

Opinions

September 2012

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First published 2012

ISBN: 978-0-9571941-8-2

Published by and available from the Commonwealth Advisory Bureau (CA/B)

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# Forging Commonwealth consensus: the buck stops with the Secretary-General

*Richard Bourne*

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The Commonwealth is in danger of letting its commitments to both the agenda of democracy and rights, and the agenda of development, become sterile and vacuous. The argument that has been raging over creating a Commissioner for Democracy, the Rule of Law and Human Rights reflects a dysfunctional organisation, stuck in an outdated North-South stand-off, crying out for creative leadership. Here, Richard Bourne argues that the Commonwealth Secretariat must build consensus, and galvanise governments to take practical ownership of the values that, in the new Commonwealth Charter, they will be claiming to promote. When few leaders spend time thinking how to use their Commonwealth networks, it is the job of the Secretary-General to show them.

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You should never believe your own propaganda, and there is a litany of propagandist claims for the Commonwealth which do not stand up to scrutiny: that it is particularly good at peacemaking, peculiarly effective at development, or even a global beacon for democracy, the rule of law and fundamental human rights. Just now it is faced with another challenge to its rhetoric, that it is an international leader in consensus-building. Can its Secretariat, in the next few weeks, forge consensus among its member governments over the issue which divided leaders most bitterly when they met in Perth, Australia last year?

This divisive issue was the second proposal made by the Eminent Persons Group (EPG) which, chaired by Malaysia's former prime minister Abdullah Badawi, had been mandated to suggest how the Commonwealth could be modernised. Their first suggestion was that there should be a Commonwealth charter. The second was that "A Commonwealth Commissioner for Democracy, the Rule of Law and Human Rights should be appointed to provide well-researched and reliable information simultaneously to the Secretary-General (SG) and Chairperson of the Commonwealth Ministerial Action Group (CMAG) on serious or persistent violations of democracy, the rule of law and human rights in member states and to indicate approaches for remedial action."<sup>1</sup>

During that fierce discussion in Australia it was clear that the key donor nations – Australia, Canada and the United Kingdom (UK) – were keen to adopt such a position. However, several developing countries, including a few which have faced international criticism in the areas of democracy, rule of law and human rights, were strongly opposed to the idea and the SG Mr Kamallesh Sharma told heads of government that he did not support it. Mr Badawi said that in all of the

EPG sessions the SG had sat in on, the SG had never expressed this concern. Nonetheless, although some governments erroneously thought that the proposal had been ruled out at the meeting in Perth, it was in fact deferred to the SG and to CMAG, with a chairperson yet to be elected, who were asked to consider 'relevant options'. It is possible that a final decision may be made by all Commonwealth Foreign Ministers at the end of September 2012 when they meet in New York in the wings of the UN General Assembly.

Substantive issues relating to the Commissioner, or any similar office, have been covered in a memorandum that I and the Commonwealth Advisory Bureau presented to the SG and CMAG earlier this year.<sup>2</sup> Suffice it to say that the governments which favour such a mechanism believe Commonwealth aspirations for democracy, the rule of law and human rights – likely to be restated in the Commonwealth Charter – will stay as hot air and hypocrisy without a qualified and largely independent mechanism to verify abuse and recommend redress.

Opponents have argued that such a mechanism could erode the role of the SG, push CMAG beyond its agreed purposes, and lead to extra expense. Behind these divergences lie other conflicts, about whether the Commonwealth is serious about providing more meaningful protection for its citizens, and whether its development agenda is being hijacked, with preference being given to matters of governance.

Here, I want to focus on the need to build consensus, on the dysfunctional nature of a Commonwealth where only three states pay approximately two-thirds of the cost of the Commonwealth Secretariat, and on the need for the SG to play a leadership role. These three issues are intertwined and, if the Commonwealth is truly to be modernised this year, there has to be significant change.

The Perth Heads of Government Meeting was not the first at which there have been serious disputes between member states. In the 1980s there were a series of rows over South African apartheid between the UK government, led by Margaret Thatcher, and the majority of other members. The original EPG which visited South Africa was set up in the Bahamas in 1985 and was the product of a carefully crafted consensus in which Sonny Ramphal, then SG, worked with leaders including Rajiv Gandhi (India), Bob Hawke (Australia) and Brian Mulroney (Canada) as well as Margaret Thatcher. As described by Stuart Mole in the June 2012 issue of the *Round Table* journal,<sup>3</sup> this EPG was working in the context of additional sanctions against the white regime, and calls to unban the African National Congress and release its most prominent member, Nelson Mandela, from more than two decades of imprisonment on Robben Island. It was part of a package.

