

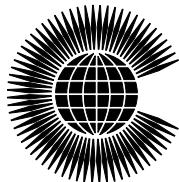


Strengthening the Role of the Commonwealth Ministerial Action Group (CMAG)

**Report of CMAG as adopted by the
Commonwealth Heads of Government Meeting, 2011**

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Foreword

By Kamlesh Sharma, Commonwealth Secretary-General

Commonwealth Heads of Government established the Commonwealth Ministerial Action Group (CMAG) in 1995 to act as the custodian of the Commonwealth's fundamental political values, addressing country situations where serious or persistent violations of Commonwealth values have occurred. Leaders agreed on a series of measures that the Group should take in response to such violations, aimed at the swift restoration of democracy and constitutional rule. As such, CMAG has supported the strengthening of democracy in member countries and has enhanced the Commonwealth's profile on the international stage.

By 2009, Commonwealth leaders recognised that the bar needed to be raised further – both in defining the Commonwealth's core values and in achieving adherence to them. At the CHOGM in 2009 in Trinidad and Tobago, leaders adopted the 'Affirmation of Commonwealth Values and Principles' as our new template, for which CMAG is now the guardian.

Leaders also recognised in 2009 that CMAG needed to play a more constructive and proactive role in assisting member countries to uphold our shared political values, and thus that the mandate and working practices of the Group would require review and further elaboration.

The adoption by Heads of Government at the 2011 Perth CHOGM of CMAG's recommendations on strengthening its role was a critical and timely step forward for the Commonwealth in its promotion of the values of democracy, respect for human rights and the rule of law. CMAG's review has also demonstrated that Commonwealth governments have listened carefully to the voices of those Commonwealth citizens who have called for a more effective and engaged CMAG.

I am delighted that this review has been completed successfully. CMAG, sixteen years on from its inception, is now a stronger and potentially more effective body.

During the process of inter-governmental deliberation and decision, this report on the reform of CMAG, in accordance with established practice, was classified as 'Restricted.' Now that its recommendations have been endorsed by Heads of Government, and given the importance of this report for the Commonwealth, the public interest in its recommendations, and the importance of transparency, I have authorised its public release.

It was my privilege to assist the members of the Group in their deliberations and producing these recommendations. I extend my sincere appreciation to the Chair and members of CMAG 2007-2009,¹ which recommended to leaders that a review of CMAG's role should be undertaken; and to the Chair and members of CMAG 2009-2011², which developed the recommendations in this report.

I am confident that CMAG's strengthened role will enable the Commonwealth to further enhance its effectiveness as an organisation of member states that not only believes in the importance of respecting and adhering to its core values, but also lives up to them.

London
January 2012

¹ CMAG 2007-2009: Malaysia (Chair), Uganda (Vice-Chair), Ghana, Namibia, New Zealand, Papua New Guinea, St Lucia, Sri Lanka, United Kingdom

² CMAG 2009-2011: Ghana (Chair), Trinidad and Tobago (Vice-Chair), Australia, Bangladesh, Jamaica, Maldives, Namibia, New Zealand, Vanuatu.

Strengthening the Role of the Commonwealth Ministerial Action Group (CMAG)

Report by CMAG as adopted by the Commonwealth Heads of Government Meeting, 2011

At the Trinidad and Tobago Commonwealth Heads of Government Meeting (CHOGM) 2009, ‘Heads of Government agreed that consideration be given to strengthening the role of CMAG, in order to enable the Group to deal with the full range of serious or persistent violations of the Harare Principles. They also noted the decision of CMAG to constitute a working group of its own member states to look into how its work may be further refined and elaborated to make it more effective, in consultation with other member states, and make proposals on this matter to the wider membership. They agreed that this examination should be confined to matters within CMAG’s existing mandate and that any proposals for going beyond that mandate should be referred to Heads.’

BACKGROUND

1. The Commonwealth Ministerial Action Group (CMAG) was established by Heads of Government in 1995 as part of the *Millbrook Commonwealth Action Programme*. It was set up as a mechanism to deal with serious or persistent violations of the principles set out in the 1991 *Harare Commonwealth Declaration* (the Harare Principles).
2. The Group, which is convened by the Secretary-General, originally comprised the Foreign Ministers of eight countries, with the discretion to invite the participation, on an ad hoc basis, of the Foreign Minister of any other member state that could add value to CMAG's consideration of a particular situation. At the Coolum CHOGM in 2002, Heads agreed that the Foreign Minister of the country of the Chairperson-in-Office should also be an ex-officio member of CMAG. Since then, CMAG has comprised the Foreign Ministers of nine member states.
3. CMAG members normally serve two terms of two years each but Heads decided at Coolum that a member 'could be retained for a third term if this was deemed desirable to preserve continuity, institutional knowledge, or to provide linkages with international organisations'. The composition of CMAG is reviewed every two years, at CHOGM. Heads of Government ensure regional balance, continuity and institutional memory by staggering the rotation of CMAG members.
4. CMAG was tasked with assessing the nature of an infringement of the Commonwealth's fundamental political values, as enshrined in the Harare Principles, and recommending measures for collective Commonwealth action aimed at the speedy restoration of democracy and constitutional rule. In the *Millbrook Action Programme*, Heads of Government agreed on a series of measures that CMAG should take in response to serious or persistent violation of the Harare Principles (**Annex 1**).

