffing capacity in the Human Rights Unit at the Commonwealth Secretariat.

As Chairman of the Commonwealth Secretariat Finance Sub-Committee I made your letter available to the meeting of the Finance Sub-Committee when it met on 22 June 1999.

The Sub-Committee members agree with you that Human Rights work should be given high priority by the Commonwealth Secretariat and we have every reason to believe that the Secretariat is currently doing so and intends to do so in the future.

Commonwealth governments have been urging the Secretariat to rationalize its staffing and the reduction of the one post in Human Rights Unit is part of that rationalization. We have been assured that staff in other Units in the Legal and Constitutional Affairs Division as well as staff in other division will be contributing to, and enriching the work of the Commonwealth Secretariat Human Rights Programme.

Yours sincerely,

Dr. Abdul-Kader A. Shareef,
High Commissioner

Copy to: Commonwealth Secretary General
Marlborough House London, SW1
“ “ Commonwealth Secretariat Finance Committee Members

26 July 1999

HE Dr. Abdul-Kader A Shareef
High Commissioner
Tanzanian High Commission
43 Hertford Street
London W1Y 3DB

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Dear Dr. Shareef,

Many thanks for your letter of 16 July in response to my letter about the future of the Human Rights Unit at the Commonwealth Secretariat. I am most grateful to you for bringing our concerns to the attention of Commonwealth government representatives attending the Finance Sub-Committee at its meeting on 22 June for confirmation to that effect.

We find it greatly encouraging that Sub-Committee members agree that Human Rights should continue to be given high priority by the Commonwealth Secretariat but we are disappointed and some what surprised that they should then have approved proposals from the Secretariat which will lead directly to a reduction in staffing of the small Human Rights Unit and to the loss of this unit as a distinctive and dedicated entity within the Secretariat.

We fear that whatever assurances are given about utilizing other staff within the Legal and Constitutional Division in support of human rights, in practice the elimination of a distinct Human Rights Unit will result in a reduction in the priority accorded to human rights within the Secretariat. As far as we are aware, other staff in the relevant division have not been recruited on the basis of specific human rights expertise, rather because of their expertise in relation to other, quite different, matter such as crime control, and may not be equipped to provide the support and direction on human rights which the secretariat should be able to offer to Commonwealth governments. Of course, we recognize that Commonwealth governments wish to see some rationalization of staffing and increased efficiency within the Commonwealth Secretariat, and we welcome that. However, we continue to feel that such rationalization should not at all be achieved at the cost of the Secretariat's human rights work and the loss of distinct human rights unit. This seems quite the wrong decision for the Secretariat, and for the Commonwealth as a whole, to be taking at this time. We feel that it is sending entirely the wrong message at a time when the next CHOGM, the first to be held in a free and unitary South Africa, will have before it an important new set of Principles on Freedom of Information and recommendations regarding a future role for CMAG, the Commonwealth Ministerial Action Group, following its successful interventions in relation to Nigeria, Sierra Leone and The Gambia.

Thank you, once again, for your attention to this matter.

