

**Keynote address:**

**“Perth and the EPG challenge”**

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I thank the several Commonwealth organisations that have done me the great honour of inviting me to speak to such a distinguished audience this afternoon.

And, I thank you all for attending.

As Commonwealth eyes and ears turn to Perth, there is no doubt that the Heads of Government meeting will be a defining occasion for the Commonwealth.

As a result of the decisions made there, the Commonwealth will either go forward, re-invigorated and resolute as a values-based organization intent on making a difference to its people and the wider international community; or it will limp along as a much devalued grouping to a future of disregard, deterioration, and disappearance.

This is the collective view of the Eminent Persons Group (the EPG) who spent 13 months carefully studying the issues surrounding the Commonwealth.

### **The mandate of the EPG and the process employed**

In carrying out that study, the Group was guided by the Trinidad and Tobago *Affirmation* of Heads of Government in 2009 in which our mandate was set-out.

It was a mandate, in essence, to recommend ways of reforming the Commonwealth to make it “relevant to its times and its people in the future.”

Our work was also informed by over 330 written submissions from all over the Commonwealth; from governments; from trade unions; from political parties; from professional organisations; and from civil society groups.

They spoke.

We weighed what they said carefully.

We measured their aspirations against practical circumstances.

And, we reached decisions after debate amongst ourselves.

The debate was intense, as would be expected from a group of persons of different experiences and perspectives, but it was never acrimonious.

The EPG approached its work in the spirit of the Commonwealth – bringing a healing touch to division and, at all times, seeking common ground on which to move forward.

The EPG had requested that the report be publicly released before the Perth meeting, following the precedent established twenty-five years ago by the release of the first EPG report on Apartheid South Africa four months ahead of the meeting of Heads of Government.

I am conscious that I am speaking to you about a report that, despite our request, has not been made public, and that remains confidential until Heads of Government decide to release it.

This makes it difficult for me to speak to the details of the report, but all other members of the EPG feel that we have an obligation to clarify misconceptions and misinterpretations that have arisen since the report was transmitted to all member-governments.

The members of the EPG did not do this job as a group of paid consultants.

Our entire effort – consuming more than a year of our lives - was on a voluntary basis, responding to a call to duty for a Commonwealth in whose potential, as an instrument for good, we each firmly believed.

After 13 months of work, we all remain convinced of that potential, but only if the association is reformed.

### **Cannot be business as usual for the Commonwealth**

If the Commonwealth continues with its business as usual, it will lose its moral authority and international respect, providing little benefit to its member states, particularly the small ones.

It is in that context that the Group made 106 recommendations for reform covering the full range of Commonwealth activities.

We were always conscious that for some individuals and organisations, our recommendations would have gone too far, and, for others, they would not have gone far enough.

But, uppermost in our minds was a determination to draw a map for the consideration of Heads of Government that, in a practical and realistic fashion, could lead the Commonwealth from the cross-roads at which it is presently marking time, to a path that allows it to march forward to renewed significance for its people, and importance in the global community.

In recent years, a few Commonwealth countries have strayed away from the collective values of the association, and, except for the unconstitutional overthrows of governments, the Commonwealth has not spoken out, as a body, or acted jointly to bring errant countries into compliance.

Yet, Heads of Government have mandated the Commonwealth Ministerial Action Group (CMAG) to take action against countries over a range of delinquencies.

This absence of action – and the silence of the Commonwealth collectively - has severely hurt the Commonwealth's credibility.

It has resulted in the accusation that the organization is hypocritical.

It is an accusation that Heads of Government must themselves prove to be wrong.

If they fail to do so, the Commonwealth might limp along for a while longer, but it will surely lose its influence within its own membership and in the wider international community in which it has played an important role in the past.

At the heart of this problem has been an absence of reliable and verifiable information in a timely manner that could allow both the Commonwealth Secretary-General and CMAG to engage a government before its violation of the Commonwealth's values becomes serious or persistent.

It is to fill this gap that the EPG recommended the post of Commissioner for Democracy, the Rule of Law, and Human Rights.

