



THE COMMONWEALTH

**Transcript of the
Commonwealth Ministerial Action Group
Press Conference**

Marlborough House, London

Friday, 26th April 2013

Welcome and Opening Comments

Richard Uku

Director of Communications and Public Affairs, Commonwealth Secretariat

Good afternoon. My name is Richard Uku, I am the Director of Communications and Public Affairs here at the Commonwealth Secretariat. Welcome to Marlborough House and to this press conference following this morning's meeting of the Commonwealth Ministerial Action Group.

The distinguished members of CMAG, as it is generally known, with me here at the table are: to my immediate right, the Commonwealth Secretary General Mr Kamallesh Sharma; next to him is the Honourable Dr Dipu Moni, the Foreign Minister of Bangladesh, who is here in her capacity as Chair of CMAG; and last but not least, the Vice-Chair of CMAG, Senator the Honourable Bob Carr, who is also the Foreign Minister of Australia.

Without much more ado, let me invite Dr Moni to make some remarks, and then we will throw it open to questions. Thank you.

Dipu Moni: Thank you. Our meeting was just held, and all members were present. We have a concluding statement, which will be given to you and will also be posted on our website. We are here to take your questions, thank you.

Q&A

Jonathan Miller (Channel 4 News): I would like to address, if I could, a question to the Secretary General, please. Secretary General, I understand that in the meeting that has just been concluded, it seemed like the question of Sri Lanka hosting this year's CHOGM was discussed. Could you tell me, sir, whether you think it is appropriate that Sri Lanka hosts this meeting given the fact that there have been serious questions raised about human rights issues, rule of law and good governance of the country? Thank you.

Kamallesh Sharma: The CMAG have no role in the matter of a decision concerning CHOGM. The venue for CHOGM is decided by the leaders, and the leaders first discussed it in 2007, agreed it in 2009, and confirmed it in 2011 that it would be in Sri Lanka. I meet leaders continually and continue to take soundings with leaders, and have been doing so recently as well, and no member of government has indicated remotely that it wishes to change the venue. It clearly is a collective decision that it will take place in Colombo, and the date of it is fixed in November.

I must say that I am also engaged myself with Sri Lanka on many levels in order to pursue the Commonwealth values that are so dear to us. These values are not just the Commonwealth values; they are also their values, because they want to subscribe to them as nations. We act as partners. As the Commonwealth, we try to be practical in offering our assistance, and have embedded action for beneficial changes as far as the members are concerned. In the spirit of a helping hand, which we give to all members, we have been engaging across a wide front in Sri Lanka with my good offices, and this will continue in the months to come. I am sure it will yield very good results in all the areas of human rights, of rule of law, of governance, institution building and strengthening.

We will be picking up items from their own report; this is the Lessons Learned and Reconciliation Commission report. Some of them are difficult items to do, but we in our partnership, in our good offices, hope to be able to do it with them. Thank you very much.

Jonathan Miller: With respect, sir, can I just follow up on that for one moment? You mentioned the Lessons Learned and Reconciliation Commission. Sri Lanka has been criticised at the highest level within the UN for not really investigating some of the issues that came up as a result of that Commission. There have been very serious issues raised, not least by the Commonwealth Lawyers' Association recently, which called for the suspension of Sri Lanka on the grounds of its sacking of the Chief Justice.

The Queen was in this very room not six weeks ago with you, sir, signing the Commonwealth Charter about those values that you mentioned. Can I ask you straight, do you believe that Sri Lanka embodies the principles of human rights, democracy, rule of law and good governance as is laid out in that Commonwealth Charter?

Kamalesh Sharma: All member states subscribe to the same principles and values equally. Interacting with them on many fronts – as I have been doing at all levels – I am fully persuaded that they are sincere in subscribing and following those values.

Bob Carr: I might add something, because Australia has taken a keen interest in human rights in Sri Lanka. I have raised with the President of Sri Lanka, our concern for the full implementation of the Lessons Learned and Reconciliation report recommendations. We have underlined the importance of a full accounting for all the things that happened around the end of the Civil War. The Civil War was a traumatic event that went on for three and half decades; it was a traumatic event for this society. It is a reasonable interpretation that there were abuses on both sides; I have met Sri Lankans in Australia, representatives of Sinhalese and Tamil backgrounds, and I have said to them that we have to work towards reconciliation. The community here in Australia has got to find ways of achieving a reconciliation; we cannot go on fighting this civil war.

