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Influencing Commonwealth  
policy on human rights:  
the case of the Commonwealth  
Human Rights Initiative

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# General introduction to NGPA Working Papers

Editor: Professor Jude Howell

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## **1. Brief description of the CHRI**

### *a) Formation*

The Commonwealth Human Rights Initiative (CHRI) originated in two meetings in London in 1987, at the then Commonwealth Institute, Kensington,<sup>1</sup> following a conference at Cumberland Lodge focusing on the United Kingdom and the Commonwealth. The context was the disputatious Nassau summit (Commonwealth Heads of Government Meeting, or CHOGM) of 1985, when other governments pressed the Thatcher government to introduce UK sanctions against apartheid South Africa; the failed “Eminent Persons” mediation mission to South Africa authorised by that CHOGM; and the widespread boycott of the Commonwealth Games, Edinburgh in 1986, in protest at UK policy on South Africa. Commonwealth non-governmental organisations based in the UK believed that, if the Commonwealth was right to press South Africa to end apartheid, the Commonwealth itself had to do more to promote human rights in its existing membership. The model of an “Eminent Persons Group” to survey the human rights scene in the Commonwealth was attractive. An ad hoc coalition of Commonwealth NGOs –the Commonwealth Journalists Association (CJA), the Commonwealth Lawyers Association (CLA) and the Commonwealth Trade Union Council (CTUC) – came together to press this case. At the Vancouver CHOGM in that year these three called for an official Commonwealth initiative. When the CHOGM failed to react, these three recruited two more organisations – the Commonwealth Medical Association (CMA), and the Commonwealth Legal Education Association (CLEA) which demanded clarifications before joining – and subsequently established their own advisory group chaired by Flora MacDonald, former Foreign Minister of Canada, and appointed a Director<sup>2</sup>. The MacDonald group started work in 1989, with a view to reporting to the 1991 Harare CHOGM, and the CHRI obtained charity registration in the UK in 1990.

### *b) Membership*

The CHRI was set up as a temporary coalition of organisations, without an individual membership. It was reckoned that the CLA and the CTUC, of the first five members, had affiliates or members in nearly all Commonwealth states; the CTUC's trade union affiliates had over 30 million members. In the course of the 1990s three other Commonwealth organisations joined – the Commonwealth Parliamentary Association (CPA) (after initially opposing entry), the Commonwealth Press Union (CPU) and the Commonwealth Broadcasting Association (CBA). The Commonwealth Magistrates and Judges Association considered joining, but decided not to, in case there was a conflict of interest for judges in human rights cases<sup>3</sup>. The CHRI's London-based Trustee Committee, then responsible for approving applications, put a cap on new organisational members in the late 1990s, because of the servicing cost of a tripartite structure in which sponsor bodies were entitled to participate at all levels. The CMA became less active as an organisation in its own right in the late 90s, and the CTUC dissolved in 2004. The membership rights of organisations supporting the CHRI, codified by a Memorandum of Understanding (MoU) between them in 1992-3, entitled each to representation on the Advisory Commission (the international policy body, which succeeded Flora MacDonald's ad hoc advisory group); the Executive Committee (responsible for finance and day to day oversight of the CHRI office, and to whom the Director reported); and the Trustee Committee (based in London, with certain residuary functions under the MoU).

### *c) Internal organisation*

Internal organisation was formalised after agreement to the MoU. Prior to that, from 1989 to 1992, there were approximately quarterly meetings of an executive, chaired in rotation by members of the founding bodies. The first Director, Richard Bourne, took up his post in January 1990 and reported to this committee. This executive also included other persons interested in human rights in the Commonwealth, such as the Treasurer, Aubrey Rose, a London solicitor, and Commonwealth citizens who were not British. The Director was

responsible for managing the work of the advisory group, publication of its survey report, and lobbying in the run-up to the 1991 CHOGM in Harare. Representatives of supporting bodies kept them regularly informed. The actual strength of these sponsor bodies varied enormously; arguably the CTUC (in the 90s), the CPA and the CBA were strong; the CLEA, CMA and CJA were weaker. After the transfer of the office to New Delhi in 1993 (see below) the executive committee was chaired successively by Soli Sorabjee (a former President of the CLA), Judge Leila Seth, and George Verghese (CJA nominee on the MacDonald advisory group in 1989, and subsequently Treasurer of the CHRI in India). Members of Indian affiliates of the founder bodies served on the executive, which met quarterly, and the first CHRI premises in New Delhi were in IMA House, headquarters of the Indian Medical Association. The CHRI has had three Directors since moving its base to India – Kailash Prakash (1993), Ms Malti Singh (1993-6) and Mrs Maja Daruwala (1996 to the present). Due to the cost of bringing an international group together, the Advisory Commission (AC) has not normally met more than once a year, and its membership has changed regularly. It has been successively chaired by Dr Kamal Hossain (Bangladeshi), Senator and then Professor Margaret Reynolds (Australian) and Sam Okudzeto (Ghanaian)<sup>4</sup>. Altogether 16 nationalities were represented between 1993 and 2005, 14 of the members were women, and, in exceptional circumstances, the late Dr Beko Ransome-Kuti served for 12 years on the advisory group and then the AC<sup>5</sup>. The CHRI Director is Secretary to the AC, reporting to it regularly, especially with regard to the submissions to CHOGM, which go out in its name. From 1998 it was decided to include the chairs of the executive and Trustee Committees as ex-officio AC members; meetings have taken place in different Commonwealth cities. A separate executive was set up to manage the new Ghana office of the CHRI in 2002, and there was a long-running debate between the New Delhi office and the London-based Trustee Committee over revising the MoU. The original MoU had provided for rotation of the CHRI's head office around Commonwealth countries every five years, which came to seem unrealistic by the late 1990s as the Delhi operation expanded; at the same time London, first envisaged as

having just a voluntary committee, had acquired a full-time worker by 1999, although finance was a major problem. By the early years of the new century the CHRI was redefining itself as a family of offices, with a presence in Accra and London, and negotiations to set up an office in the Pacific also. In 2007 the Trustee Committee based in London was wound up, and replaced by an executive committee which would have oversight not only of that office, but of activity in the western hemisphere.

