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Interview: Sir Ronald Sanders on the Commonwealth Heads of Government Meeting in Australia , October 2011 and the Report of the Eminent Persons Group (EPG)

[Sir Ronald Sanders](#)

Global: Were you happy with the decision taken by heads of government to further evaluate the role of a Commissioner for Democracy, the Rule of Law and Human Rights?

Sir Ronald Sanders: You must remember this was not a unanimous decision. The Commonwealth operates on the basis of consensus in its decision making. Unfortunately, the interpretation put on 'consensus' is that it means unanimity and of course it does not. If the Commonwealth had operated on the basis of unanimity when it was fighting apartheid in South Africa, and the British government had resisted a Commonwealth decision on that matter, no decision would have been made. It was precisely because the Commonwealth took the view that consensus does not mean unanimity that members went ahead with sanctions against South Africa despite the fact that the British government at the time did not think that this was a good idea.

I therefore believe that a good idea was lost by the fact that the Commonwealth followed the views of a small minority of people who frankly did not read the report – and some of them admitted that they didn't – and had a kneejerk reaction to the idea of a Commissioner. The truth of the matter is that the Commissioner, had it been put in place, would have helped enormously in those countries which are now being accused of human rights violations and of violating the Commonwealth's core values. The Commissioner could have helped them to address the difficulties they are facing, correct them and then become their advocate in the international community. So I think they've made a big mistake and it's a great pity that that occurred. I think they've weakened the Commonwealth by that decision.

When the evaluation process ends in September, do you have confidence the decision to appoint a Commissioner for Democracy, the Rule of Law and Human Rights will be taken?

I don't have any great confidence because I'm not sure what the process will be between now and September. The Commonwealth Secretariat needs to engage those member governments who were against the idea in a detailed conversation about their affairs. And the Secretariat can't do this alone. It ought to engage in this process members of the Eminent Persons Group [EPG], who made this suggestion, to help to alleviate the fears of the countries and to help them understand the value of the Commissioner. If that is the process then I will have some confidence in it. If it is simply going to

be an exercise in which ministers will meet and discuss it by themselves, without any regard to the arguments that went into the recommendation, then I fear that what will happen in September is that they will reject it and the Commonwealth will have dealt itself a double blow.

Have you or any other members of the EPG been approached by the Commonwealth Secretariat to be involved in such discussions?

No we have not. I don't, quite frankly, know how the Secretariat plans to deal with it. Though I know they have said that they are going to set up a taskforce of ministers but that is not enough because each of them will come to the discussion with a national government position. Really what it needs is more than that. It requires an open-mindedness to the issue, an explanation of the role, a discussion of how it evolved – a serious discussion and not a kneejerk reaction.

You must remember that this report is about more than just a Commissioner. There were 106 recommendations made in that report. At CHOGM [the Commonwealth Heads of Government Meeting held in Perth, Australia in October 2011] they only discussed two of them – the suggestions that there should be a Charter of the Commonwealth and the Commissioner. The foreign ministers, on the night that they were forced to go back to discuss [the report] by heads of government before the final meeting [held on Sunday 30 October], again rushed through the recommendations and did not pay them proper attention.

Now of those 104 recommendations [discussed by foreign ministers] there are an awful lot that have significant meaning to the international financial architecture, to the environment, to the way in which small states debt should be treated. All of these are critical issues. There's also significant recommendations on the way in which governments should interact with civil society. If we look at what happened with the Arab Spring and the Occupy movements across the world, it is clear that the time for governments to engage with civil society is now. We have made some very positive recommendations on how that can be achieved and all of that was ignored.

Of the 11 recommendations that were rejected outright, are there any which you feel deserved to be considered further?

Yes. One of them being that foreign ministers should meet with civil society in dedicated sessions in the years between CHOGMs. We suggested that foreign ministers should dedicate time for an unstructured discussion with civil society. Now apparently they rejected that recommendation because they didn't like the word 'unstructured'. I don't know why it frightened them because it simply means that you meet without a preformed agenda, you have a discussion out of [which] will come the agenda you will take forward. But if you try to structure the discussion beforehand – in other words [if] you limit the discussion to only what governments want to talk about – then it will go nowhere.