5. The first attempt to expand and clarify CMAG’s mandate was an initiative in 1997 by the then Secretary-General, Chief Emeka Anyaoku, to compile a set of ‘triggers’ for action by CMAG. This proposal advocated the formal consideration by CMAG of a country situation when any of the following three criteria were applicable: (a) the postponement of national elections beyond the constitutional life of a government without following prescribed constitutional procedures; (b) the systematic banning or impeding by a government of the legitimate political activities of Opposition parties, groups, individuals and the media; or (c) systematic and widespread violation of the fundamental human rights of a country’s citizens through the abrogation of the rule of law or the independence of the judiciary. These proposals were first submitted by Chief Anyaoku to CMAG itself, which initially could not come to agreement on them. He then made soundings with some Heads of Government at the 1997 Edinburgh CHOGM, but the proposal was not pursued on that occasion.
6. In 1999, CMAG endorsed the then Secretary-General’s proposals and they were thereafter considered by Heads of Government at the Durban CHOGM. However, some Heads of Government felt that amending the mandate of CMAG at that early stage in its existence was premature, and that reform could be contemplated once the body had been tested further in actual practice.
7. In 2000, following a review of its own role, CMAG submitted a paper entitled *Realising Millbrook* to the High-Level Review Group (HLRG), a group of Heads of Government tasked with reviewing the role of the Commonwealth in the twenty-first century (**Annex 2**). In this document, CMAG made a number of recommendations on how to respond to situations involving ‘serious or persistent violations’, whether involving the unconstitutional overthrow of a legitimate government or otherwise. For the first time, CMAG also sought to

establish a distinction between ‘suspension from the Councils of the Commonwealth’ and ‘full suspension.’

8. Having considered *Realising Millbrook*, the HLRG concluded that the existing procedure set out in the *Millbrook Action Programme* to deal with an unconstitutional overthrow of a democratically elected government was sufficient and did not require further elaboration.
9. However, in relation to circumstances where a country is perceived to be in ‘serious or persistent violation’ of the Harare Principles other than an unconstitutional overthrow of a democratically elected government, the HLRG agreed on a six-step approach (**Annex 3**). This was endorsed by Heads of Government at the Coolum CHOGM in 2002 and has come to be known as the ‘six-step Coolum procedure’; it is the currently valid procedure for dealing with such situations.
10. The 2009 CHOGM mandate set out at the beginning of this paper has arisen against this backdrop.

RELEVANT CONSIDERATIONS

11. In considering the 2009 mandate from Heads of Government, CMAG noted the widely shared view that in the past it had been too reactive, and not sufficiently proactive, in addressing serious or persistent violations of Commonwealth fundamental values. This view reflects the belief that CMAG has dealt decisively with situations where constitutionally elected governments had been overthrown, but that it had not always been able to address situations where Commonwealth values and principles were being seriously or persistently violated, without governments actually being overthrown.
12. CMAG noted the prevalent perception of the Group as a punitive body. It acknowledged that member governments perceived a stigma

associated with being placed on its agenda and that this made it difficult for CMAG to engage with members constructively.

13. In considering its mandate, CMAG was conscious of the Commonwealth being a values-based organisation and of the onerous responsibility placed upon the Group as a custodian of the Commonwealth's fundamental values and principles. It also noted the pioneering role that the Group had played in this context, having enhanced the Commonwealth's profile on the international stage. CMAG was therefore fully mindful of the importance of its reputation and credibility being preserved.
14. CMAG recalled that at its inception the Group's mandate had been explicitly tied to the protection of the Commonwealth's fundamental political values as enshrined in the *Harare Declaration*. It noted, however, that the Commonwealth had added important principles to those contained in the *Harare Declaration*, such as the Latimer House Principles,³ and that the 2009 *Affirmation of Commonwealth Values and Principles (Annex 4)* – adopted by Heads of Government to mark the 60th anniversary of the modern Commonwealth – reflected the most recent and comprehensive statement of the association's core beliefs. CMAG was therefore of the view that hereafter it would be appropriate for CMAG to act as a custodian of the political values set out in the 2009 *Affirmation*.
15. The Group considered the aforementioned six-step procedure agreed at Coolum to be difficult to realise in practice and not sufficiently time-bound.
16. In reviewing the Coolum procedure, the Group agreed that:
 - CMAG needs to strike the right balance between its role as a body that can recommend and apply sanctions when serious derogations

³ Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government, as endorsed by the Abuja CHOGM in 2003

- take place and one that can play a supportive and constructive role to prevent such derogations from occurring in the first place;
- Early, regular and sustained engagement with the relevant member state is necessary to develop a more constructive and positive approach to specific situations of concern;
 - CMAG's existing procedures to address the unconstitutional overthrow of a democratically elected government, while effective, have actually evolved in practice since they were agreed in 1995, and therefore merit refinement;
 - The Group needs to be more proactive in its approach to country situations which could be deemed to constitute serious or persistent violations of Commonwealth fundamental political values other than an unconstitutional overthrow of a government;
 - The current six-step Coolum procedure should be reviewed to make CMAG more responsive to situations that merit its attention, to enable CMAG to be more proactive at an earlier stage, and to protect the credibility and reputation of CMAG and the wider Commonwealth;
 - The link between the Good Offices of the Secretary-General and the work of CMAG could be strengthened so as to provide greater complementarity between these roles.⁴ In this context, the authority of CMAG ought to be reinforced and further recognised;
 - There should be closer consultation between the Chair of CMAG and the Secretary-General on country situations of concern as

4 It is relevant to recall that the Report of the Meeting of Commonwealth Special Envoys in November 2006 reaffirmed 'the need to retain the clear distinction between the Secretary-General's Good Offices engagements and the work of CMAG'. The Special Envoys felt 'this distinction provided some assurance to countries, where engagements were being encouraged, that acceptance of Commonwealth assistance and Good Offices would not inextricably lead to attention and potential public censure through CMAG'.

required, be it to address structural deficiencies in democratic institutions or actual violations of Commonwealth values;

- Consultation with relevant regional and/or other international organisations may be desirable in some situations in addressing a situation of concern and in supporting adherence to the Commonwealth's core values;
- Submissions from relevant accredited Commonwealth organisations would be a valuable resource in supplementing the information available to CMAG in its consideration of country situations, and would be welcomed;
- Given the sensitive role it discharges, CMAG's actions need to be based on the most reliable and objective evidence about a country situation, including the state of democracy, rule of law and human rights.

RECOMMENDATIONS

17. CMAG recommends to Heads of Government that the Group should hereafter act as a custodian of the political values set out in the 2009 *Affirmation*. It further recommends the following approach to enhance its effectiveness:
 - A: **In the case of serious or persistent violations of Commonwealth fundamental political values that do not involve an unconstitutional overthrow of a democratically elected government.**
18. The current procedure for addressing serious or persistent violations of Commonwealth values, other than the unconstitutional overthrow of a democratically-elected government, should be revised as follows:
 - i. The Secretary-General should, in the first instance, take cognisance of a situation of concern, be it a significant structural

- deficiency in a democratic institution or a serious or persistent violation of Commonwealth values, and raise it with the member state in question, affording it an opportunity to respond, and offering his/her Good Offices to redress the situation;
- ii. The Secretary-General's Good Offices engagement with the government concerned could include (a) the appointment of an envoy, (b) the offer of advice and technical assistance in relevant areas to help redress the issues of concern, and (c) consultation with relevant regional leaders, with regional and other international organisations, as well as other relevant Commonwealth bodies;
 - iii. The Secretary-General will consult the Chair of CMAG on relevant country situations, as required, including where his/her Good Offices' engagements are active. The Secretary-General would, of course, also retain the ability to brief and consult the Commonwealth Chairperson-in-Office on matters under consideration and seek his/her intervention as appropriate;
 - iv. In the spirit of the principles expressed in paragraphs 11 and 16, any member state may draw to the attention of the Secretary-General a situation of concern in a fellow member country that is perceived to be a significant violation of Commonwealth fundamental political values, offering supporting evidence;
 - v. If the Secretary-General recognises that a situation is indeed a matter that may constitute a serious or persistent violation of Commonwealth values, he/she will undertake an assessment of the situation in question, using relevant evidentiary sources, and accordingly bring it to the attention of CMAG, also citing, subject to his/her discretion, the sources of information that have led him/her to conclude that it constitutes a 'serious or persistent violation';

In coming to this judgement, the Secretary-General will take into account such circumstances in the member state in question that include but are not limited to the following:

- The unilateral abrogation of a democratic constitution or serious threats to constitutional rule;
- The suspension or prevention of the lawful functioning of parliament or other key democratic institutions;
- The postponement of national elections without constitutional or other reasonable justification;
- The systematic denial of political space, such as through detention of political leaders or restriction of freedom of association, assembly or expression.