In 2003 the CHRI took two important steps to bring itself closer to grassroots human rights activists. 'Put Our World to Rights', its survey report and manifesto in 1991, had called for biennial Commonwealth human rights conferences. Financial obstacles to such a meeting were finally overcome in 2003, when the first Commonwealth Human Rights Forum was held in Abuja, in conjunction with the Commonwealth People's Forum; a second was held similarly in Valletta in 2005; the 2007 Kampala Forum worked more closely with the larger People's Forum. These fora were organised by the CHRI, with the support of the Commonwealth Policy Studies Unit and the Association of Commonwealth Amnesty International Sections<sup>6</sup>. These two other bodies also supported an electronic Commonwealth Human Rights Network, run by the CHRI from 2003, which circulated general information and specific reports of rights violations and progress.

#### *d) Finance*

The key funder for the CHRI at the beginning, and for its first three years in New Delhi, was the Canadian International Development Agency (CIDA). Its money paid for work surrounding 'Put Our World to Rights' and three meetings of the MacDonald advisory group. However CHRI was not well-funded, and only able to transfer modest funds to New Delhi in 1993; the new executive committee there rapidly found itself in dispute with the second Director, Kailash Prakash, who left within a year. With the arrival of Maja Daruwala, previously South Asia Human Rights Programme Officer for the Ford Foundation, this



foundation became a key funder for CHRI; its relative importance lessened over time, so that by 2006 it was providing under 50 per cent of CHRI's income. Significant project monies came from Commonwealth donor sources – the Foreign and Commonwealth Office, London and the British High Commission, New Delhi, CIDA and AusAid; some of this related to work within India but some, as with a major CIDA grant for constitutionalism in Africa which also paid for a conference in Harare in 1999, financed projects elsewhere in the Commonwealth. Regular India-specific funding for right to information and policing work came from the Friedrich Naumann Stiftung, a German trust linked to the Free Democrat Party. An important development took place in 2005 when a core grant from Indian sources was raised from the Dorab Tata Foundation. Bureaucratic difficulties arising from Indian controls on international money transfers for NGOs placed obstacles in CHRI's path as a pan-Commonwealth organisation based in New Delhi. Funding for AC meetings related to CHOGM submissions was hard to obtain, although this problem eased after 2002 when the submissions were based on CHRI's two longest-running projects, on right to information, and on policing. In the year to the end of March 2005 the office had received a total income, not all to be spent in that year, of US \$560,000<sup>7</sup>. By then it had a total staff complement, including consultants, part-timers and interns, varying between 35 and 40 each year; at least 35 were based in India<sup>8</sup>, two in Ghana and one in London; at a subsequent peak the totals were around 50. Neither Malti Singh nor Maja Daruwala had drawn a salary. The CHRI was almost wholly dependent on grant funding; in the late 1990s the Trustee Committee in London asked supporting bodies to subscribe £250 a year towards its running costs, but even this modest contribution caused difficulties for a few<sup>9</sup>.

#### *e) Organisational changes*

There have been several changes to the CHRI since it started in London in the late 1980s. The first, and most dramatic, took place in 1992-3. The bodies constituting CHRI, after due consultation, decided to establish a permanent

organisation based on a MoU, and to transfer the office to New Delhi. The logic was that this would bring the Initiative closer to the reality of most Commonwealth citizens, who are poor, and living in developing countries with uncertain commitments to human rights. This move was almost unprecedented in the world of Commonwealth NGOs, where most had thought that London was their natural home. The London executive which decided on this transfer chose New Delhi in preference to Harare, and there was a delay before clearance from the Indian government came through<sup>10</sup>. Three further changes took place in the late 90s: London acquired first a part-time and then a full-time CHRI worker and an office, instead of just a voluntary Trustee Committee. It was accepted, reluctantly by some on the Trustee Committee, that New Delhi would be the home of CHRI for the foreseeable future. From the 1999 CHOGM report ('Over a barrel') onwards, the CHRI office in New Delhi took responsibility for researching and writing these biennial reports, which aimed to influence Commonwealth governments, the Commonwealth Secretariat and wider Commonwealth opinion. Prior to that the AC had been heavily involved in researching and writing these reports; Professor Yash Ghai, who had edited 'Put our world to rights' in 1991, wrote 'Act Right Now' in 1993 in the light of extensive AC debate<sup>11</sup>. Two further changes of consequence took place around 2002-3: first, the opening of an Africa office in Ghana – something for which friends of the CHRI had been pushing, as they worried that its focus had become too Indian – and second, the launch of the biennial Human Rights Forum. Hence the picture of the CHRI which emerges, over nearly 20 years, is of a steady evolution from an originally UK-based group of voluntary campaigners to a substantial, professional and highly competent Delhi-based bureaucracy. Many but not all of the CHRI's international complement were young interns, or on short-term funded contracts, but there was a sizeable Indian group staying three years or more. CHRI's total size by 2006 was far bigger than the largest of its original components (the CPA, with an international staff of some 15), or than the Commonwealth Foundation, the intergovernmental body tasked with promoting civil society and professional interchange in all forms throughout the Commonwealth. The Human Rights

Unit in the Secretariat numbered four, and the Commonwealth Secretariat as a whole scarcely 280.