What happens right now is foreign ministers meet with civil society for an hour during the heads of government meetings, and there are so many people that nothing serious gets discussed or agreed. What the thing needs is two days of them sitting down and focusing on an agenda. If you want change in the world you're not going to get it through governments alone. International agencies, and others, need to be persuaded that people are behind these changes too. It's in the Commonwealth's interest for that to happen.

Why they rejected that suggestion I don't know, but I hope they will revisit it.

An opportunity to engage with civil society seems to have been seized with the decision to adopt a Commonwealth Charter. Are you confident that a broad range of opinion will be canvassed in the development of the Charter?

We gave them a draft Charter and made it clear that this was not a Charter that we think should be signed – this is simply a draft. What we envisaged with the [draft] Charter was something that you can actually take out into town hall meetings so that people could say what they think. Something that you can take out to national communities, the private sector [and] opposition political parties, that you could debate in parliament, and have discussions with chambers of commerce.

We figured that all of that process should be organised by the Commonwealth Secretariat working with governments in each country. The governments then send the feedback to a Secretariat-appointed taskforce of attorney generals representing each of the regions of the Commonwealth. They would then sit down and look at that material, distil it and come up with a Charter that reflects the view of the people of the Commonwealth.

What we don't want is governments to simply put their signatures to a document that starts "We the people of the Commonwealth..." when the people of the Commonwealth have had no input whatsoever.

With regard to the reform of the Commonwealth Ministerial Action Group (CMAG), the meeting adopted CMAG's own report, which has yet to be released to the public. Do you think that the reforms to CMAG go deep enough?

I haven't seen the report, like the rest of the Commonwealth public, therefore I'm in no position to comment on it. I know that we [the EPG] made some suggestions in relation to CMAG which, according to the statement that was issued by the Secretariat, [were] largely along the same lines of the CMAG report itself. But I don't know if that is 100 percent correct because I have not seen the CMAG report.

Do you agree that we can't really know what the changes to CMAG are unless this report is released?

Absolutely. The Commonwealth is not a private club. It's a voluntary association of 54 member states and their peoples. Therefore when governments come to a decision about something to do with the Commonwealth they ought to let the people of the Commonwealth know. After all they are supposed to be acting for, and in the interests of the people of the Commonwealth. If that's the case, why hide documents from them?

One criticism levelled at the EPG's report was that its 106 recommendations were possibly too many for heads to consider in detail.

That's an alarming criticism because governments are supposed to look at recommendations and deal with them. Heads of government were not going to look at those recommendations on their own, there's a whole machinery. The prime minister has an office, the foreign minister has an office, [and] there are all kinds of government departments with tens of thousands of civil servants across

the Commonwealth – what would have been the problem of them giving their head of government a brief? The reality is that didn't happen. Most of the governments arrived at the conference having never read the report. The lack of preparation by governments was in fact astounding. So to turn around and say that the number of recommendations was what caused them not to look at it is absolutely appalling. That's hardly an excuse.

I am positive that the governments of Canada, Australia, the United Kingdom, India and others, would have looked at these recommendations very closely. They wouldn't have just arrived here not knowing what they said.

Does the EPG feel that it stayed within its mandate? Do you think that the Group was given enough guidance as to the kinds of issues that have been considered in the report?

We had a very clear mandate from the 2009 heads of government conference and we followed that mandate to the letter.

One of the recommendations the foreign ministers rejected was the way their meetings should be structured. That was a specific mandate from the 2009 conference that we should look at the organisation of ministerial meetings and make recommendations as to how they might be improved and made more efficient. So in making that recommendation, which was rejected because ministers said we were micro-managing them, we were in fact responding directly to the mandate give to us.

There seemed to be a widespread feeling at the Perth CHOGM that the Commonwealth has missed an opportunity to make substantial reform. Do you agree?

Absolutely. But I am still hopeful that the Secretary General and his team at the Secretariat will grab this thing [the EPG report] by the scruff of its neck, put it back firmly on the agenda before ministers and ensure that it is fully discussed. And that they engage members of the EPG in explaining the thinking behind some of these recommendations directly to ministers. An opportunity, incidentally that was never allowed the EPG at the heads of government meeting in Perth. We were present in the room when the foreign ministers discussed the report and never once were we asked for a view on any of the issues that were discussed or any part of the report. It was a curious way of doing business.

About the author:

Sir Ronald Sanders is a member of the Eminent Persons Group