The question is, how are we going to be most likely to achieve the full accounting, the reconciliation, the answers about the missing and the disappeared, legal protection for all Sri Lankans, and how we are to going to get action to reduce inter-religious tensions in Sri Lanka? Sri Lanka is not the only country in Asia to be demonstrating tensions and violent tensions between different religious groups. I think it is a view that many of us hold that in the lead-up to CHOGM, this Commonwealth, with its adherence to democratic values and that charter, is in a good position to engage with the government of Sri Lanka and monitor progress. We need to do no more than encourage and help the government of Sri Lanka to reach its own benchmarks, the benchmarks that it itself has agreed are desirable.

Richard Uku: Thank you, Senator, thank you SG.

Frances Harrison: My question is for Mr Kamalesh Sharma. At what point would you feel it was appropriate to stop using your Good Offices to engage with Sri Lanka? What would be the cut-off point or the deciding factor to call it a day on that process, please?

Kamalesh Sharma: My present experience is that I do not anticipate that that point is likely to be reached because of all the cooperation which I am getting and all the fields that we are engaged in. These fields are in human rights institutions, which we are trying to upgrade to grade A, the Election Commission to make it more independent, the media policy, the

independence of the Judiciary, the LLRC that I mentioned.. The menu for working with them is emerging in a way that I expect, that there will be progress, going forward, rather than a sense of disappointment.

Richard Uku: Other questions? Do not feel that you need to limit yourself to questions on Sri Lanka. This is not a press conference on Sri Lanka.

Bob Carr: I would like to make a comment about Fiji. There was a thorough discussion about Fiji at the meeting. Australia, as a neighbour of Fiji and as a member of the Pacific Island Forum, takes a keen interest; the challenge, the fundamental test, is whether the elections promised for Fiji in 2014 are going to be so thoroughly democratic that even the losers will admit they have lost fair and square. I am inclined – and I think CMAG is inclined – to accept the guarantees the government of Fiji has given that elections will be held in 2014, but the test we will want to see met is that those elections are genuine and authentic as a measure of the attitude of the people of Fiji, to the extent where the losing side will accept it. Our statement talks about a transparent consulting process on constitution building, an independent election management body and, this is very important, the ability of political parties and candidates to contest those elections freely under fair and consistent rules.

Sam Jones (The Guardian): Can I just go back to Sri Lanka, please? I hear what you are saying about the need to engage to promote the values which CMAG defends and seeks to uphold, but given the allegations of war crimes, of torture of people who return from this country, of the impeachment of the Chief Justice, of the failure to investigate the high-profile murder of a British national in Sri Lanka, do you not feel that, by not taking a stand, the Commonwealth is actually risking compromising its integrity and its credibility.

Kamalesh Sharma: The Commonwealth works on the priorities which have been given to the Commonwealth to act on the member states. This does not mean that we do not discuss many other issues with the member states. We sympathise with the fact that Sri Lanka has had a long period of agony from which it is emerging and it will take a while before a lot of the healing which we expect can take place. But we lend a hand wherever we can. Next week we are going to have a workshop here on reconciliation. In that workshop their own historical experience of reconciliation and Sri Lanka will be present as well. Our expectation is that, moving forward, there will be impulses given by all that the Commonwealth will be able to do in partnership with Sri Lanka which will help them in all the other very deep, ingrained issues.

Jonathan Miller: Could I just follow up on that question from *The Guardian*? What was being addressed there was not so much what the Commonwealth's efforts are here to bring back workshops and for reconciliation, which I am sure we would all applaud, there are those who say, however, that given the past role of the Commonwealth, for example, with the Eminent Person's Group at the time of apartheid and that sort of thing, that the Commonwealth took a real forefront role in human rights-related issues. The question I would like to ask, again, is is there not a danger that the integrity of the Commonwealth is at stake if these very issues are ignored in the case of Sri Lanka.

Kamalesh Sharma: I think that the credibility of the Commonwealth is increasing right now. As far as the judicial sector is concerned, we are the ones who are working with them on what can be a solution to the polarities and institutional confrontations that they have had in the past. We are the one organisation that is working with them on institution-building in the way that I have described. I do not see many other institutions doing such a comprehensive

exercise with Sri Lanka. So I think the way in which we are acting and the way in which we are trying to make real progress on the ground, is actually a sign of this institution's relevance in the difficulties which are faced by the member state rather than the other way around.

Kamal Ahmed (Bangladesh): The Commonwealth is walking away from the international community because the UN is moving in one direction and you are moving in the opposite direction. Why?