## **2. Objectives of the CHRI**

### *a) Immediate and long-term*

When it was established in the late 1980s, the long-term goal of the founders of the CHRI, was to make the Commonwealth a significant force for the improvement of the human rights of its own citizens. The inter-governmental Commonwealth of course, in spite of campaigns against apartheid and for development, had no obvious human rights vocation and was not structured to give priority to human rights. The CHRI campaigners wished to change this. They did not suggest that there could be special human rights in or for the Commonwealth: rather, they saw the Commonwealth as having unique advantages for the promotion and implementation of rights, and its peoples in particular need. The short-term goals, as set out by the group chaired by Flora MacDonald, were: (i) that Commonwealth governments should issue a Declaration on Human Rights at their upcoming Harare summit in 1991; (ii) that they should appoint a standing commission which could monitor progress and violations; and (iii) that they should establish a special fund to promote human rights. These long-term goals have not altered, though there have been subtle changes in interpretation as the CHRI has built more experience, and lost faith in the capacity of official Commonwealth mechanisms. Other international and national agencies can give more benefit, or do more harm.<sup>12</sup> Since the late 1990s the CHRI, from all of its offices, has stressed the need “for the practical realisation of human rights”; that is to say that declarations, conventions, constitutions and laws are inadequate if they do not benefit the people, and the Commonwealth should always remember that the overwhelming majority of citizens are poor people. To this end the CHRI has focused on two strategic goals of advocacy – the right to information, and better, accountable policing. These form part of two wings – Access to Information (the right to information and constitutionalism) and Access to Justice (police, prisons and judicial colloquia). At the same time the biennial reports to CHOGM have carried a litany of recommendations.

- By 1993 the pressure for a standing intergovernmental commission was replaced by a call for a Human Rights Commissioner<sup>13</sup>, which after 2001 became a call for Human Rights Adviser to the Commonwealth Ministerial Action Group (CMAG).
- In 1995 CHRI called on the New Zealand CHOGM to give an explicit commitment to freedom of expression.
- In 1997 it wanted a Commonwealth Charter on religious and ethnic peace and harmony; in 1999 it sought a Commonwealth consensus on light weapons, to regulate legal transfers, control illicit flows, and create conditions for cultures of peace.
- In 2001 it demanded a procedure whereby the Commonwealth should monitor its pledges to halve poverty by 2015 seeing “poverty itself as an ongoing human rights violation.”
- In 2003 it wanted the Abuja CHOGM to declare that the right to access information is central to development and democracy.
- In 2005 it asked the Valletta CHOGM to ensure that basic Commonwealth commitments, to accountability and the rule of law, should apply to the police, security and justice sectors themselves.

Throughout its life the CHRI has been pressing governments to take more interest in the implementation of their Commonwealth declarations, and to give more space to the civil society voice both nationally and at their international gatherings.

#### *b) Target of advocacy*

The initial target was the CHOGM, the biennial decision-making forum of Commonwealth leaders, and specifically the CHOGM in Harare, 1991. The international context was beneficent for human rights. It followed the fall of the Berlin Wall and collapse of one-party east European states, and the release of Nelson Mandela and the start of talks to end apartheid. The CHRI supported a Commonwealth African human rights conference in Harare, prior to the CHOGM, which lasted three days and was well-reported. The CHRI’s longer-

term objectives were to improve human rights in the eight priority areas set out in Put Our World to Rights (detention, freedom of expression and information, Indigenous and tribal peoples, refugees, women, children, workers and trade unions, and the environment); to get all Commonwealth states to sign the international covenants and conventions; and to persuade them to implement human rights commitments in their own constitutions.

While CHOGMs have remained as targets it would be fair to say that national governments and public opinion throughout the Commonwealth are now seen as equally important, and the CHOGM and the biennial Human Rights Forum is an opportunity to engage with other civil society movements; the CHOGMs are as much an excuse to present a particular human rights case, and to build a supportive coalition, as an opportunity to achieve an immediate policy change. Reports have a long shelf life, and can influence media, academic and other experts and civil society campaigners – as well as national governments and the Commonwealth institutions. The programmatic work of the CHRI has advocacy targets only distantly related to the Commonwealth, and the organisation also uses its observer status with the UN (ECOSOC) and the African Commission for Human and Peoples' Rights.

### *c) Reaction to the Harare CHOGM*

There was much disappointment in the CHRI, and among other human rights campaigners in Harare (including for example Article 19) with the Harare Commonwealth Declaration. Paragraph 9 had stated that Commonwealth Heads would concentrate on “the protection and promotion of the fundamental political values of the Commonwealth....fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed and political belief.” However this was far from the specific Human Rights Declaration demanded, and the same paragraph called for “democracy, democratic processes and institutions which reflect national circumstances” which many critics thought were weasel words, disguising undemocratic

practices. There was much cynicism about Commonwealth communiqués, and a fear that the leaders would forget their commitments as soon as they boarded their planes home. Ironically, and partly through the efforts of the CHRI, the Harare Declaration was rebranded in retrospect as a significant human rights statement. However it was because of dissatisfaction at the time that the CHRI, until then an ad hoc coalition, decided to institutionalise itself, move to New Delhi, and to plan for a long haul of advocacy (see above).

### **3. The policy and practical environment for the CHRI**

#### *a) Professional, non-governmental, inter-governmental*

The Commonwealth is a multilayered association, comprising governments, served by the Commonwealth Secretariat, and a wide range of professional and civil society bodies, assisted by a very small Commonwealth Foundation, which is paid for by most Commonwealth member governments. Most governments see the Commonwealth as one of their less important international connections. Official Commonwealth budgets are not large, and overwhelmingly subscribed for by the UK, Canada and Australia. Many governments have more important sometimes constraining commitments (e.g. the UK with its memberships of the EU and NATO, South Africa with its memberships of SADC and the African Union). During the Cold War and after, the association suffered periodic divisions because it included a small group of wealthier pro-western countries (e.g. Australia, Canada, UK, Singapore) and a large majority which was not only far poorer but also vigorously non-aligned (e.g. India, Jamaica, Tanzania <sup>14</sup>). Some governments see the Commonwealth as primarily a forum for discussion, or reaching consensus between regional blocs; some see it as a way of influencing G8 countries (via Canada and the UK) to take positions more sympathetic to the developing world. Small state members, over half the total, see the association as a way of reminding bigger players of their needs. A few of the bigger countries, such as Nigeria or the UK, see their membership as a means to maintain or strengthen their international or regional influence. But all governments are aware that the Commonwealth means little to their media or citizens, in an era of accelerating international diplomacy, and many of these still perceive it as primarily a British enterprise. At the same time the Commonwealth retains active and popular NGO and professional networks, including the Commonwealth Games, the Commonwealth Parliamentary Association, the Commonwealth Lawyers Association, and the Commonwealth Broadcasting Association. Their work is eased by use of the English language, and an absence of interpreters. Many of



these organisations, which are influential in their own fields, are federations of national bodies; they come together periodically in a Commonwealth setting, as they do in regional or international settings. Because of its make-up the CHRI has been well plugged-in to this world.