If, within a maximum of two months of an offer of engagement and of targeted assistance for institutional support and capacity building being made by the Secretary-General, the member government in question fails to respond appropriately and the perception of serious or persistent violation of fundamental political values continues, the Secretary-General would consult with the Chair of CMAG on the way forward.

vi. In reaching a judgement and advising CMAG, the Secretary-General could also reflect on the following circumstances:

- A national electoral process that is seriously flawed;
- The abrogation of the rule of law or undermining of the independence of the judiciary;
- The systematic violation of human rights of the population, or of any communities or groups, by the member government concerned; and

- Significant restrictions on the media or civil society that prevent them from playing their legitimate role.

The Secretary-General would have the discretion to allow a longer response period in such cases, where structural or other considerations in the relevant country in question would so warrant.

- vii. If, following consultation and further attempts at engagement with the member government by the Secretary-General, with the encouragement and support of the Chair of CMAG, the response and progress remain inadequate, the Secretary-General shall brief CMAG on that country situation at its next regular meeting under the agenda item 'Other Matters of Interest'. This would allow CMAG ministers to consider the matter without it being reflected in their Concluding Statement, in the first instance. The member government concerned will be informed in advance of this course of action and invited to submit its views to CMAG;
- viii. Since CMAG sets its own agenda, it will be free to discuss any matters raised by CMAG members under 'Other Matters of Interest' or as formal agenda items;
- ix. If no regular CMAG meeting is scheduled to take place within a reasonable time frame to enable such an oral briefing to members, the Secretary-General shall communicate in writing to CMAG members;
- x. If, after a further maximum of two months from CMAG being briefed on the situation, in the judgement of the Secretary-General and the Chair of CMAG, all efforts at engagement have been exhausted and there continues to be no progress by

the relevant member country in addressing the issues of concern, the situation shall be brought on to the formal agenda of CMAG for appropriate consideration;

- xi. In its consideration of a situation of concern, CMAG will use its discretion in making use of reliable evidentiary sources, both governmental and non-governmental. Any formal assessment of whether serious or persistent violations of fundamental Commonwealth values and principles have taken place will be made by ministers exercising their political judgement and taking into account the full range of evidence available to them. They will have full recourse to the range of measures cited in scenario B below;
- xii. In circumstances where the violation of Commonwealth values is, in the Secretary-General's opinion, particularly serious and requires an urgent response, or poses a significant imminent threat to citizens, or where there is an imperative for CMAG to act immediately to ensure it is in step with developments and international reactions, the Secretary-General, in consultation with the Chair of CMAG, should call an extraordinary meeting of CMAG as soon as possible to brief members on the situation and allow appropriate consideration by members.

B: In the case of an unconstitutional overthrow of a democratically-elected government

- 19. Measures to address the unconstitutional overthrow of a democratically elected government are already set out in the *Millbrook Action Programme*. These should continue to guide CMAG, but should be refined as follows to take into account the working practice that has developed over time in response to such situations:

- i. Immediate public expression by the Secretary-General of the Commonwealth's collective disapproval of such a serious violation of its fundamental political values;
- ii. Early contact by the Secretary-General with the *de facto* government, followed by the offer of Good Offices and appropriate technical assistance to facilitate an early restoration of democracy;
- iii. Consultations with member countries as well as regional, Commonwealth and other international organisations, including encouragement of demarches by such parties where appropriate, to express disapproval, to offer help and to support early restoration of democracy;
- iv. CMAG to meet within four weeks of an unconstitutional overthrow and, pending restoration of democracy, to suspend the member country concerned from the Councils of the Commonwealth. This would entail the exclusion of the government concerned from all Commonwealth inter-governmental meetings and events, including ministerial meetings and CHOGM, as well as a halt to new Commonwealth technical assistance, other than that directed towards the restoration of democracy;
- v. CMAG to stipulate a timeframe of up to a maximum of two years for the concerned member country to hold credible elections;
- vi. Consideration of a CMAG ministerial delegation or emissary to the country if such a mission is deemed desirable, taking into account other international initiatives in play;
- vii. If acceptable progress is not made by the government concerned within the timeframe set out in v above, CMAG will fully