## **A Commissioner for Democracy, the Rule of Law, and Human Rights**

The principal task of the Commissioner would be to provide the Secretary-General and CMAG with carefully researched and credible information upon which to make decisions.

And, let me say a word about the title of the post.

The post has been set at the level of “Commissioner” not because the officeholder would be a “policeman” armed with “punitive” powers, but precisely because it is envisaged that the occupant would be a person of sufficient standing, and possessed of significant diplomatic skill and sensitivity, as to be able to engage any government in a respectful and beneficial manner.

But, what’s in a name?

If the name is the cause of distress, let us peel away the wrapping and examine what is enclosed within it.

Far from being punitive, the Commissioner’s role would be co-operative, focusing on averting denunciation and ensuring sensible measures by all to maintain Commonwealth values.

The majority of Commonwealth countries will never hear from, or see, the Commissioner. The post will not require member-states to fill out questionnaires as they are required to do by the UN Human Rights Commission, nor will governments be burdened by inspection teams and peer reviews.

These are tasks already being undertaken by UN institutions that are much better resourced than the Commonwealth, and whose findings are publicly known, and would be available to the Commissioner.

It will not be within the Commissioner’s remit to recommend the suspension or expulsion of a country; this responsibility remains with CMAG or Heads of Government themselves.

Incidentally, the EPG has never suggested that the Commissioner should be based in Geneva, one of the most expensive capitals in the world, nor did we propose that the location of the post should be London.

It was our view that the face of the Commonwealth should be spread, as far as possible, across its member-states and, in that context, the Commissioner could be based in any Commonwealth country, including his or her own country of origin.

The post of Commissioner should be embraced by all Commonwealth governments precisely because the Commissioner will be a very senior officer with the capacity to gather reliable and information in a way that directly involves governments facing difficult circumstances.

Further, for the Commonwealth to continue to advocate for development funding, for money to militate against Climate Change, for reform of the criteria under which small states are unfairly graduated from concessionary financing, it has to be credible in relation to democracy.

Adherence to democracy, the rule of law and human rights is now a strong test for any country's qualification for investment both local and foreign.

Increasingly, it is also becoming so for the granting of official development assistance except from the governments of a few countries whose own disregard of democracy, the rule of law and human rights has either resulted in popular uprisings, or who maintain themselves in office at the point of a gun.

No government in the Commonwealth intent upon upholding democracy, the rule of law and human rights would fear the creation of the post of Commissioner recommended by the EPG.

It will strengthen the Commonwealth and enhance its credibility as a strong advocate for development and the improvement of people's lives.

### **The proposed Commonwealth Charter**

Let me turn now to the recommendation of a Charter for the Commonwealth.

Again, it appears that some misconceptions have arisen in relation to this proposal.

There appears to be a belief that this idea was imposed on the EPG by the governments of Australia, Canada and Britain. Nothing could be further from the truth; the idea originated with the EPG Chairman, Tun Abdullah Badawi – the former Prime Minister of Malaysia – whose country had pioneered work on a Charter for ASEAN.

The further incorrect notion that seems to have arisen is that the Charter will become a binding constitution for the Commonwealth. This is also a fallacy.

We should all recall that the Commonwealth is not a treaty organization.

Its members have not signed-up to legally-binding rules and obligations.

It is an association of sovereign states that voluntarily work together in their common interest and for their common good.

Through the pooling of collective experience, and based on their common laws, common language, shared history, and agreed values, they also try to influence the direction and decisions of the international community for peace, security, and development .

The EPG's recommendation of a Charter is to do no more than weave the many declarations into one document, and then only after consultation with the people of the Commonwealth through public meetings across the Commonwealth with the involvement of civil society organisations.

The value-added would be that the people would be provided the opportunity to express their views, and, by the process of the public consultation, knowledge of, and information about, the Commonwealth would spread more deeply and widely than they now are.

### **Maintaining the integrity and worth of the Commonwealth**

Over the years of its existence, the Commonwealth has expressed its shared values in several declarations. The Charter would have no greater legal force than the many declarations now have, nor will it bind any member government in any greater way than now exists.