Again in 1995, when the writer and environmental activist Ken Saro-Wiwa, and other leaders of the minority Ogoni people, were executed by Nigeria's Abacha dictatorship at a time when Commonwealth leaders were meeting in New Zealand, the instant expulsion of Nigeria from the Commonwealth, proposed by South African President Mandela, was headed off. It was substituted by the suspension of the regime from the councils of the Commonwealth, and the establishment of CMAG. Chief Emeka Anyaoku, then SG, deftly used the crisis to take the association forward. Had Nigeria actually been expelled, his own position as a Nigerian SG might have been untenable.

The most recent internal crisis for the Commonwealth, where its consensus-building was less successful, culminated in President Robert Mugabe withdrawing Zimbabwe in 2003. Mugabe's regime had come under sustained criticism for human rights and electoral abuse. A bland statement at the Abuja summit, by a mediatory group chaired by P.J. Patterson, prime minister of Jamaica, was not enough to assuage Mugabe's amour-propre. When Tony Blair, the then UK prime minister, gave a thumbs up at Abuja airport, on learning of Zimbabwe's departure, the South African president Thabo Mbeki denounced the Patterson group's agreed statement, to which he had been party. A key reason for the failure of consensus-building on Zimbabwe, aside from the nature of the Mugabe regime, was a lack of empathy with African and other Commonwealth leaders by the then SG, Don McKinnon, a New Zealander.

But if consensus-building is difficult, it is also essential especially in a fractious and heterogeneous family like the Commonwealth. In the controversy over the Commissioner idea there is a danger that the paymasters look as though they are lined up against the rest, and that countries which have little to lose financially are denouncing the hands that feed them. Plainly, no organisation can afford to turn its back on its funders, yet this rupture may destabilise not only the governance and rights agenda, but also the development agenda too.

A number of developing countries have already indicated that the EPG said too little about development, and that practical budgetary measures at the Secretariat threaten staff reductions in areas such as health, education and agriculture. The post of the recently retired Deputy Secretary-General (DSG) responsible for development cooperation, Ransford Smith, is being left vacant for the time being. The resources available to the Commonwealth Fund for Technical Cooperation (CFTC), the voluntary 'grey matter' advisory fund set up in 1971, have fallen massively in real terms since the 1980s. They are now running at around £30 million a year.<sup>4</sup> Furthermore, following critical reports by the Department for International Development, the UK and AusAid, and other donor reviews of the Secretariat's development work, both Canada and New Zealand have cut their voluntary contributions to CFTC. It also appears that Singapore, whose contribution is largely in the form of Commonwealth training in the city-state, has, in effect, done the same.

The political significance of the vote of no confidence from these governments is considerable. The CFTC was set up by a Canadian SG, Arnold Smith, and for many years Canada was its biggest or second largest contributor; in consequence, several Canadians were DSGs, responsible for development cooperation, the most recent being Nick Hare from 1993–2000. The New Zealand case is equally telling, as Don McKinnon, who appealed for increased subscriptions to CFTC when he was SG, had previously been foreign minister in another government dominated by the National Party, which has just cut its dues. And the CFTC was set up at the Singapore summit of 1971.

Plainly, the Commonwealth Secretariat has a major job of fence-mending to do. This is not only a matter of politics but of finance. Both the Secretariat and

slightly separate CFTC budgets are unbalanced. The strange effect of the adjustments to the Secretariat budget, agreed in Trinidad in 2009, was actually to make it more dependent on the subscriptions from the major donor countries;<sup>5</sup> the neo-colonial idea that the Commonwealth consists of four developed<sup>6</sup> and 50 developing countries, deriving from disparities in the 1960s but seriously out of date in an era of BRICS,<sup>7</sup> commodity booms and developed world recession, will have to be challenged head-on. Fortunately, the subscription table has to be reviewed in 2014, and it is time the distribution better reflected the economic success of emerging economies and middle income states, improving the overall sense of mutual ownership.