Sincerely,

Malcolm Smart
Deputy Director
ARTICLE 19

APPENDIX 11

Commonwealth Secretariat 1 July 1997

<p>Private Office</p> <p>NGO Desk</p> <p>Deputy Secretary-General Political</p> <p>Political Affairs Division</p> <p>Joint Office for Small States (UN)</p> <p>Legal & Constitutional Affairs Division</p> <p>Commercial Crime Unit Human Rights Unit</p> <p>Information & Public Affairs Division</p> <p>Media Relations & Public Affairs Dept. Publications Unit Library</p> <p>Administration Division</p> <p>Finance & Management Information Dept. Personal & Staff Development Dept. Conference Unit Printing Unit General Services Unit.</p>	<p>Secretary-General</p> <p>Deputy Secretary-General Economic & Social Affairs</p> <p>Economic Affairs Division</p> <p>International Finance & Capital Markets Dept. Trade & Regional Co-operation Dept. Environment Unit Agriculture & Rural Development Policy Desk</p> <p>Human Resource Development Division</p> <p>Education Dept. Health Dept.</p> <p>Gender & Youth Affairs Division</p> <p>Gender Affairs Dept. Youth Affairs Dept. CYP Regional Centres (4)</p> <p>Science & Technology Division</p> <p>CSC Secretariat</p>	<p>Strategic Planning & Evaluation Unit</p> <p>Planning Section Evaluation Section</p> <p>Deputy Secretary-General Development Co-operation</p> <p>Economic & Legal Advisory Services Division</p> <p>Export & Industrial Development Division</p> <p>Export Market Development Dept. Industrial Development Dept. Agricultural Development Unit</p> <p>Managing & Training Services Division</p> <p>Management Advisory Services Institutional Development & Training Special Projects</p> <p>General Assistance Division</p> <p>Technical Services</p>	
<p>Senior staff as of 1 August 1997</p> <p>HE Chief Emeka Anyaoku Commonwealth Secretary-General Nigeria</p> <p>Humphrey Maud Deputy Secretary-General (Economic and Social Affairs) Britain</p>	<p>Mr. Nick Hare Deputy Secretary-General (Development co-operation) Canada</p> <p>Mr. K. Srinivasan Deputy Secretary-General (Political) Indian</p> <p>Mr. Stuart Mole Director and Head of the Private Office Britain</p>	<p>Dr Indrajit Coomaraswamy Deputy Director Sri Lanka</p> <p>Strategic Planning and Evaluation Unit</p> <p>Dr. Siriparapu K Rao Director India</p> <p>Prof. A I (Adel) Adefuye Deputy Director (Planning) Nigeria</p>	<p>Dr. Richard Longhurst Deputy Director (Evaluation) Britain</p> <p>Administration Division</p> <p>Dr. Gelaso Mutahaba Director Tanzania</p> <p>Mr. John Barber Head of Department, Personnel and Staff Development Britain</p>

Appendix 12

WORKSHOPS OF THE HUMAN RIGHTS UNIT

April 1990, London, Britain, Commonwealth Government Working Group of Experts on Human Rights Meeting.

May 1990, Harare, Zimbabwe. Human Rights Training for Public Officials Workshop.

June 1990, Port of Spain, Trinidad. Human Rights Training for Public Officials Workshop.

November 1990, Cook Islands. Human Rights Training for Public Officials Workshop.

April 1990, Uganda. Human Rights Training for Public Officials Workshop.

May 1991, The Gambia. Human Rights Training for Public Officials Workshop.

June 1991, Harare, Zimbabwe. Human Rights Training for Public Officials Workshop.

March 1992, Basseterre, St. Kitts and Nevis. Human Rights Training for Public Officials Workshop.

May 1992, Banjul, The Gambia. Commonwealth West Africa Regional Workshop on Human Rights Training for Public Officials.

June 1992, Dhaka, Bangladesh South Asia Regional Workshop on Protecting the Rights of Woman and Children with Special Reference to International Trafficking and Labour Migration.

June 1992, Livingstone, Zambia. Workshop on Setting Human Rights Strategies.

June 1992, Apia, Western Samoa. Pacific Regional Workshop on Creating Human Rights Training Programmes.

September/October 1992, Ottawa, Canada. Workshop to Foster the Creation or Strengthening of National Human Rights Institutions.

December 1992, Kingstown, St. Vincent and the Grenadines. Caribbean Regional Workshop on Creating Human Rights Training Programmes.

February 1993, London. UK. Seminar on the Commonwealth and the Promotion of Human Rights: an Informal Exchange of Views.

April 1992, Banjul, The Gambia. Workshop on Reporting Procedures under the African Charter.

April/May 1993, Banjul, The Gambia. Establishment of Gambian National Human Rights Institution.

August 1993, Colombo, Sri Lanka. Workshop on Strengthening Legal Literacy Programmes.

1994/95, India. 'We Shall Overcome' Video about Street Children in India.

July 194, Windhoek, Namibia. Workshop on Democracy. Human Rights and Development.