- suspend the country from membership of the Commonwealth. Full suspension would entail, in addition to the measures set out in iv above: the removal of all emblematic representation of the country concerned from the Commonwealth Secretariat, at Commonwealth meetings and all other official Commonwealth events; and the exclusion of the country from all pan-Commonwealth events including sport and cultural activities;
- viii. All Commonwealth organisations would be expected to act in conformity with the letter and spirit of decisions by CMAG, as already called for in the 2009 *Affirmation*;
 - ix. Consideration by all member states of appropriate further bilateral and multilateral measures. These could include limitation of government-to-government contacts, people-to-people measures, and trade restrictions;
 - x. In circumstances of continuing serious breaches of the Commonwealth's fundamental political values following full suspension, CMAG may consider recommending to Heads of Government that the member country concerned be expelled from the Commonwealth;
 - xi. CMAG will continue its engagement with those members who have been suspended or expelled, with a view to redressing the situation and facilitating the reinstatement of the countries concerned.

C: Operational Issues

- 20. In both scenarios A and B above, the following procedures will apply:
 - i. CMAG will hold two regular meetings each year, one in London in the first half of the year and the other in New York, in the wings of the UN General Assembly session, in September/

- October. It will also continue to meet on the eve of CHOGM, to finalise its report to Heads of Government;
- ii. Extraordinary meetings of CMAG will continue to take place as necessitated by events;
 - iii. In urgent situations, CMAG should endeavour to meet within a maximum of four weeks from a meeting being proposed by the Secretary-General. In such circumstances, if neither the Chair nor the Vice-Chair is available to preside, the Chair should provide delegated authority to another minister to preside, in order to allow the meeting to go ahead within the aforementioned time-frame;
 - iv. Should the Chair of CMAG demit ministerial office during his/her term as Chair, CMAG shall elect a new Chair;
 - v. CMAG is a high-level ministerial mechanism, established by leaders to enable political level scrutiny of sensitive issues and situations. Senior officials may however be directed by ministers to meet from time to time on an *ad hoc* basis, to make recommendations to the latter if required;
 - vi. For each CMAG meeting that a member state is on the formal agenda of CMAG, the said member shall be afforded the opportunity to present its case to CMAG, in writing or orally;
 - vii. The Secretary-General, at his/her discretion and in consultation with the Chair of CMAG when desirable, may determine the utility and timing of issuing public statement(s) of concern about a specific country situation.
 - viii. Whenever CMAG takes a decision with regard to the status of a member country, the Secretary-General shall inform the heads of relevant regional, Commonwealth and international

organisations as appropriate, as well as the Governments of selected non-Commonwealth countries if deemed desirable, of such a decision and its implications. This would be with a view to ensuring coherent action by the international community and avoidance of mixed messages to the member state concerned.

21. CMAG hopes that the above refinements to its existing mandate and operating procedures can offer greater clarity to its role and enhance its effectiveness in promoting and protecting the Commonwealth's fundamental political values.

ANNEX 1

EXTRACT FROM THE MILLBROOK COMMONWEALTH ACTION PROGRAMME ON THE HARARE DECLARATION

Auckland, 12 November 1995

1. B Measures in Response to Violations of the Harare Principles

Where a member country is perceived to be clearly in violation of the Harare Commonwealth Declaration, and particularly in the event of an unconstitutional overthrow of a democratically elected government, appropriate steps should be taken to express the collective concern of Commonwealth countries and to encourage the restoration of democracy within a reasonable time frame. These include:

- i. immediate public expression by the Secretary-General of the Commonwealth's collective disapproval of any such infringement of the Harare principles;
- ii. early contact by the Secretary-General with the de facto government, followed by continued good offices and appropriate technical assistance to facilitate an early restoration of democracy;
- iii. encouraging bilateral demarches by member countries, especially those within the region, both to express disapproval and to support early restoration of democracy;
- iv. appointment of an envoy or a group of eminent Commonwealth representatives where, following the Secretary-General's

- contacts with the authorities concerned, such a mission is deemed beneficial in reinforcing the Commonwealth's good offices role;
- v. stipulation of up to two years as the time frame for the restoration of democracy where the institutions are not in place to permit the holding of elections within, say, a maximum of six months;
 - vi. pending restoration of democracy, exclusion of the government concerned from participation at ministerial-level meetings of the Commonwealth, including Commonwealth Heads of Government Meetings (CHOGMs);
 - vii. suspension of participation at all Commonwealth meetings and of Commonwealth technical assistance if acceptable progress is not recorded by the government concerned after a period of two years; and
 - viii. consideration of appropriate further bilateral and multilateral measures by all member states (e.g. limitation of government-to-government contacts; people-to-people measures; trade restrictions; and, in exceptional cases, suspension from the association), to reinforce the need for change in the event that the government concerned chooses to leave the Commonwealth and/or persists in violating the principles of the Harare Commonwealth Declaration even after two years.