The example of the CHRI, in relocating outside the UK, has inspired others to follow: the Commonwealth Journalists Association (first to Port of Spain, then Toronto) and the Commonwealth Press Union (which is debating a move to New Delhi). Such moves, along with the Commonwealth of Learning in Vancouver and the Commonwealth Tourist Centre in Kuala Lumpur, are helping to redefine the Commonwealth as a shared endeavour, not a UK enterprise.

*b) Who does the CHRI interact with, for its Commonwealth-related advocacy?*

To affect the intergovernmental Commonwealth the CHRI must work primarily with the Commonwealth Secretariat and the CHOOGM; it has the option to seek to influence Ministerial meetings when these may be important for human rights – the gatherings of Law Ministers, Foreign Ministers or Women's Affairs Ministers<sup>15</sup>. Opportunities for interaction with government delegations at CHOOGM are minimal, so much advocacy has to be done beforehand in individual countries. Hence there are advantages in having a well-motivated, well-briefed pan-Commonwealth network. There is now an evolving procedure by which civil society may make submissions to the officials (called the Committee of the Whole) who prepare the bulk of the communiqué for a CHOOGM. Only a few governments have the capacity to prepare elaborated, across-the-board positions prior to a CHOOGM and most focus on the meeting at the last moment; however most have a position on key headline issues (e.g. on Zimbabwe at Abuja, in 2003, on trade at Valletta in 2005). Where there is a vacuum a lobbyist may seize an opportunity. Naturally, based in India, the CHRI has particular opportunities to persuade the Indian government; its offices in Accra and London also contact the Ghanaian and UK governments;

CHRI staffers call on other governments too. In the professional, civil society arena the CHRI has special access to its own sponsor bodies, often providing speakers for their conferences. It has participated in Commonwealth Peoples' Forum events -- organised by the Commonwealth Foundation in conjunction with the CHOGM -- every two years since 1997; it uses them to present its arguments to other civil society bodies. Maja Daruwala was a member of the Foundation's civil society advisory committee from 2001-2003.

*c) Nature of the policy interaction*

The main approach by the CHRI has been to try to reach governments, the Commonwealth Secretariat and the wider civil society through the production of well-researched reports prior to each CHOGM. On several occasions they have been released at synchronised press conferences in New Delhi, London and Accra. These publications, which have been major exercises involving a minimum of six months' work by teams in the New Delhi office, are not always widely picked up by the media for reasons of disinterest in the Commonwealth and/or human rights. However there is evidence both from the CHOGMs (see below) and educational sources that they can have an influence which is long-lasting as well as immediate. The publications are followed up by staffers in pre-CHOGM advocacy, and sometimes by members of the original CHRI coalition. Although sometimes the research teams cannot stay together for long, there is an information- and alliance-building aspect to their work, which carries over into advocacy after a CHOGM. Prior to 1997 more of the responsibility for lobbying lay with the supporting organisations and members of the Advisory Group/Advisory Commission; this related to their own involvement in writing these reports and greater sense of belonging to CHRI. With the growth in size and professionalism of the CHRI secretariat, it then took on the promotional role. In Durban in 1999, for instance, the CHRI had three staffers present, as well as Maja Daruwala and the chairs of the Executive and Trustee committees. There has been no significant change in advocacy procedures since 1999, although the CHRI has sent fewer people to

CHOGM events (three, including Maja Daruwala to Valletta in 2005, four in Kampala in 2007).

*d) Role of personalities*

The involvement, contacts and personal reputation of a number of personalities have been significant for lobbying with governments. In addition to the work of its first and present Directors it would be right to mention certain persons in particular: Flora MacDonald, former Foreign Minister of Canada, chair of the first advisory group, and leader of the mission to Nigeria in 1995; Soli Sorabjee, twice Attorney General of India and a leading figure in the Commonwealth Lawyers Association, who chaired the executive committee in India during the difficult transition of the mid-90s; Kamal Hossain, former Foreign Minister of Bangladesh and well-known internationally as a human rights advocate, who chaired the Advisory Commission from 1993 to 1997; Senator and then Professor Margaret Reynolds, former Women's Affairs Minister in Australia, who chaired the commission from 1997 to 2003; and Derek Ingram, veteran Commonwealth journalist, who wrote a CHRI critique of the work of the Commonwealth Secretariat's Human Rights Unit, 'Rights Must Come First', prior to the Durban CHOGM, 1999. Without the activity of such figures it would have been difficult for the CHRI to have achieved so much impact. Nonetheless the interaction with policymakers is now more structured, and less personality-dependent, largely because a professionalised CHRI has a routine for report distribution and publicity, and politicians and officials change. The AC has a reduced sense of ownership of its reports. In 1991, by contrast, there was active lobbying for the 'Put Our World to Rights' report by CHRI supporters in Canada, the UK, India and New Zealand; Bob Hawke, then Australian Prime Minister, brandished a copy in an executive session of Heads in Harare, asking what the Commonwealth proposed to do about it.

*e) The persuasive power of the CHRI*

By the early 2000s the advocacy power of the CHRI had largely ceased to depend on the support of the coalition of organisations which originally set it up, or the AC which represents them. It rested almost entirely on the CHRI staff in New Delhi. This created some problems, for while it is always difficult to obtain media interest for any Commonwealth topic in any member country, the lack of personal contact in key member states meant that contact was more anonymous and erratic. Staff travel, even with the Director's energy, could only do so much. Furthermore the direct reach was restricted to the three centres where the CHRI has offices – New Delhi, Accra and London, and capacity in Accra and London was limited. Nonetheless the track record and reputation of the CHRI meant that its reports were studied by officials, if not by busy Foreign Ministers and leaders. There is also evidence that the CHRI's short submissions prior to meetings of the Commonwealth Ministerial Action Group (CMAG) were influential; the CHRI was asked to give oral evidence to a London meeting of CMAG at the height of the contest with the Abacha dictatorship, and its uncompromising calls for a tough line influenced the 1997 CHOGM to propose a series of sanctions against the regime.

