

Opinions

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Queen Elizabeth II should be  
the final Head of the  
Commonwealth

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Professor Philip Murphy and Daisy Cooper

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# Opinions

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# Queen Elizabeth II should be the final Head of the Commonwealth

*Professor Philip Murphy and Daisy Cooper*

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Lurking not far beneath the surface of the current celebrations of the Queen's Diamond Jubilee is a nagging anxiety: what happens next? Nowhere is this more acute than in Commonwealth circles. The future of the headship of the Commonwealth, a role the Queen has played with such dedication, is in doubt. Should it pass to her heir, Prince Charles? Dig a little deeper and you soon encounter off-the-record expressions of doubt about Charles's suitability. Amid the rather awkward and embarrassed murmurings that pass for debate on this issue, the cases for and against Charles inheriting the headship have barely been explored or discussed. Set out systematically, both sets of arguments are powerful and both deserve to be taken seriously. Ultimately, however, we conclude that the interests of the Commonwealth would be best served if the post of Head of the Commonwealth ceased to exist at the end of Her Majesty's reign.

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## The monarchy and the headship

It is difficult if not impossible to disentangle the roles of British sovereign and Head of the Commonwealth. As such, the headship cannot survive in its current form if it does not pass to Prince Charles. The formulation of the headship in the London Declaration was essentially a rhetorical device designed to enable India to remain in the Commonwealth as a republic. The Declaration made it clear that the role had no constitutional substance. It was not even intended to have an explicit ceremonial function. No-one, however, seems to have mentioned to the Queen that being Head of the Commonwealth was not a proper job. She took the diaphanous suit of clothes that had been presented to her father and gave them real substance. Yet she was able to do so precisely by virtue of being sovereign of Britain and the other Commonwealth realms. Her Christmas and Commonwealth Day messages were a continuation of the tradition by which the monarch addressed his or her subjects around the world. Beginning with India in 1961, she invented a hybrid of the imperial royal tour and the state visit suitable for Commonwealth republics, beginning a 50-year old odyssey that has now taken her to every Commonwealth country but one (Cameroon). She has also used her role as Queen to afford special treatment to Commonwealth High Commissioners in London.<sup>1</sup> At royal receptions with the diplomatic corps, for example, they (and the Irish ambassador) are given precedence over other overseas representatives. She even made available one of the royal palaces, Marlborough House, as a base for Commonwealth activities and, from 1965, as headquarters of the Commonwealth Secretariat. Above all, the monarch of the UK and the other Commonwealth realms already has a uniquely international role, allowing them to

personify the Commonwealth in the way that few other individuals, in or out of office, would be able to do. In short, then, the role of Head of the Commonwealth has been shaped around the activities and resources of the monarch (mostly funded by the British taxpayer). It would be difficult to imagine it functioning in anything like its current form if the link to the Palace was to be broken.

Indeed, the serious objections against breaking this link have not materially changed since Derek Ingram, the veteran Commonwealth commentator, raised the prospect in a speech to the Royal Commonwealth Society almost exactly 40 years ago. As officials at the Foreign Office noted at the time, if the function of Head of the Commonwealth was to 'symbolise' the free association of its members, on what basis would an alternative 'symbol' be selected?<sup>2</sup> Would the position rotate among member states? If so, then even if candidates were to occupy the role for as little as a year, some countries would have to wait decades for their turn. What would be the order of rotation? Would heads of government assume the role? In that case, would the Commonwealth's more unsavoury leaders be given a turn? If not, might leaders select nonentities to represent their country so as not to be overshadowed?

In short, if the Commonwealth is not prepared for the headship to pass to Charles, it must be prepared to dispense with the role.

## Charles's dilemma

In private, one fairly frequently hears suggestions that Charles is in some sense 'not suited' for the role of Head of the Commonwealth. These sometimes relate to his personality and lifestyle. More frequently, however, they

concern his attitude towards the Commonwealth. This sort of speculation is unfair and should play no part in deciding the future of the headship.

The issue of personality can be dealt with swiftly. It is as well to bear in mind Alan Bennett's remark that being Prince of Wales is not a job but a predicament. Compared to the admittedly fairly dismal record of heirs apparent over the last century and a half, Charles stands out as a model of private rectitude and public service (his mother, of course, as a woman, was only ever heir presumptive).