Kamalesh Sharma: The Commonwealth is not moving away from the international community. The concerns that are all around us are concerns that are appreciated by the Commonwealth. We have no difference in the concerns shown by so many people as they are the values and principles that the Commonwealth represents. In fact, if anything, the Commonwealth is making a contribution to the international community because, if you look at who is making statements and who is doing the real work on the ground, you will be able to tell the difference. It is the Commonwealth who is on the ground and making a difference on those issues which most people are talking about.

Kamal Ahmed: Could you please be specific how? What steps have you taken so far?

Kamalesh Sharma: All of the institutions that I mentioned, with whom we are working right now, are in those areas in which there is an interest in the broader community to see progress.

David Welch (Asian Affairs Magazine): I would like to put my question to Dr Moni, if only for the reason that she should get a chance to have something to say today. If we get to the point where we are on the eve of CHOGM and the dispute over the Chief Justiceship in the country has not been resolved, where does that leave the Commonwealth? Have you achieved some kind of reassurance that this dispute at least will be solved by then?

Dipu Moni: Thank you. The issue of the CHOGM and the other issues are not the same. The issue of the CHOGM, as the Secretary General has mentioned already, is a matter for the heads to decide and they have already decided through a process over a period of time. In terms of the other matter, the matter of the judiciary, the Commonwealth, especially CMAG, is now engaged with Sri Lanka on many of the matters, as with the strengthening of judiciary and the rule of law. Thank you.

Callum Macrae (Director, Sri Lanka's Killing Fields and No Fire Zone): I do apologise, I missed the beginning of the press conference because I only just managed to get here. I hope I am not repeating anything, but I am presuming that the question has been asked about how the Commonwealth proposes to cope when, as a result of international action and international pressure, the Chair of the Commonwealth is being accused of some of the most serious war crimes and abuses of human rights this century. Also, I was at CHOGM last year and I am just reading here from the press conference at the end, where it says that, 'The reports commissioned by leaders to enable CMAG to be more proactive and preventative and less reactive in addressing the series of persistent violations of the Commonwealth values. It will be a strengthening of CMAG for the future and it will mean that it will strengthen the role in upholding democracy and the values amongst Commonwealth membership that the Commonwealth has so long stood for.' Now, what we are seeing in practice is that, for example, Fiji, where there were serious with concerns about human rights abuses and so on – serious action was taken, and yet now we are faced with the most appalling war crimes and, not only that, but continuing human rights suppression and the effective demolition of an

independent judiciary, and CMAG did even less than it did in Fiji, which I think the world will find astonishing.

Dipu Moni: The CMAG has its mandate on when to act and how to act. We have that very well laid out. When we acted in the case of Fiji, we acted accordingly, and when we are now using the good offices of the Secretary General, in case of Sri Lanka and some other countries, we are again following the mandate of the CMAG on how we should proceed.

Kamalesh Sharma: It is true that all the chairs have a representative custodial responsibility towards the values of the Commonwealth. There is no reason for me to believe that all our heads who subscribed to these values are not aware of them.

Question: To the Chair, please: how are you actually making it proactive? You say your actions so far have been proactive, CMAG section.

Dipu Moni: The Secretary General's good offices are engaged now with many other countries, including Sri Lanka, and he is interacting with them, engaged with them and engaged on all the issues that you have already raised here. So, it is the good offices engagement of the Secretary General that is going on now and it is very much within the procedures that we adopt.

Question: You speak of engagement with Sri Lanka, but do we really feel there is engagement around that, when at the last UPR, Sri Lanka rejected over 100 of the recommendations. As we find that Sri Lanka has been sending out propaganda packs to Commonwealth Nations that label accusations or allegations of human rights abuses as mischievous ways of defaming the country's name. So, can we really say that Sri Lanka is engaging, and at a level to engage with constructive work in the field of human rights and reconciliation, where they persistently deny abuses and recommendations given to them.

Kamalesh Sharma: When I spoke of engagement, I meant engagement with the Commonwealth. We have proven competitive strengths on which we work. We have engaged with Sri Lanka in my good offices in those areas. There are many of them. In all of these areas I have found they have engaged and are willing to take forward the template of increased performance in all of these areas, through institution building or by any other means. That is what I meant by engagement.

Richard Uku: We can clearly see which topic is most on your minds this morning. In case you walked in a short while ago, this is not a press conference on Sri Lanka per se. It was not on the agenda for this morning's CMAG meeting, so if you have any other issues that you would like to address to members of the panel, please do so. I know you still have got questions. Both you and John have asked questions before and I will come back to you, but let us just give others a chance first, as you have as well.