The obligations of member-states are voluntary and co-operative. These obligations are moral not legal. They are born in a belief in the values of democracy and development and they are sustained by a commitment to these values.

However, Heads of Government themselves have decided that these values are the measure by which a government can maintain membership of the Commonwealth. When governments violate these values in a serious or persistent manner, they can no longer enjoy the badge of honour that membership of the Commonwealth represents.

In the history of the Commonwealth, only three governments have withdrawn from the association because its collective and shared values did not suit them.

Two of those countries returned to the Commonwealth when changes in their government occurred and the new governments put in place the democratic principles to which the Commonwealth subscribes.

The most notorious of the withdrawals was by the *Apartheid* regime in South Africa. But, as Bishop Desmond Tutu has so compellingly pointed out: it was not the people of South Africa that left the Commonwealth; it was the government that did so.

Other countries have been suspended from the Councils of the Commonwealth, but they have not been abandoned.

Through the Good Offices of the Secretary-General and by engagement of regional neighbours and others, the Commonwealth has worked to help suspended countries to remedy their problems. Only the most recalcitrant and shameless governments, in their refusal to remedy the ills they wrought, keep their countries outside.

And, still the Commonwealth has closed no door to dialogue, nor has it withdrawn any helpful hand if and when governments have sought to right wrongs and remedy ills.

The point is that a candle always remains alight in the Commonwealth window to illumine the path back to its fold in accordance with its values.

## **Funding the recommendations of the EPG**

The matter of funding the EPG's recommendations has also been raised. Figures in excess of £9 million have been suggested as the cost of implementation.

But, those figures are not the EPG's.

Throughout its work, the EPG was very conscious of the enormous financial constraints now being faced by every Commonwealth country without exception.

The Group was acutely aware that this is not the time to ask governments to put up huge sums of money to implement all the recommendations in its report.

For this very good reason, while the Group fulfilled its mandate to recommend urgent reforms that would make the Commonwealth "relevant to its times and its people", as it was requested to do, we called for the retirement of some programmes in which the Commonwealth has no comparative advantage, which are duplicative of the work of other agencies, and which have displayed no particular benefit.

It was calculated that, if these programmes are retired and funds re-allocated on the criteria we have suggested, the Commonwealth's existing budget should allow for the more immediate improvements in the Secretariat that are required and for implementation of all the EPG's recommendations for reform over a phased period.

The bottom line is simply this: without these reforms the Commonwealth will decline as an instrument of value to its member states and as an influence for better in the international community.

We were well aware that the Commonwealth's principal organ – the Commonwealth Secretariat – is woefully under-funded.

Consequently, its work on crucial issues in development, environment, gender and youth has lost the cutting-edge for which it was once deservedly praised.

As the EPG points out in its report, the staff complement at the Secretariat is smaller than the staff of the canteen at the United Nations.

And, as Secretary-General Kamallesh Sharma told the Secretariat's Board of Governors a week ago, the Secretariat is "struggling to recruit and retain international talent."

With the greatest ambition, vision, and determination, the Secretariat staff can achieve little without the support of governments.

Long before the financial crisis that gripped most of the world - starting in late 2008 - contributions to the Secretariat had failed to keep pace with contributions to other organisations and with the job that was asked of it.

But, if the Commonwealth is to mean something to governments, governments cannot be mean to the Commonwealth.

While it is essential that the Secretary-General, as the chief executive of the organization, plays almost an evangelical role in creating the vision and raising the level of ambition and determination that would create and sustain interest and confidence in the Commonwealth, the task is not his alone.

The creation of a vision and the mustering of the ambition and determination to realize that vision is the responsibility of all the leaders of the Commonwealth.

In this context, let me acknowledge the exemplary role played by the present government of the United Kingdom in not only standing-up for the worth of the Commonwealth, but also committing itself to its enhancement and its advancement.

Strong statements of support by the Prime Minister, the Secretary for Foreign and Commonwealth Affairs and the Foreign Office Minister responsible for Commonwealth Affairs, have given real hope for an invigorated Commonwealth.