November 194, Kampala, Uganda. Workshop on Management of Prisons and Prisoners: Piloting of Draft Commonwealth Manual on Human Rights Training for Prisoner Officials.

May 1995, Malta. Seminar on Human rights for Public Officials: Piloting Draft Commonwealth Manual on Human Rights Training for Foreign Ministry Officials.

June 1995, Colombo, Sri Lanka. Workshop on Democracy, Human Rights and Development.

July 1995, Zambia. Regional Workshop for Officials in Charge of Reporting under the International and Regional Instruments.

July/August 1995, Zimbabwe. Workshop on Publishing and Human Rights.

September 1995, Oxford, UK. Commonwealth Conference on Human Rights Education and Training.

November/December 1995, Cyprus. Pan-Commonwealth Workshop on Human Rights Training for Law Enforcement Officials.

July 1996, Vanuatu. Commonwealth Regional Workshop on Human Rights Education and Training for the Pacific.

July 1996, London, UK. Workshop on Advancing Social, Economic and Civil Rights: Learning from Successful Development Experiences.

August 1996, Pretoria, South Africa. International Ombudsman Institute Workshop for Investigation Officers.

October/November 1996, Jamaica. Workshop on Human Rights Reporting in the Caribbean 1996.

February 1997, Lesotho. Commonwealth Judicial Colloquium for Lesotho, Malawi and South Africa.

March 1997, Cape Town, South Africa. Human Rights Workshop for Law Enforcement Officials from Sub-Saharan Africa.

April/May 1997, Kampala, Uganda. Commonwealth Regional Training Programme for the Training of Trainers.

June 197, India. Commonwealth Training Workshop for Human Rights Commission and Related Bodies.

November 1997, Tanzania. National Workshop on the promotion and Protection of Human Rights.

November 1997, Uganda. Developing the Promotional Capacities of National Human Rights Related Bodies.

December 197, Lesotho. National Workshop on Democracy and Human Rights.

March 1998, Antigua. Caribbean Workshop on the Strengthening of the Ombudsman.

March 1998, Cameroon. Training of Trainers Workshop on Human Rights and Prison Officers.

April 1998, Mozambique. National Training of Trainers Workshop on the Management of the Human Rights Institutions.

May 1998, Bangladesh. Asian Regional Workshop on the Rights of the Child.

December 1998, Ghana. Commonwealth Convention on Advancing Economic, Social and Cultural Rights: Linking Efforts for the Realisation of all Human Rights.

December 1998, Ghana. Developing a Framework Curriculum for Learning Human Rights in Schools.

March 1999, London. Commonwealth Expert Group Meeting on the Right to Know and the Promotion of Democracy and Development.

November 1998. Completion of Curricular Framework for Learning Human Rights in Law School.

November 1998. Completion of Curricular Framework for Learning Human Rights in Secondary School.

PUBLICATIONS OF THE HUMAN RIGHTS UNIT

The Human Rights to Development, Prof. Ian Brownle. 1989.

An Underlying International Economic Law Problem of the Rights to Development. Michael A. Kaddo, Ph.D. 1990.

The Right to Development and the Industrialisation of the Less Developed Countries: The Case of Compensation for Major Industrial Accidents Involving Foreign-owned Corporations. P.T. Muchlinski. 1989.

Whose Right to Development? Yash Ghai. 1989.

Human Rights and 'Participatory Development'. Dr. Dilys Hill. 1989.

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Human Rights Violations and Development Aid: From Politics Towards Policy. Dr. Katarina Tomasevski. 1990.

Human Rights Training for Public Officials. Magda Seydegart, Allan McChesny, Iva Caccia and Douglas Williams. 1990.

Directory of Statutory Human Rights Bodies in the Commonwealth. (1st ed.), Rosalina Baba, Joan Small, and Low Lih Jeng. 1990.

Report of the Commonwealth Governmental Working Group of Experts on Human Rights. 1990.

Manual on Human Rights Training for Public Officials. General Volume (2nd ed.). 1992.

Manual on National Human Rights Institutions. John Hatchard. 1992.