*f) Competition for the attention of policymakers, or with other advocacy bodies*

As seen above, only a few Commonwealth governments can devote significant policy resources to Commonwealth topics, or to preparation before CHOGMs, or to implementation of any decisions reached there. Hence the CHRI was constantly pushing officials and political figures to do more, and pushing against restraints that applied more widely than the human rights field. The CHRI has had little competition from other advocacy bodies in its Commonwealth lobbying and has worked in the past with groups concerned with single countries (e.g. Zimbabwe, Nigeria, Fiji, Maldives) and a small number of international NGOs (e.g. Article 19, Survival International). In the early 1990s, when Paul LaRose Edwards was Head of the Human Rights Unit at the Commonwealth Secretariat, there was a moment when it seemed as if Amnesty International might have more access than the CHRI. LaRose

Edwards had been involved with Canadian Amnesty, and Amnesty prior to 1991 was being much less ambitious than the CHRI in its human rights demands of the Commonwealth. However, from then on CHRI established undisputed leadership in its field. Prior to 2003 an Association of Commonwealth Amnesty International Sections had come together, coordinated by New Zealand Amnesty, which collaborated with CHRI and the Commonwealth Policy Studies Unit in supporting the first two Commonwealth Human Rights Fora, and also the Commonwealth Human Rights Network . Other bodies, including those supporting the CHRI, regularly seek to influence Ministers and officials in the run-up to CHOGMs, with varying success. They all hit similar constraints.

## **4. Methods of advocacy**

### *a) Tools*

The key tool of advocacy has been the biennial report to CHOGM. In order these have been: *Put Our World to Rights* (1991); *Act Right Now* (1993); *Rights Do Matter* (1995); *The Right to a Culture of Tolerance* (1997); *Over a Barrel* (1999); *Human Rights and poverty eradication: a talisman for the Commonwealth* (2001); *Open Sesame: looking for the Right to Information in the Commonwealth* (2003); *Police accountability: too important to neglect, too urgent to delay* (2005); *Terrorism, policing and human rights* (2007). After a lengthy situation survey in 1991 the CHRI produced three relatively slim submissions from 1993-7, and then a book (1999) before settling into a pattern of roughly 100 pages of A4 for the most recent reports. There have also been a regular series of brief submissions to every CMAG meeting, since the Group was inaugurated after the Auckland CHOGM in 1995; significant one-off publications (eg “Nigeria – Stolen by Generals”, 1995 and “Rights must come first”, 1999) have also had an effect, as have submissions to Commonwealth Ministerial meetings. The CHRI has run press conferences at CHOGMs; the most celebrated was in 1997, on the Nigerian issue, at the Edinburgh CHOGM; personalities including the Nobel Prizewinner, Wole Soyinka and the daughter of the imprisoned CHRI activist, Dr Beko Ransome-Kuti, were on a televised platform along with Flora MacDonald, Maja Daruwala and Richard Bourne. But in general media attention has been difficult to obtain, although CHRI staff from Delhi have managed to plant articles not only in the Indian press, but more widely; they have used events such as Commonwealth Day in March, as well as their own reports, to put a human rights case. There has been some lobbying of officials, but no systematic effort to reach political parties around the Commonwealth.

### *b) CHRI Secretariat and the supporting coalition*

As stated above, the efforts at persuasion of the Commonwealth have increasingly devolved to the CHRI secretariat, and this has become more sophisticated with participation in the Commonwealth People's Fora as well as direct conversations with government officials. These conversations take place all the year round. Within their own areas the CHRI's original sponsors remain active. After a long struggle, in which the CHRI also participated, Commonwealth media bodies obtained an explicit commitment to freedom of expression at the Coolom CHOGM, 2002; at Abuja in 2003 a group of Commonwealth bodies (CPA, CLA, CLEA and CMJA) achieved recognition of their 'Latimer House principles' – setting out the proper spheres of action for executive, legislature and judiciary in Commonwealth states. Unusually these, now dubbed 'Commonwealth principles', were added as an addendum to the so-called Harare principles (just and accountable governance, the rule of law and fundamental human rights) at the Valletta CHOGM. During its life the CTUC was also active and sometimes successful in lobbying CHOGMs on labour issues; a number of presidents and prime ministers were former trade union leaders.

### *c) Changes over time*

The CHRI now provides background notes and briefings to politicians, prior to significant addresses. An open letter in 2005 to the Indian Prime Minister, Manmohan Singh informed a speech he gave on policing, and in the same year the CHRI assisted the Minister for Justice in Malta, Tonio Borg, prior to another speech on policing. In general the advocacy methods used by the CHRI have settled into a routine. The most important development from around 2003 has been the gradual increase in importance of the CHRI's e-network, the Commonwealth Human Rights Network (CHRN). This is carrying more material every year, to more organisations<sup>16</sup>, and it has been used to good effect in the campaign to win a Commonwealth Expert Group on Policing. It is possible that, faced with a new crisis for human rights in the Commonwealth, special efforts will be made, and new techniques developed.

Members of the CHRN have, for example, been asked to bombard Zimbabwean Ministers with faxes and emails in protest at abuses of rights in that former Commonwealth country. Maja Daruwala, aware of the limited capability of the official Commonwealth, and the limited follow-up either nationally or internationally, has seen the CHOGM report in recent years as an opportunity to showcase the work of the CHRI itself, in India and elsewhere; the Human Rights Forum is now an opportunity to consolidate solidarity with human rights groups around the world. This approach reflects the growing confidence of the CHRI, as well as the increased world-wide significance of civil society vis-à-vis governments.