But while a strong commitment from the British government is important - particularly in the absence of such a commitment in the more recent past - Heads of Government and Ministers of other member-governments must also share the vision of a bold and beneficial Commonwealth and take a

lead in spreading its message, upholding its values, and advancing its objectives.

However, as I said before, while in a world different from the one in which we live today, the EPG would have strongly recommended an increase in the budget to cater for improved remuneration and conditions for staff, we did not do so in our report.

Throughout the Commonwealth, governments have had to make hard choices. In pursuing priorities, they have had to make tough decisions for some projects to be re-evaluated or deferred.

In the EPG's view, the same choices face the Commonwealth Secretariat.

Our view was that the Commonwealth Secretariat should concentrate on its strengths; on those things on which it has proven capability; and governments must use it for those purposes, not for projects that are duplicative of the work of other organisations or in which it has little expertise, and it should re-allocate resources accordingly.

The 106 recommendations that the EPG made were focused on Commonwealth strengths in the context of our mandate, set out in the Trinidad and Tobago *Affirmation*.

That mandate was to recommend ways "to build a stronger and more resilient family of nations founded on enduring values and principles" so that the Commonwealth would "remain relevant to its times and its people in the future".

In making these recommendations, we were convinced that they all needed to be implemented if the Commonwealth were to be revitalized and its importance re-established, but at no time did we envisage that they would all be implemented at once.

We recognized that, in the difficult financial straits in which governments are navigating, it would be necessary to prioritize the recommendations, implementing the most urgent ones swiftly and establishing a time table for the implementation of others.

We felt it would be presumptuous of us to set the priorities and to establish a time table for implementation.

In our view, these were decisions appropriately left to Heads of Government who would give direction to the Secretary-General and the Board of Governors for implementation.

### **Priority recommendations**

However, we did identify 14 core recommendations as being important enough to be treated as priorities.

And the greatest priority was placed on the urgent issue of the damaging effects of climate change on small island states and coastal states.

The Group has recommended that Heads of Government authorise the Secretary-General to convene an expert group to determine which countries are worst affected, in what ways, and how to deal with the issue including locating the money to do so.

Recognising that the Commonwealth, by itself, does not have the resources, the Group recommended the creation of strategic partnerships with international agencies and philanthropic organisations to tackle this crucial matter that threatens the very existence of some countries.

Beyond this, the EPG has also made firm recommendations on helping developing countries to deal with burdensome debt created, in part, by the overwhelming financial crisis in whose creation they played no part, but of which they are now among the worst victims.

We also recommended strong advocacy by the Commonwealth collectively to reform processes in the World Bank that wrongly “graduate” small states from concessional financing on the basis of their per capita income only.

We proposed practical methods to fund entrepreneurial schemes for youth and to tackle youth unemployment; and we suggested ways in which inter-Commonwealth investment could be promoted, trade increased and jobs created.

## **A Commonwealth of People**

So far in this presentation, I have dealt with the inter-governmental Commonwealth.

Of course, the Commonwealth is about much more than governments.

It is also uniquely, among multi-national organisations, also about people.

No other organization in the world can boast of the 90 or so professional and civil society organisations comprised of tens of thousands of people who identify with each other despite their race, colour, creed or nationality; people who every day beat a Commonwealth drum and raise a Commonwealth banner.

They believe in the Commonwealth as a global good.

They regard its ethnic, cultural and religious diversity under a single umbrella as a remarkable strength not only for the advancement of their shared values, but also for the example of peaceful co-existence and collaboration it shows to the world.

But, their collective strength has not been embraced sufficiently or effectively enough by Commonwealth governments to advance Commonwealth goals and objectives.

While formal meetings take place, they have been brief and perfunctory with reticence on both sides. Yet, no society can exist successfully and advance productively unless there is agreement among its stakeholders on common aims and shared ambitions.

The EPG has identified this as a critical area for reform.

This is not to weaken the authority of governments, or to suggest that there should be a sharing of executive management of the Commonwealth's affairs between governments and civil society; it is, instead, to establish machinery for meaningful dialogue and the design of common objectives on which governments and civil society can jointly work for the benefit of the Commonwealth's people.

It is against this background that the EPG has entitled its report: ***A Commonwealth of the People: Time for Urgent Reform***".