Manual on Setting National Human Rights Strategies. 1992.

Directory of National Human Rights Institutions in the Commonwealth. (2nd ed.) John Hatchard. 1992.

Trainers Guide for Human Rights Unit Workshops for Public Officials on Creating Human Rights Training. 1992.

Establishing a National Human Rights Institution in the Gambia, Consultant's Report. 1993.

Manual on National Human Rights Institutions. John Hatchard. 1993.

Zambian National Human Rights Strategies, Zambian Workshop on Setting Zambian National Human Rights Strategies, Livingstone, 25th June 1992. 1993.

Manual for Foreign Service Officials. Patricia Hyndman. 1995.

Manual on Human Rights Training for Public Officials, Special Volume for Foreign Service Officials. 1995.

The Commonwealth Approach to Human Dignity. 1995.

The Right to Dignity: A Commonwealth Approach to Human Rights. 1995.

Report to the Oxford Commonwealth Conference on Human Rights Education and Trainings. September 1995.

Report of the Commonwealth Cyprus Workshop in Human Rights Training for Senior Law Enforcement Officials, 27 November – 1 December 1995. 1995.

Report of the Regional Workshop on Human Rights Education and Training – Port Vila, Vanuatu. July 1996.

Commonwealth Values in Education, Young People's Understanding of Human Rights, Report of a Four-Country Study for the Commonwealth Education Ministers Meeting, Botswana. 1997.

Appendix 13

Seven-Year Review of CFTC Funding of LCAD: Financial Year 1993/94 to Financial Year 1999/2000

Financial Year	Sub Programme	CFTC Allocation (GBP £)
1993/94 ¹	Human Rights Unit Legal-General CCU & LG Total Plan of Expenditure	111,127 76,546 871,718 1,059,391
1994/95 ²	Human Rights Unit Legal-General CCU & LG Total Plan of Expenditure	137,920 65,100 371,420 574,440
1995/96 ³	Human Rights Unit Legal-General CCU & LG Total Plan of Expenditure	129,000 61,000 347,000 537,000
1996/97	Human Rights Unit CCU & LG Total Plan of Expenditure	179,648 533,192 712,840
1997/98	LCAD: Human Rights Unit LCAD: Commercial Crime Unit LCAD: Legal-General Divisional Reserve Total Plan of Expenditure	155,805.30 117,900 340,909.67 72,139.03 686,754
1998/99 ⁴	LCAD: Human Rights Unit LCAD: Commercial Crime Unit LCAD: Legal-General Divisional Reserve Total Plan of Expenditure	n/a n/a n/a n/a 281,400
1999/2000	LCAD: Human Rights Unit LCAD: Commercial Crime Unit LCAD: Legal-General Total Plan of Expenditure	63,333.08 59,166.43 83,333 250,000

Abbreviations:

CFTC	=	Commonwealth Fund for Technical Co-operation
LCAD	=	Legal and Constitutional Affairs Division
CCU	=	Commercial Crime Unit
LG	=	Legal-General

¹ Figures given for this Financial Year are subject to confirmation by FMID

² Figures given for this Financial Year are subject to confirmation by FMID

³ Figures given for this Financial Year are subject to confirmation by FMID

⁴ Plan of expenditure decreased from £402,000 to £281,400, 28 October 1998. The allocations agreed internally within the Division based on the original Plan of Expenditure were as follows: Human Rights Unit: £95,259 for the Human Rights Unit; Commercial time Unit: £92,219, Legal-General: £190,857; and Divisional Reserve: £23,664. Following the decrease in the Plan of Expenditure, there were no subsequent revisions made to the allocations agreed within the Division despite the shortfall of £120,000.

CHRI is an independent international organization headquartered in India. Its objectives are to promote practical realization of human rights in the Commonwealth.

Our Advocacy Programme is part of our commitment to educate the Commonwealth about values of democracy and good governance.

We are grateful to the Human Rights Project Fund, Foreign & Commonwealth Office (UK) and the Ford Foundation for supporting our programme.

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