## **5. How the CHRI devises its own policy**

### *a) The role of the AC and Director*

Formally the AC, with its rotating membership and chairs, and international membership reflecting the original supporting bodies, sets policy for the CHRI. However, in practice this is difficult because the AC meets infrequently – normally once a year – and members are often busy and unable to respond to requests from the CHRI Director or the AC chair. In reality the key decision the AC makes is to discuss and approve the topic for the biennial CHOGM report. There have been a few exceptions. For example, when Margaret Reynolds chaired the AC, it agreed to her proposal that the CHRI should be opposed to capital punishment. Certain principles of the CHRI were adopted early on and have been maintained, notably that the CHRI should only rarely become involved in individual human rights cases. In this the CHRI differs from Amnesty International, and the decision was taken by CHRI because it cannot verify the facts of cases in the way that Amnesty does. Instead the CHRI takes up generic issues affecting large numbers of Commonwealth states and peoples. The CHRI now publicises some individual cases to participants and, during the period when he faced frequent imprisonment, the CHRI used to campaign for the release of Dr Ransome-Kuti, an AC member. In an important development in the late 1990s Maja Daruwala decided to develop programmes, at first in India, on the right to information and the accountability of the police; she regarded these as strategic for the promotion of human rights, especially in poor communities. By focusing in this practical way the CHRI moved beyond simple exhortation to governments, and some of the international arguments of the mid-90s about the relationship of economic to political rights, and contests between the right to development and rights in development. Much responsibility for policymaking inevitably rests on the energetic director of the CHRI

*b) Reporting back to CHRI member bodies*

Reporting back on CHRI progress, to its original sponsors, can in theory happen by any of three routes – via the AC, via the executive, and, until it ceased to exist in 2007, via the London-based trustee committee. However the persons serving on these bodies are not often in close touch with the organisations to which they belong, so reporting back is haphazard. The AC usually only meets once a year, and not all members manage to attend. In the past this has led to friction; when the CTUC was in existence, prior to 2004, its London office complained that it knew little about what CHRI was doing; the CLEA, whose representation on the AC has not been continuous, has also felt excluded. Geographical separation also contributes to the difficulty of reporting back, in spite of the huge advances in electronic communication in the life of the CHRI. The heart of the CHRI is in New Delhi; the office of the CJA is in Canada; the offices of the CPA, CBA, CLEA and CPU (until 2008) are in London; and the CMA, whose president is in Ghana, was for a while homeless, but is now based in Malta. During its life, the trustee committee in London sought to keep members abreast of CHRI progress. As noted above there has been some reporting back to the periodic conferences of the Commonwealth NGOs by CHRI personnel.

*c) Consultation by member bodies on CHRI matters*

It would appear that there is not much regular consultation by member bodies with their own executives on CHRI policy or other CHRI matters. The organisations have many issues of their own, and seem to regard the CHRI as well-run, following its human rights mission for the Commonwealth, albeit now pretty independent. As the CHRI has become stronger there have been complaints that so much of the work of what is now perceived as a very strong Commonwealth organisation takes place only in India. The London-based supporting bodies are aware that they themselves would be strongly criticised if they seemed to do as much of their work in the UK<sup>17</sup>. The key consultation issue for supporting bodies is whether to join the CHRI in the first place. The

CPA, whose executive twice turned down the idea, joined in the mid-1990s; by then a different Secretary-General, Art Donahoe, had taken office and the CPA executive was chaired by Ms Billie Miller, the Barbadian who was on the original CHRI advisory group. The CMJA twice rejected the idea of joining the CHRI, because of judges' fears of a conflict of interest when trying human rights cases. The CBA joined without controversy, but, out of respect to CHRI's financial constraints, did not ask to have a nominee on the policymaking AC for its first years as a member. No supporting organisation has left the CHRI on grounds of policy difference.

*d) Speaking on behalf of the CHRI*

Those who have spoken to the media or governments have been Maja Daruwala, director, and staff acting on her behalf and accountable to her; the chair of the AC; and the chair of the TC in London. On Commonwealth-wide issues there is usually consultation between the director and the AC and TC chairs. Margaret Reynolds, in her time as AC chair, periodically issued statements and would say, "I feel a communiqué coming on!" The TC chair, who had various letters on human rights issues published in *The Guardian* and *The Times*, would normally consult members of the TC at least before seeking to go into print. The principal problem for the CHRI is not that there have been discordant voices representing it, but rather the challenge in arousing media and political interest.

## **6. The policy impact of the CHRI**

### *a) Achievement of objectives*

If one were to ask whether the human rights of most Commonwealth citizens are more respected in 2007, as compared with 1991 or even 1987, it would be hard to answer in the affirmative. On the other hand the official Commonwealth is widely seen to be a significant international force for human rights. This is partly because of the way that the Harare Declaration has been seen in retrospect, partly because abusive and unconstitutional governments have lost their membership, partly because there is a rules committee, the CMAG, which in part acts on human rights issues. By 2005, when Secretary-General McKinnon addressed the Commonwealth Human Rights Forum in Valletta, it was clear that the Commonwealth Secretariat was much more comfortable with a human rights vocation. He argued that only states which have signed the main covenants and conventions should be eligible for future membership. At the same time 20 Commonwealth states have human rights commissions conforming to the Paris Principles, and twelve have Freedom of Information Acts. The CHRI has been unsuccessful in its campaign for a Commonwealth Human Rights Commissioner, or Human Rights Adviser to CMAG. The official Commonwealth is not always happy with a rights discourse – for example not seeing poverty as a human rights abuse – preferring talk of Commonwealth values or principles. But in all the CHRI can share credit for significant achievements by what had been regarded as a flabby or outmoded association.