ANNEX 2

REALISING MILLBROOK⁵

The Commonwealth Ministerial Action Group on The Harare Declaration (CMAG)

The Commonwealth Ministerial Action Group (CMAG) recommends to the High Level Review Group the following remit:

1. CMAG is a vital source of support and encouragement to member countries in upholding the fundamental political values of the Commonwealth as established in the Harare Declaration.
2. CMAG, with the support of the Secretary-General, should provide assistance and advice to Commonwealth countries as they seek to protect and promote democracy, democratic processes and institutions which reflect national circumstances, just and honest government and fundamental human rights, including equal rights, the rule of law and the independence of the judiciary, freedom of expression and the enjoyment of such rights by all individuals regardless of gender, race, colour, creed or political belief.
3. In this regard, the Commonwealth Secretary-General might be asked to undertake periodic reviews of the Commonwealth's success in adhering to the fundamental political values of the Harare Commonwealth Declaration.
4. CMAG should support and reinforce the preventive work undertaken under the Good Offices role of the Secretary-General and solicit, where

⁵ This paper was agreed by CMAG Ministers and submitted by CMAG's Chairman to the Chairman of the High Level Review Group in September 2000, for that Group's consideration.

appropriate, the intervention of the CHOGM Chairperson-in-Office, whose ministerial representative should be invited to join CMAG.

5. Reinforcing the interlinkage between democracy and economic and social progress and acknowledging the importance of enhancing the capacity of countries to support democratic processes, CMAG should provide broad strategic direction to the Secretary-General for the provision of technical assistance required by member governments to strengthen the rule of law, independence of the judiciary, democratic frameworks, free media and policing capacity.
6. As agreed by Heads of Government at Millbrook, CMAG should take appropriate steps to express the collective concern of Commonwealth countries and to encourage adherence to the fundamental political values of the Commonwealth where a member country is perceived to be in persistent or serious violations of those values, most obviously where a democratic government has been overthrown, but also where the Commonwealth may be constructively engaged to prevent situations of concern from deteriorating further.

Such steps could include:

- i. Consultation by the Chairman of CMAG or the Secretary-General with the government concerned;
- ii. Appointing an envoy or group of eminent Commonwealth representatives to facilitate constructive dialogue in the country concerned;
- iii. Encouraging bilateral demarches by member countries, especially those within the region, both to express disapproval and to support early adherence to the Commonwealth's fundamental political values;

- iv. Soliciting the support and intervention of regional organisations in promoting adherence to the Commonwealth's fundamental political values;
- v. After due consultations, the prompt public expression by the Secretary-General of the Commonwealth's collective disapproval;
- vi. Suspending the member country concerned from the Councils of the Commonwealth;
- vii. While under suspension from the councils of the Commonwealth, a member country should not receive new Commonwealth technical assistance, other than that directed to the restoration of democracy;
- viii. Stipulating an appropriate timeframe for the re-adherence to the Commonwealth's fundamental political values, after which CMAG could recommend that the member country concerned be fully suspended from the Commonwealth;
- ix. Other steps considered necessary to engage a member government on the need for progress or to express the collective concern of the Commonwealth;
- x. Consideration of appropriate further bilateral and multilateral measures by all member states (e.g. limitation of government-to-government contacts; people-to-people measures; trade restrictions; and, in exceptional cases, suspension from the association), to reinforce the need for change in the event that the government concerned chooses to leave the Commonwealth and/or persists in violating the principles of the Harare Commonwealth Declaration even after two years.

In circumstances of continuing serious breaches of the Commonwealth's fundamental political values, CMAG may consider recommending to Heads

of Government that the member country concerned be expelled from the Commonwealth.

25 August 2000

ANNEX 3

EXTRACT FROM THE REPORT OF THE COMMONWEALTH HIGH LEVEL REVIEW GROUP, 2002

As adopted by Heads of Government at their Meeting in Coolum on 3 March 2002

The Future Role of the Commonwealth Ministerial Action Group on the Harare Declaration