Charles's attitude to the Commonwealth deserves more detailed consideration. Few things in the looking-glass world of Commonwealth constitutional doctrine are more difficult to get to grips with than the headship. For Prince Charles, the task of positioning himself in relation to this role is now virtually impossible. There are at least three reasons for this. First, from a practical point of view, the Queen has so firmly established Commonwealth affairs as her particular area of interest, that there is little space for another senior royal in this field. Throughout the 1970s and into the 1980s, there was speculation that Charles might be made governor-general of Australia, something that would have offered a solution to this dilemma. It would have provided irrefutable proof of his interest in Commonwealth affairs while allowing him a well-defined sphere in which to operate at a safe distance from London. The poisonous atmosphere created by the dismissal in 1975 of the Australian prime minister, Gough Whitlam, by the governor-general, Sir John Kerr, ensured that this was never a serious prospect, despite what *The Times* described as 'vigorous lobbying by the Prince and his staff'.<sup>3</sup> Nevertheless, the accusation that Charles has failed to take an interest in the Commonwealth is profoundly unfair. It should also not be surprising that, since the early 1980s, he has chosen instead to concentrate on a number of largely domestic issues over which his mother's shadow does not loom so large.

Secondly, the generally accepted notion that the title of Head of the Commonwealth is not hereditary places him in an extremely awkward position. If he seeks to play understudy to his mother's Commonwealth role he risks the charge that his approach is anachronistic and presumptuous. If he does not, he again exposes himself to the charge of neglecting the Commonwealth.

On the whole, his approach has been the predictably thankless one of attempting to steer a middle course, with occasional speeches, meetings with High Commissioners and so forth. But there is a far deeper dilemma which Charles faces as a result of the contemporary doctrine that George VI was invested with the headship in a purely personal capacity. It suggests that he has in some sense to prove his personal suitability for the role. As Peter Boyce has recently noted, one of the secrets of the survival of the monarchy in Canada, Australia and New Zealand in recent years has been a tendency for its supporters to focus attention on the valuable constitutional role of the Crown in an abstract sense, rather than on the personalities of the members of the House of Windsor.<sup>4</sup> The idea that Prince Charles should act as though he is running for office is surely counter-productive. It can only lead to unhelpful speculation about his own strengths and weaknesses.

#### The case for Charles

The question of whether Charles inherits the headship should not, therefore, be determined by personal considerations. What then, are the arguments in favour? They rest, we would suggest, on a) an historical interpretation of the intention behind the London Declaration; b) the continuing need for a ceremonial head (irrespective of how the architects of the London declaration saw the role); and c) the importance of the headship in ensuring that all Commonwealth countries, including the UK, continue to support the organisation.

Taking the first point, the eminent historian of the Commonwealth, W. David McIntyre, has long dissented from the orthodox view that the headship was conferred on George VI in a purely personal capacity. He points out that the London Declaration refers to 'the King' and not to George VI in person.<sup>5</sup> Indeed, it would in a sense be absurd to suggest that he could be thought to symbolise the free association of the independent member nations of the Commonwealth in any other capacity than as monarch. Had the London declaration spoken of the 'British monarch' rather than 'the King', there would have been no doubt that the parties to it intended the headship to be hereditary. Yet, at a time when the divisibility of the Crown was still a sensitive issue, such a term would not have been acceptable to the prime ministers of many of the other member states. 'The King' was therefore very much a shorthand

term, denoting all the realms of which George VI was sovereign. Again, had all these realms been listed, the intention of the parties to the declaration that the post should in practice be hereditary would have been clear. But any such formulation would have been cumbersome and would also have emphasised India's isolation.

On the second point, put simply, the Queen's reign demonstrates the important ceremonial role the headship can play in Commonwealth affairs. She has assumed the role of Commonwealth educator-in-chief. She has defended the Commonwealth Day Observance, despite the hostility towards it of some powerful voices within the Church of England. Politically, too, the Queen has made a point of being present at the biennial Commonwealth Heads of Government Meeting (CHOGM), using the occasion to nurture relationships with Commonwealth leaders. She has missed only one such meeting — in 1971 — when she was formally advised not to go by the British prime minister, Edward Heath. She hosts a state banquet at every summit, and has reputedly used her standing to smooth over potential rifts in the organisation. Indeed, some argue that she is in fact the only reason that the Commonwealth association continues to survive.<sup>6</sup>

The Commonwealth is arguably more dependent now than it has ever been on the prominence and charisma provided by the headship. To see photographs of the Queen at Commonwealth meetings in the 1960s and '70s is to be reminded of the extraordinary generation of charismatic politicians who led their countries to independence, while retaining the Commonwealth connection. As those leaders left the political stage, her own role in lending visibility to the Commonwealth became more significant. The release of Nelson Mandela and his election as president of South Africa provided the Commonwealth with a much-needed infusion of charisma. But as Mandela's light has faded, the sense of drift within the Commonwealth and its lack of really commanding figures have become even more pronounced. It would be stretching the definition of the word to describe any member of the royal family as 'charismatic': but like her painfully shy father, the Queen has invested the headship with the charisma of office. Her son has the capacity to do the same.