Frances Harrison: I was confused by the progress that the Secretary General was talking about in the engagement with Sri Lanka in the judicial process, because we are seeing every Commonwealth lawyer or legal body talking about suspending Sri Lanka, talking about the problems of rule of law in Sri Lanka. We now have a country that is going to be head of the Commonwealth that has two chief justices and has violated Latimer House principles. How can you actually say there is progress in judicial reform of any kind? How come you are the only body that seems to see this progress? We do not see this sort of statement coming from India,

from the United States, from the UN Human Rights Council, or from many of the other key players involved.

Kamalesh Sharma: By progress, I mean the road map which we have developed for ourselves. I had a very long meeting with the Speaker when I was in Colombo and it was clear from the discussion that there were many lacunae in the appointment and dismissal practice of judges which had to be corrected. So, I made an offer that we would be happy to make the distillation of what the practices are in the rest of the Commonwealth in respect of the appointment and dismissal of senior judges. This is what we are engaged in right now. Secondly, we said that once this exercise is done, we will be happy to make analysis as well as to what is closer to the Sri Lankan experience and institutional type than any others.

From this exercise, we will be able to make recommendations as to what needs to be done moving forward in order to have those immediate measures, whether systemic or legislative, so that the kind of constitutional crisis which arose earlier and the polarity and the excuse for confrontation never arises again. This will be better not in months but in weeks. When I say progress I meant the development of a road map and a way forward which we have agreed upon. It is not surprising we have not heard of it, because it is still a work-in-progress and when it is achieved then obviously it will be known very widely.

Question: It was a specific thought upon these good offices. Good offices, the specific time, the suggested time is two months. Now, I know because I asked you this question in CHOGM a year and a half ago, what you were going to do about Sri Lanka and the serious allegations of war crimes. So, arguably you have had a year and a half, but even if you said you only started in this year, then that period has elapsed. In that period, just in the last two months, we have increasing attacks on journalists. We have seen increasing physical attacks on the judiciary. We have seen increasing repression. We have seen people arrested for celebrating cultural and religious ceremonies, specifically encouraged in the LLRC report. We have seen the situation get progressively work while you exercise your good offices. How long will you go on exercising your good offices? You said a few weeks. I take it from that that you mean that in a few weeks, by which I mean four or five weeks, if there is not a dramatic and significant improvement, does that mean that you will move to suspend Sri Lanka and certainly not allow Sri Lanka to be chair, and allow the Commonwealth to drift into having war criminals as the chair.

Kamalesh Sharma: I am satisfied that the progress which I am making is encouraging and will continue. In the informal meetings of CMAG, these cases of the countries where my good offices are on, are discussed from time to time. They would be able to see the progress that I am making from the evidence which I am going to show to them. So, it is not against the deadline that I am working; it is against success and progress that I am working.

Question: In a few weeks, though?

Jonathan Miller: Can I just clarify one thing that you said, actually, Richard? If I could address the question to Dr Moni? Minister, we just heard it said that Sri Lanka was not on the agenda of this morning's meeting. I realise that you are going to release a statement shortly, but could you just clarify what was discussed vis-à-vis Sri Lanka in this morning's CMAG meeting? Can I ask you specifically, was the Commonwealth Lawyers' Association resolution discussed in which they called for the suspension of Sri Lanka from the Commonwealth? If you could just outline to me what indeed was discussed about Sri Lanka today, thank you.

Dipu Moni: Thank you. Sri Lanka is not on the agenda. However, as you are aware, the group also takes up for discussion other situations or issues and other matters of interest to ministers. This provides our ministers an opportunity for a free and frank exchange of views. These deliberations are, however, in-house and not reflected in the concluding statement. During today's meeting, we did also discuss situations in various other countries, including Sri Lanka. These discussions, as per CMAG procedure, are confidential and not for public disclosure. But we did discuss Sri Lanka along with many other countries.

Jonathan Miller: So, the issue of the possible change of venue was not on for discussion today?

Dipu Moni: As I told you before, the issue of CHOGM and its venue is not a matter of CMAG. It is a matter of the heads. Thank you.

Richard Uku: Okay. Thank you very much again for coming. Like I said, a full verbatim transcript of this press conference will be on our website very shortly, as will the concluding statement of the CMAG meeting this morning. Again, thank you very much for coming and for your interest in the Commonwealth.

[END OF TRANSCRIPT]