17. The Commonwealth Ministerial Action Group (CMAG) remains the most tangible expression of the Commonwealth's commitment to the fundamental political values to which all Commonwealth members subscribe. As the custodian of the Harare Principles, it has been charged by Heads of Government to address all serious or persistent violations of those Principles by member countries.
18. At their meeting in Durban, Heads of Government commended the role played by CMAG as a custodian of the Harare Principles. They agreed that CMAG should continue to address serious or persistent violations of those Principles and that its future mandate should be considered further by the Commonwealth High-Level Group.
19. We have accordingly considered the CMAG paper 'Realising Millbrook' which addresses the issue of the Group's remit.
20. We agreed that CMAG's mandate as it relates to the unconstitutional overthrow of a democratically elected government is clearly defined in the Millbrook Commonwealth Action Programme and needs no further elaboration.
21. We felt that the issue requiring attention was the need to clarify procedures to apply in other circumstances where a member country

is perceived to be in serious or persistent violation of the Harare Commonwealth Principles. We recommend that:

- i. Where such a perception was formed by the Chairperson-in-Office, the Secretary-General or a member government, particular steps should be instituted to establish the basis on which such a perception was founded, before CMAG engages itself with that situation.
 - ii. When a member country raises such a concern in respect to another member, it must in the first instance bring the matter to the attention of the Secretary-General with evidence as to the basis of that concern.
 - iii. The member country which is the subject of such concern must also be afforded the opportunity to respond to the points made.
 - iv. Should the Secretary-General consider that the case so warrants, he or she should then apply his or her Good Offices Role with a view to encouraging the country concerned to move towards full compliance with the Harare Principles.
 - v. The Chairperson-in-Office and the Secretary-General should consult appropriately in the application of the Good Offices Role.
 - vi. CMAG would examine a case of perceived violation of the Harare Principles once such Good Offices activities have been exhausted.
22. We further agreed that, in the circumstances referred to in para 21, CMAG might consider applying a similar but differentiated and flexible set of steps as those outlined in the Millbrook Commonwealth Action Programme (Section B para 3 (i) – (viii)).

3 March 2002

ANNEX 4

AFFIRMATION OF COMMONWEALTH VALUES AND PRINCIPLES, 2009

1. We, the Heads of Government of the Commonwealth, meeting in Port of Spain in this the 60th anniversary year of the modern Commonwealth, take pride in our collective achievements over the past six decades and, as we look to the future, reaffirm our strong and abiding commitment to the Commonwealth's fundamental values and principles.
2. We reaffirm that the special strength of the Commonwealth lies in the diversity of its membership, bound together not only by shared history and tradition but also by an ethos of respect for all states and peoples, of shared values and principles, and of concern for the vulnerable.
3. We reaffirm our belief in the Commonwealth as a voluntary association of sovereign independent states whose pursuit of common principles continues to influence international society to the benefit of all. We are resolved to make the Commonwealth an even stronger and more effective international organisation as we look ahead to the rest of the 21st century.
4. We recall earlier statements through which the Commonwealth's values and principles have been defined and strengthened over the years, including the Singapore Declaration, the Harare Declaration, the Millbrook Action Programme, the Latimer House Principles and the Aberdeen Principles.

Our Values and Principles

5. We solemnly reiterate our commitment to the Commonwealth's core values:
 - *International peace and security*: believing firmly that international peace and security, economic growth and development and the rule of law are essential to the progress and prosperity of all; and expressing our commitment to an effective multilateral system based on inclusiveness, equity and international law as the best foundation for achieving consensus and progress on major global challenges;
 - *Democracy*: reaffirming our belief in the inalienable right of the individual to participate by means of free and democratic political processes in shaping the society in which they live; underlining that not only governments but all political parties and civil society also have responsibilities in upholding and promoting democratic culture and practices as well as accountability to the public in this regard; and recognising that parliaments and representative local government and other forms of local governance are essential elements in the exercise of democratic governance;
 - *Human rights*: reaffirming our commitment to the Universal Declaration of Human Rights and human rights covenants and instruments; and recalling our belief that equality and respect for protection and promotion of civil, political, economic, social and cultural rights for all without discrimination on any grounds, including the right to development, are foundations of peaceful, just and stable societies, and that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively;

- *Tolerance, respect and understanding*: recognising that tolerance, respect and understanding strengthen democracy and development; recognising also that respect for the dignity of all human beings is critical to promoting peace and prosperity;
- *Separation of powers*: recognising the importance of maintaining the integrity of the roles of the Executive, Legislature and Judiciary;
- *Rule of law*: reiterating that each country's Legislature, Executive and Judiciary are the guarantors of the rule of law and emphasising that access to justice and an independent judiciary are fundamental to the rule of law, enhanced by effective, transparent, ethical and accountable governance;
- *Freedom of expression*: emphasising that peaceful, open dialogue and the free flow of information, including through a free, vibrant and professional media, enhance democratic traditions and strengthen democratic processes;
- *Development*: stressing the importance of economic and social transformation to, *inter alia*, eliminate poverty and meet the basic needs of the vast majority of the people of the world; seeking the removal of wide disparities and unequal living standards, guided by the Millennium Development Goals (MDGs); reiterating that economic and social progress enhances the sustainability of democracy;
- *Gender equality*: reaffirming gender equality and empowerment as an essential component of human development and basic human rights, and acknowledging the advancement of women's rights as a critical precondition for effective and sustainable development;