Could some other arrangement be put in place to provide the Commonwealth with a recognisable and

charismatic public face? The development of the role of Chairperson-in-Office (CiO) — the Head of Government of the country which has most recently hosted the Commonwealth Summit — since its creation in 1999, suggests not. If this innovation was intended in some small measure to prepare the way for a Commonwealth without a Head, it has spectacularly failed in this respect as in most others. The role was never defined and has blurred the Secretary-General's accountability as the Chief Executive of the Commonwealth. So problematic has the position of the CiO been that the recent Eminent Persons Group recommended that it be abolished outright along with the 'troika' arrangement under which the incoming, current and outgoing CiO would act in tandem on certain issues.

Finally, anyone in the UK who cares about the future of the Commonwealth, whatever they might feel about the institution of the monarchy or about individual members of the House of Windsor, would be well advised to think very carefully before wishing away the current link between the headship and the Crown. Since the creation of the modern Commonwealth, the Palace has been the only part of the British government that has consistently supported the organisation. At times, when Britain was isolated over the issue of sanctions against South Africa — that Shibboleth of inter-governmental meetings in the 1970s and '80s — the Palace played a crucial role in anchoring Britain to the Commonwealth. Without that link, Britain's active participation in the Commonwealth in the future could be far less certain.

### The case against

The case against Charles inheriting the headship can be set out under a series of headings that are remarkably similar to the ones above. They are based on a) an interpretation of the London Declaration; b) the impact of the ceremonial role of the headship; c) the nature of the monarchy itself; and d) the effect of the headship on the UK's approach to the Commonwealth.

To return to history, whether or not the intention of the architects of the London Declaration was that the headship should pass to George VI's heir, they recognised that, in purely formal terms, it could not be hereditary, as there was no body capable of passing a law of succession for the Commonwealth as a whole. The matter was settled in favour of Elizabeth II largely

because India — the only republican member of the Commonwealth in 1952 — was prepared to support her being proclaimed as Head of the Commonwealth. In a Commonwealth of 54 states, most of them republics, the logistical problems of agreeing the handing on of the headship to Charles are such that the Commonwealth Secretariat is surely correct to stress that the post is not hereditary. The Secretariat's website explicitly states, 'The Queen's heir will not automatically become Head of the Commonwealth. It will be up to the Commonwealth Heads of Government to decide what they want to do about this symbolic role.'<sup>7</sup>

Reference back to the London Declaration actually provides a strong — many would say decisive — argument against the headship passing to Charles. It recognised King George VI as 'the symbol of the free association of its independent member nations and as such the Head of the Commonwealth'. Is the British monarch an appropriate symbol of Commonwealth unity in the 21st century? Put in those terms, even the most fervent supporter of the monarchy would be hard pressed to agree. Apart from anything else, an unelected head of state is hardly an obvious figurehead for an association that espouses the virtues of democracy.

Indeed, it is arguable that Charles would not merely be an unsuitable symbol but a positively harmful one, reinforcing the prejudice that the Commonwealth is merely a throwback to Empire. Arguably, the link between the Commonwealth's headship and the UK monarch causes more confusion — and damage — than any other element of the unwieldy 63-year-old association. Too often, it is still often referred to as the 'British Commonwealth' (a term that had largely been dropped from official use by the end of the 1970s). The role of the Queen inevitably adds to this confusion. When she has attended CHOGMs in Commonwealth republics, she combines in her visit engagements as Head of the Commonwealth and engagements as British head of state. The distinction is seldom appreciated by outside observers. Almost invariably, the media reports on her bilateral engagements as British head of state while only briefly mentioning the reason for her being in the country: formally to open the Commonwealth Summit. The continuing misconception that the Commonwealth is still British-owned, rather than a truly multilateral endeavour, does great harm to the image of the Commonwealth and also, as we shall

argue below, has an unhelpful impact on the British government's approach to the organisation.

In terms of its ceremonial role, it is arguable that the headship is not only unnecessary in the 21st century but — again — that it is positively harmful. If the United Nations can make do without a *de facto* ceremonial head, why can't the Commonwealth? Indeed, the existence of the headship may have served to stifle the development of the post of Commonwealth Secretary-General. Were the headship to disappear (and with it, we would hope, the redundant post of CiO), the Secretary-General would naturally — and rightly — become not just the voice, but the face of the association. The discontinuation of the headship could provide an unparalleled opportunity for the association and its supporters to sweep aside public ignorance and confusion and build support for a modern dynamic Commonwealth.