A detailed comparison between the topics chosen for CHRI submissions to CHOGM, and commitments subsequently adopted by a CHOGM – though not always the first CHOGM after the submission -- shows a surprisingly close correlation. The relationship between ‘Put Our World to Rights’ and the Harare Declaration has been discussed already; the continued lobbying for Commonwealth action represented by ‘Act right now’ (1993) had a result, in

the circumstances of the Saro-Wiwa execution in 1995, in the setting up of the Commonwealth Ministerial Action Group. 'Rights Do Matter' (1995), with its plea for a commitment to freedom of expression finally won Heads' support at Coolum in 2002. 'The Right to a Culture of Tolerance' (1997) had no immediate effect in Edinburgh, but its underlying ideas were picked up at the Valletta CHOGM, 2005, which adopted a diversity agenda with multi-faith implications and agreed to set up an Expert Group under Amartya Sen. 'Over a Barrel' (1999) led to an immediate CHOGM commitment that Commonwealth governments should limit small arms, at the UN conference in New York in 2000; although the Australian CHOGM lost sight of this issue, the commitment was reiterated at Abuja in 2003. 'Human Rights and Poverty Eradication' (2001) contributed to the setting up of the Manmohan Singh Expert Group on Development and Democracy; some of the CHRI's ideas, and notably its use of the Mahatma Gandhi quotation about a talisman for the poor, were recycled by the Expert Group in the run-up to Abuja, where the CHOGM also stated that the right to information - subject of the CHRI's 'Open Sesame' report, 2003 - was one of the requirements for democratic development. As yet the CHRI's campaign for an Expert Group on policing in the Commonwealth, an upshot of the 2005 report, has not been successful. But it is the subject of continued pan-Commonwealth lobbying, it reached an early draft of the Kampala CHOGM communiqué, and support was renewed at the Human Rights Forum and Peoples Forum in Kampala in 2007.

It would of course be wrong to suppose that these CHOGM commitments have been the exclusive achievement of the CHRI. But one may suggest that the strategic choice of topics by CHRI, and the quality of information and analysis in these reports, have linked powerfully with a zeitgeist which has inspired governments and other civil society bodies also. The seriousness of the CHRI, and its attitude of taking the Commonwealth seriously, have been rewarded.

#### *b) Implementation*

The CHRI was and remains dissatisfied with the implementation of human rights commitments by Heads of Government, and by the governments they lead. This was a recurring refrain in the 1990s, and fear that the 1991 Harare Declaration would be of no effect made the CHRI coalition decide to set up a permanent institution. From 1991 the CHRI was calling for this declaration to be given teeth, and the report of its fact-finding mission to Nigeria in 1995 headed sections of its report with quotations from the declaration that were being ignored by that government. The CHRI has assisted in implementation of Commonwealth commitments, for example in the setting up of human rights commissions, and by its strategic work on constitutionalism in Africa (leading to a conference in Harare in 1999), and on the right to information and policing. The Commonwealth Secretariat acknowledged the value of the CHRI, by writing in the need for the Human Rights Unit at the Secretariat to partner with the CHRI in its 2004-8 strategic plan; under 'partnerships', in the 2004 work plan of the Unit, it was stated that HRU cooperates with the CHRI. However, although subsequent Secretariat strategic plans have a generic commitment to work with civil society, the specific mention of CHRI was lost, and there is evidence that HRU felt that its willingness to partner was not fully reciprocated.<sup>18</sup>

#### *c) Reviewing the mission of the CHRI*

The CHRI secretariat in New Delhi has sometimes used consultants to review aspects of its work, and the AC conducts a running review in the course of its annual meetings. But the CHRI has changed significantly over the last 20 years, and particularly with its India-based growth since 2000, and it is probably time for a more root-and-branch review of its mission, objectives, geographical spread and methods. A deputy director was charged with this review in early 2007.

#### *d) Might the CHRI disband?*

It is hard to imagine the CHRI disbanding, given its relative solidity and the human rights challenges which remain in the Commonwealth. It is one of the success stories of the Commonwealth at the start of the 21<sup>st</sup> century. What one might envisage, however, is a *de jure* independence from the organisations which gave it birth, effectively ending any sense of a crusading alliance. This could involve a loss for the CHRI and those organisations. Under the memorandum agreed when the CHRI was institutionalised it had been for the trustee committee to approve any closure of the CHRI, and any appointment of a director. In reality the India-based organisation has wholly outgrown the bodies which gave it birth, and acquired a confidence, and perspectives on the Commonwealth, at subtle variance from those inherited in London.

## **7. Questions raised in discussion of a draft paper at the review workshop on 1 February 2007 at the Indian Council of Social Science, New Delhi**

- a) How can the CHRI define 'success' in its role of intergovernmental advocacy? Plainly a CHOGM statement which responds favourably to a CHRI plea marks an achievement, but this does not guarantee implementation.
  
- b) Is there a conflict for the CHRI, in resources and tactics, between intergovernmental lobbying objectives and the practical realisation of human rights at the citizen or national level (or between human rights activity in India, and activity in the rest of the Commonwealth)? Is this a healthy tension that pushes the CHRI towards innovative advocacy strategies, enriching both local and intergovernmental human rights advocacy?
  
- c) Is the Commonwealth itself a limiting construct for effective human rights advocacy, because of its affection for normative declarations and its lack of capacity or commitment for follow-through at the national or community levels

The workshop was unable to answer these questions conclusively. It did, however, highlight the evolution of CHRI's intergovernmental advocacy. CHRI now sees the persuasion of Commonwealth leaders at CHOGM as part of a wider and longer-term process, involving the effort to change agendas and build networks amongst NGOs, funders and the wider world and human rights community.



## **8. What lessons can be drawn from the policy performance of the CHRI?**

### *a) Not assuming victory*

Edmund Burke said that, in political affairs, there are no permanent victories and no permanent defeats. Given that torture, poverty, discrimination and abuse are perennial those involved with the CHRI took the view that there could be no short-term absolute victory for human rights. It would be a long slow struggle, and while the multi-layered Commonwealth offers opportunities at varied levels, it is also hard to be sure which levers will achieve the most change. Since 1992-3, therefore, the CHRI has been structured on a long-term, permanent basis not just as a temporary coalition. Further, it has been consistent in certain types of advocacy: with biennial reports to CHOGM, submissions to every CMAG meeting, and ten years of practical work on the right to information and policing by 2007. Although this practical work commenced and continues in India, it has spread to many other countries.

### *b) Pushing the envelope*

The CHRI has regularly demanded more of the Commonwealth than others would have regarded as realistic, but the official Commonwealth has then done more than would have seemed possible only a few years before. The creation of CMAG and suspension of governments were landmarks here. The failures by the Commonwealth – in allowing Cameroon to join in 1995 without adequate governance and rights guarantees, or the premature removal of suspension of the military-led regime in Pakistan for example – have drawn CHRI's criticism. Misuse of anti-terror laws and police acts have been attacked.