- *Access to health and education*: reaffirming our commitment to health and education for all citizens, both as human rights and as instruments for poverty alleviation and sustainable development;
 - *Good governance*: reiterating our commitment to promote the rule of law, ensure transparency and accountability and root out, both at national and international levels, systemic and systematic corruption; and
 - *Civil society*: acknowledging the important role that civil society plays in our communities and nations as partners in promoting and supporting Commonwealth values and the interests of the people.
6. We reiterate our commitment to the core principles of consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy, and responsiveness.

Working Together to Strengthen our Values and Principles: Looking to the Future

7. We reaffirm our full support for the Good Offices role of the Secretary-General in supporting adherence to Commonwealth principles; in conflict prevention and resolution; and as an instrument to protect and promote the Commonwealth's fundamental values.
8. We recognise the vital role of the Commonwealth Ministerial Action Group (CMAG) as the custodian of the Commonwealth's fundamental political values. We call on CMAG to explore ways in which it could more effectively deal with the full range of serious or persistent violations of such values by member states and to pronounce upon them as appropriate.

9. We also express our continuing support for the Commonwealth Secretariat's work on strengthening democratic institutions, processes and culture. In this context, we welcome the Secretariat's collaboration with the Commonwealth Parliamentary Association (CPA), the Commonwealth Local Government Forum (CLGF) and other relevant organisations to promote best practice and democratic culture.
10. We underscore the importance of coherence in order to protect the Commonwealth's image and credibility. We urge all Commonwealth organisations to subscribe and adhere to Commonwealth values and principles in every possible way, including by acting in conformity with the letter and spirit of the decisions of CMAG.
11. Acknowledging the key role of elections in furthering and entrenching democratic processes and accountability, and affirming our commitment to the Commonwealth Secretariat's work in strengthening democratic institutions, processes and culture through election observation, we endorse the proposed Commonwealth Network of National Election Management Bodies. This Network would facilitate experience-sharing and serve to create support mechanisms, promote good practices and facilitate opportunities for peer support across the Commonwealth, thus enhancing member countries' capacity to hold credible elections which enjoy the confidence of the people. Through this Network, we envisage the Commonwealth advancing the norm of the highest electoral standards.
12. We welcome forward-looking, contemporary and innovative initiatives that generate and strengthen creative networking and partnerships within the Commonwealth community, and that underpin adherence to the Commonwealth's fundamental values and principles, mindful especially of the theme of the 2009 CHOGM, *Partnering for a More Equitable and Sustainable Future*. In that regard, we endorse the proposed

Commonwealth Partnership Platform Portal (CP3), and encourage support for it.

13. We note the need to strengthen Commonwealth processes, institutional frameworks and capacities for delivering collective action and global public goods as highlighted by the Report of the High Level Group in 2002 and the ‘Commonwealth Conversation’. We call for the creation of an Eminent Persons Group to undertake an examination of options for reform in order to bring the Commonwealth’s many institutions into a stronger and more effective framework of co-operation and partnership. We are committed to securing a greater level of co-ordination and collaboration between all Commonwealth contributors and stakeholders, particularly including governments, civil society, business, the diversity of Commonwealth professional and other associations that bring together our citizens, academia and others.
14. We call for the Commonwealth Secretary-General to consolidate and further strengthen ongoing efforts to improve the Secretariat’s governance, its responsiveness to changing priorities and needs, and its ability to enhance the public profile of the organisation. We commit ourselves to supporting the Secretariat in this endeavour. We also underline the importance we attach to intensifying the Secretariat’s commitment to strategic partnerships with other international organisations and partners in order to promote the Commonwealth’s values and principles.
15. We call for the Eminent Persons Group to examine, *inter alia*, the format, frequency, and content of ministerial meetings in order to ensure that these continue to support the Commonwealth’s values and principles, and provide the greatest possible addition of value and cost-effectiveness. We affirm that such meetings should also continue to have mandates that are focused; time-bound; affordable; of the

- highest possible relevance at the national level and in international exchanges; and are delivered.
16. By these and other practical measures, we believe that the Commonwealth will build a stronger and more resilient and progressive family of nations founded on enduring values and principles. By such measures, we also believe that the Commonwealth will remain relevant to its times and people in future.

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