A further argument against allowing the headship to pass to Charles is that this would be to fly in the face of recent constitutional developments. Although there is great fondness for the Queen personally, there is far less support for the institution of the monarchy itself. Republicanism has become the default position across the Commonwealth, and the death of the Queen is likely to reawaken this issue in some of the remaining realms. The prime minister of Australia has signalled that her country might seek to become a republic at the end of the current reign, while Prime Minister Portia-Simpson Miller of Jamaica has expressed her intention to make Jamaica a republic even sooner: upon the country's 50th anniversary of independence in August 2012. The young people of the Commonwealth's member states have a thirst for more and better democracy. The continued use of a hereditary monarch to symbolise the Commonwealth association does not sit well with this democratic aspiration.

Finally, there is the impact on the United Kingdom itself. Despite being the largest contributor to the Commonwealth's intergovernmental organisations, there is a tacit understanding that Britain cannot be too forthright about advocating reforms, and it is still considered 'too much of a leap' even to suggest seriously that the UK puts forward a candidate for the position of Secretary-General. These inhibitions owe much to the fact that, partly because of its identification with the Queen, the Commonwealth is already widely

perceived as being a British-led institution. If this link with the Crown were to be broken, the UK would be free to pursue a more forthright, creative and equal role within the organisation.

### **Conclusion: Elizabeth II should be the final Head of the Commonwealth**

Considering all these points, we have come to the conclusion that, while there are strong arguments on both sides, the balance of advantage for the Commonwealth lies in the discontinuation of the headship at the end of the current reign.

On a number of occasions, Derek Ingram has suggested that the Commonwealth is an experiment that has only just begun. The notion that the Commonwealth is still in its infancy is an inspiring one, but that is not how much of the rest of the world sees the organisation. For many, it is, like its elderly head, a survival from another age: one of deference, hierarchy and imperial hubris. The existence of the headship encourages observers to equate the future of the Commonwealth with the life-span of the incumbent, and raises questions about what will happen to it when the incumbent dies.

Sadly, the state of health of the modern Commonwealth is such that there has been some speculation that the passing of the Queen might be the exit strategy for a number of countries that are increasingly frustrated that its primary intergovernmental agency, the Secretariat, is failing to demonstrate relevance and impact. In these difficult times, some suggest that affection for the Queen provides a life-support system for an otherwise failing institution (and allows it to escape the dispassionate standards of impact and value for money applied to other organisations).

In 2007, the *Daily Telegraph* published details of what it claimed were the current contingency plans for deciding the future of the headship. The article, written by the paper's diplomatic correspondent David Blair and clearly based on authoritative sources, suggested that heads of government were expected to discuss the matter informally at the Queen's funeral and then to reach a consensus on whether Charles should inherit the headship in the five months or so before he was crowned.<sup>9</sup> The discussion of the future head of an organisation at the funeral of the previous incumbent is a scenario one more usually associates

with *The Godfather* than with a modern international organisation. It cannot be good for the Commonwealth that an important aspect of its future composition should be discussed in such emotive circumstances. Nor is it helpful that the outcome of those discussions would be likely to be shaped by whatever the state of relations within the Commonwealth happened to be at the moment the Queen died. For the UK, there are two further dangers that might be associated with this process. The first is that a debate about Charles's suitability for the headship would become highly personalised, damaging his standing in Britain and the other Commonwealth realms. The second is that other Commonwealth states would regard Charles's succession to the headship as a UK policy objective, and would seek various concessions from Britain in return for supporting it.

This is a problem which, almost uniquely for the Commonwealth, has a clear and obvious solution. As David Cameron is beginning to realise, changing the rules of succession to the Crown across the Commonwealth realms is a fearsomely complex task, involving the revision of ancient laws, coordinating legislation with the other relevant legislatures and negotiating arcane constitutional conventions. Resolving the issue of the headship could, by contrast, be a remarkably simple process. It would merely require a statement from the Palace to the effect that at the end of the Queen's reign, the royal family would continue to play an active role in supporting and promoting the Commonwealth, but that it would no longer be appropriate for one of its members to assume the role of Head. Indeed it is our strong view, that the interests of the Commonwealth would be best served if the post of Head of the Commonwealth was abolished at the end of Her Majesty's reign.

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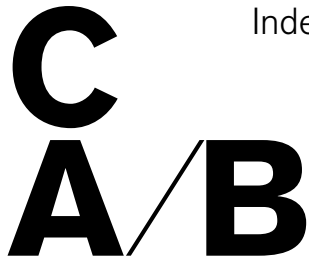
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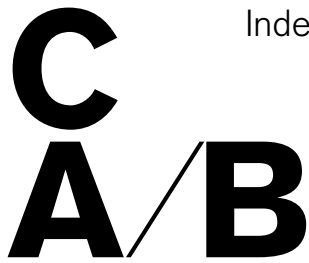
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