The CFTC budget is not the only, and arguably not the most important, test of Secretariat commitment to the development agenda. Major research, advocacy and consensus-building are still carried out in its Economic Affairs division, now sadly a seventh of its size in the 1980s. But although numerous Indian experts have for years been key consultants, heading the CFTC's South-South service, the Secretariat has not only failed to persuade developed countries to expand their CFTC donations, it has witnessed a reduction in contributions from Singapore, which has made a dramatic success of its development, and has also failed to get a really enlarged contribution from fast-growing India. Even after its cuts, the small country of New Zealand was pledging £1.59 million to CFTC in 2011–12 to India's £1.06 million, and an anticipated £140,000 from Singapore.<sup>8</sup> Unlike the UK, constrained to put most of its multilateral aid through the European Union, India could put much more through the Commonwealth as it grows richer.

Commenting on such issues in the current *Round Table*, Krishan Srinivasan, former head of the Indian foreign service and DSG (Political) at the Secretariat from 1995–2002 states '[India] has recently extended grants of \$5 billion to Africa, and \$1 billion each to Afghanistan and Bangladesh, and has a regular development assistance programme for foreign countries itself, which is about as well funded as the total aid it receives from abroad.'<sup>9</sup>

The only route to real progress for the governance *and* development agendas, with compromises that can steer both ahead, lies through Marlborough House, headquarters of the Commonwealth Secretariat. What

has become increasingly obvious, in the proliferation of international diplomacy over the last two decades, is that leaders of Commonwealth states no longer pay much attention to the Commonwealth. The demands of domestic politics, and more exciting international negotiations, have for them out-competed what is often seen as a staid, marginal and pre-cyber survival. Most, particularly rulers from the smaller and poor states, depend very heavily on the dynamism and imagination of the Commonwealth SG, and his relatively small staff. The EPG described this as 'on a par numerically with the World Meteorological Organisation (295) on the International Maritime Organisation (290) – organisations with a much smaller remit.'

Hence, if the SG does not do something, or instruct his staff to do something, it is unlikely to happen. The experiment of a 'Chairperson-in-Office', adopted in 1999 and designed to give continuing authority for two years to a Head of Government who has chaired a summit, has been a failure. The buck stops with the Secretary-General. When the EPG, in the context of violations of Commonwealth values, impressed on the SG that 'silence is not an option' it was acknowledging that there has been plenty of silence in the past. The Commonwealth bias towards behind-the-scenes diplomacy has, as the EPG pointed out, allowed abusers 'to continue to violate the Commonwealth's values.' On the development side it is less clear than it should be, or than it was at Marlborough House in the past, that the Commonwealth Secretariat has been struggling with might and main to lift the poorest citizens out of poverty.

So what kind of consensus could a proactive SG try to negotiate in the present stand-off over 'Commissioner' and 'development'? In the past the Secretariat has sometimes brought together key antagonists in a dispute, with one or two neutrals, in an attempt to hammer out an agreement. But it is time now to impart some home truths to the parties. Consensus-building will need more than just a sticking-plaster compromise.

The problem is that the Commonwealth does not seem fully committed to the dual mantra, most strongly expressed at Harare in 1991 but with longer antecedents, that its most serious, long-term purpose is *both* democracy and development – development with democracy, and democracy with development. As Don McKinnon once said, you cannot eat democracy;

similarly, a government which becomes a conspiracy against its people – as the Abacha regime was in Nigeria – has no place in the councils of the Commonwealth.

But the Commonwealth needs to move on from these basics, and grow up. The Secretariat has for some years been promoting the office of Ombudsman in member states; this fact-finding and arbitration service does not infringe the privileges of a government. Yet the proposed office of ‘Commissioner’ is not so different on a Commonwealth scale from that of Ombudsman, and need not infringe the powers of an SG. Furthermore, those governments which are pushing the democracy, law and rights agenda need to be reminded that in all countries these remain aspirations – constantly conflicted – as recent debates on a second chamber and press regulation in the UK are testifying. The beauty of the Commonwealth, with the variety of its members, is that diverse intellects and traditions can be exchanged in a vital field where there are no right answers. The bottom line is that citizens are enabled to ‘throw the rascals out’,<sup>10</sup> live under an impartial law, and get effective human rights protection.

Similarly, much more work needs to be done on the development agenda. An Indian SG must be especially aware of this, given that his country is home to about a third of the world’s poor. What is the Commonwealth doing to mobilise its members to achieve realistic progress after the Millennium Development Goals<sup>11</sup> run out in 2015? How is it making sense of the agreement to foster the Sustainable Development Goals,<sup>12</sup> recently arrived at in Rio de Janeiro? What does the failure of the current economic and regional arrangement in Europe mean not only to the incomes of developing countries, but also to the political planning that underpins organisations in which the Commonwealth has a strong interest – the Economic Community of West African States (ECOWAS), the Caribbean Community (CARICOM), and the South Asian Association for Regional Co-operation (SAARC)? Here, too, the Commonwealth can be at the cutting edge: it may not have large budgets, but it is not short of brainpower, or political nous.