It is also why we included in our 14 core recommendations that the Commonwealth Foundation should be given an explicit mandate to mobilise Commonwealth civil society around global issues. This would include specific, dedicated meetings between representatives of Civil Society and Ministerial representatives in the years between CHOGMs to agree on a plan of action that would be jointly implemented.

### **Ending discrimination against Women**

We were also deeply troubled by the continuing unacceptable treatment of women in all Commonwealth countries.

We made the point that at Perth, we will enjoy a unique spectacle of a woman Chair-in-Office, the Prime Minister of Trinidad and Tobago, handing over the baton of office to the women Prime Minister of Australia in the presence of the women Head of the Commonwealth, Her Majesty the Queen.

But, while that is a one reality, it is in real sense illusionary, since a very large number of women are discriminated against in law and practice, many of them brutally.

We called for machinery to be established to encourage and promote the active participation of women at all levels of decision-making, and for social victimisation, leading to crimes against women and tolerance of harmful traditional practices and economic disempowerment, to be brought to an end by the force of law and well-targeted administration.

### **Steps to repeal of discriminatory laws**

The EPG report also calls for Heads of Government to take steps to encourage the repeal of discriminatory laws that impede effective responses to the HIV/AIDS epidemic and we urge a commitment to programmes of education that would help repeal such laws.

Obviously among such laws are those that criminalise homosexuality and condemn a section of all societies from a life of equality and freedom

available to everyone else. These laws also encourage homosexuals – unlike others – to hide diseases such as HIV/AIDS rather than to treat it.

There is need for enlightenment on this issue, for dialogue and discussion, for sharing the knowledge of other countries, for all sections of the society, including churches, to learn from the experiences of others. The road may be difficult, but there have been many other such roads on many other issues that affect people. As the Commonwealth has walked those roads, smoothing the obstacles for the benefit of its people, so too must it walk this road, particularly as over 60% of people living with HIV/AIDS reside in Commonwealth states.

### **Perth CHOGM: A defining occasion for the Commonwealth**

I started this presentation by observing that the Heads of Government meeting in Perth will be a defining occasion for the Commonwealth.

It undoubtedly will be.

Some observers are already saying that the meeting will be characterized by a North-South divide; that there is tension – if not animosity – between those who favour greater attention to democracy and the rule of law, and those who reject it, arguing instead for more resources for developmental issues.

In reality, the EPG has argued for far more resources – human, financial, inter-governmental, and civil society supported – to be put into ensuring development than into maintaining democracy.

Fortunately, the majority of Commonwealth countries have made great strides in democracy and many are models for others. We would be irresponsible, however, if we pretended that all is well throughout the Commonwealth. It is not. There are countries that are violating Commonwealth values, and, to help them, machinery needs to be in place. That is what the EPG has tried to do,

The greater resources for which we argue are for dealing with the adverse effects of climate change; for new investment and job creation; for youth employment; for devising new ways of dealing with burdensome debt on

small states; and for giving developing countries a seat at the table of international councils that they have so far been denied.

This is not a report for cherry-picking this or that recommendation, and condemning the rest.

The EPG has produced a holistic and comprehensive report that balances re-enforcement of the twin pillars on which the Commonwealth stands, and for which it stands – development and democracy.

Development and democracy are inextricably intertwined. It is not possible to achieve one without the other in sustainable terms. More than parallel paths, they are conjoined. When there is slippage in one of them, there is slide in the other.

In an era of changing economic circumstances and uncertainty, new trade and economic patterns, unprecedented threats to peace and security, and a surge of popular demands for democracy, human rights and broadened economic opportunities, the potential of the Commonwealth – as a compelling force for good and as an effective network for co-operation and for promoting development – is unparalleled.

But, for that potential to be achieved giving economic, social and political benefit to its 2.1 billion people, urgent reform is imperative.

The challenge at Perth is for Heads of Government, collectively, to seize the moment and to authorize the proposed reforms as the package that they are.

There may not be another chance to renew, reinvigorate and revitalize the Commonwealth to make it relevant to its times and its people now and in the future.