If 2012 is to be transformational for the Commonwealth, as Kamallesh Sharma has argued publicly, it will not be the result of a minor quid pro quo of ‘Commissioner’ versus ‘development’. It will be the product of a serious effort to galvanise many governments to take both these

agendas far more energetically, and in a more challenging way, than ever before: a new consensus must be built, beyond the sterile North/South squabbling of the past. Here, the Secretariat should see itself as a strategic initiator, calling on qualified, sympathetic players – the Commonwealth Parliamentarians, Commonwealth Business Council and many others – to contribute more as required. The EPG report was not just addressed to the Secretariat and Foundation but to all those who value the Commonwealth, and use its name.

The Commonwealth depends on its Secretariat, which itself needs to be in regular touch with its governments. It has to aim higher, and persuade more, for consensus-building is not a matter of the lowest common denominator. Nor is the role of SG – as Prime Minister Muldoon of New Zealand once insultingly said to Sonny Ramphal – just to take the minutes. When Foreign Ministers meet in New York in late September, to deal with all the EPG’s unfinished business, Commonwealth citizens will see whether their Commonwealth is rising to the challenge, and whether their governments actually want to use it in their interests.

#### About the author

**Richard Bourne** is a Senior Research Fellow at the Institute of Commonwealth Studies, Research Associate at the Commonwealth Advisory Bureau, and Secretary of the Ramphal Institute. Formerly a journalist, he has, since becoming Deputy Director of the former Commonwealth Institute in 1982, been active in Commonwealth affairs for 30 years. He was the first Director of the Commonwealth Human Rights Initiative and, later, the first Head of the Commonwealth Policy Studies Unit, forerunner of the Commonwealth Advisory Bureau. His book *Catastrophe: what went wrong in Zimbabwe?* was published by Zed in 2011.

## References

- 1 See *A Commonwealth of the People: Time for Urgent Reform*, report of the Eminent Persons Group published by the Commonwealth Secretariat, London, 2011.
- 2 See [www.commonwealthadvisorybureau.org](http://www.commonwealthadvisorybureau.org)
- 3 See Stuart Mole, 'Negotiating with apartheid: the mission of the Commonwealth Eminent Persons Group 1986', *Round Table*, vol. 101, issue 3, p. 253, June 2012.
- 4 Total pledges to the CFTC in 2011–12 amounted to £29.64 million, down from £31.18 million in 2010–11 and £30.24 million in 2009–10.
- 5 The principles on which the Secretariat subscriptions were based, not always compatible, were: capacity to pay, equitable burden-sharing, and shared ownership of and responsibility for the Secretariat. CFTC, as a voluntary fund, rests on pledges from governments; no government can obtain its assistance without making a contribution.
- 6 The four 'developed' states in traditional Commonwealth terminology are: Australia, Canada, New Zealand and the UK.
- 7 An association of leading emerging economies. The term BRICS is an acronym of the membership, namely Brazil, Russia, India, China and South Africa.
- 8 The comparison between New Zealand and Singapore is remarkable. New Zealand has a population of 4.4 million and a gross national income (GNI) per head of \$29,350; Singapore has a population of 5.1 million and a GNI per head of \$42,930 (World Bank data for 2011). The core pledge of Singapore to CFTC is only £20,000 a year, amplified as it also pays half the cost of training Commonwealth nationals in the city state under an agreement with the Secretariat. Singapore's total contribution to CFTC in 2008–9 was £361,465 – so it appears to have dropped by over £200,000 in three years.
- 9 Krishan Srinivasan, 'The development aid controversy', *op. cit.*, p. 269.
- 10 This quotation, much used in US politics, though with 'rapscallions' commonly substituted for 'rascals', is attributed to H.L. Mencken, the American social satirist and essayist.
- 11 See [www.un.org/millenniumgoals/bkgd.shtml/](http://www.un.org/millenniumgoals/bkgd.shtml/)
- 12 See [www.earthsummit2012.org/conference/themes/sdgoalsintro](http://www.earthsummit2012.org/conference/themes/sdgoalsintro)



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