### *c) International policymaking*

With all its successes the CHRI illustrates the difficulty of an international NGO, with limited finance until recently, in establishing effective international policymaking for itself. The problem comes down to the cost of servicing international meetings when core finance is lacking. The result has been a weakness in establishing a Commonwealth overview, a certain disconnect between members of the AC and the secretariat they are supposed to advise, and tensions between the AC and the London-based TC. By 2005-7, when the trustee committee concept was being wound up, it was a recognition that London-based institutions could not have pride of place in the improvement of the human rights of faraway and poor Commonwealth citizens.

*d) A coalition from one place, and the main office in another*

The boldest and most imaginative step of the CHRI coalition was to transfer its office from London to New Delhi in 1993. At least one expert in London, an Australian academic not directly involved in the CHRI, argued that this was dangerous because India is so large, complex and self-obsessed that it would be hard to maintain a Commonwealth-wide vision from an Indian office. Events have not borne this out, as the analysis here has shown, though it is true that a high proportion of CHRI staff is engaged primarily on Indian projects. But there was a difference of perception as well as geography between a London TC, used to seeing the Commonwealth as a whole and often with Africa in the foreground, and a New Delhi office overwhelmingly concerned with immediate human rights issues in South Asia and seeing the Caribbean in particular as remote, and relatively well-off with regard to rights. The CHRI needed to establish credibility within India if it was to survive there; a Commonwealth label did it no special favours. A Commonwealth body in London tends to see the need for work in other Commonwealth countries first, and in the UK last of all. Yet, as was agreed at the review workshop for a draft of this paper in February 2007, there is no reason why a fully effective international human rights NGO should not be run as well from New Delhi as from New York or London. International categories of 'South' and 'North' are changing and

coalescing, and a UK parliamentary select committee has reckoned that Indian prosperity will give the country middle income status in 2013-15.<sup>19</sup> Other experts estimate that India will have overtaken the US economy by the middle of the 21<sup>st</sup> century. The remarkable growth of the CHRI, making it possibly the best-staffed Commonwealth body outside the Commonwealth Secretariat, has also contributed to a withering of the original coalition spirit which brought it to life. Some particular problems that have arisen for an international NGO in New Delhi concern the ease of financial transfers, the difficulty of working in Pakistan<sup>20</sup>, and the pressure to establish human rights credibility amongst the existing human rights NGOs of India. The CHRI has not yet resolved its future – either as a federation of offices with a primus inter pares in India, or as a series of subsidiaries with one head office. A long-drawn-out discussion of a new Memorandum of Understanding for the CHRI, from 2002 onwards, showed how hard it was to reach a consensus.

*e) The importance of sustained quality leadership*

NGOs, like public companies and governments, are heavily dependent on the quality of their leadership -- and the rewards even of personal satisfaction are often less in NGOs. The CHRI has been lucky so far in having benefited from a group of people of different skills who have taken an active interest or been personally involved. Obviously the contribution of Maja Daruwala since 1996, in vision, organisational skill and financial acumen, has been enormous. But the public role of figures like Flora MacDonald, Kamal Hossain, Margaret Reynolds and Sam Okudzeto has also been important. Behind the scenes there have been other committed people, like Aubrey Rose, the first Treasurer of the CHRI and George Verghese, now chair of the executive in New Delhi, and a member of the first advisory group under MacDonald. It will not be easy to find another director of the quality of Maja Daruwala, and a non-Indian Commonwealth appointment to such a position in New Delhi could be expensive.

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<sup>1</sup> The Commonwealth Institute, Kensington – which until January 2000 had been a non-departmental public body of the UK -- went into voluntary liquidation in July 2007 after trustees sold its premises. Trustees transferred some assets to a Commonwealth education centre based at Cambridge University.

<sup>2</sup> Two Australians, Sir Zelman Cowan and Malcolm Fraser, had earlier been approached to chair this Advisory Group.

<sup>3</sup> Officials in the CMJA have considered this conflict of interest case to be weak; however in the United Kingdom, when the House of Lords was considering extradition of the former Chilean dictator, General Pinochet, its first ruling was overturned because one of the law lords was associated with Amnesty International.

<sup>4</sup> Dr Hossain had been a Law Minister and Foreign Minister of Bangladesh; Professor Reynolds had been Minister responsible for Women's Affairs in Australia; Sam Okudzeto is a well-known human rights and commercial lawyer in Ghana.

<sup>5</sup> Dr Ransome-Kuti, who died in 2006 and had been an Amnesty International prisoner of conscience , was frequently arrested by the Nigerian military dictatorship in the 1990s; he was jailed in Katsina from 1996-9.

<sup>6</sup> In 2003 the Legal Resources Consortium and the Nigerian National Human Rights Commission also supported the forum; in 2005 the Amnesty International Malta Group was an additional sponsor. By 2007 there was some uncertainty as to whether the Association of Commonwealth Amnesty International Sections could maintain its viability.

<sup>7</sup> The breakdown of income in 2004-5 was: Dorab Tata Foundation – 43 per cent; Ford Foundation –23 per cent; CHRI Trustee Committee (in reality Ford money via London) – 9 per cent; Swiss Development Agency – 8 per cent; the balance of 13 per cent included several smaller grants, eg from the Friedrich Naumann Stiftung, Interights. In 2003-4 the CHRI reported an income of US\$380,000.

<sup>8</sup> This did not include an administrative staff of 11 in India; the New Delhi staff had grown rapidly, being only 20 all told in March 2001.

<sup>9</sup> In order to ease the problems of the CJA in particular, the CHRI organised charity dances in two years, called the "Censored Ball."

<sup>10</sup> The Indian Government at the time was not strong, and coping with political fall-out from the destruction of the Babri Masjid Mosque at Ayodhya by Hindu zealots; however local observers put down to bureaucracy, and a concern that the CHRI should be Indian-run, a delay of some nine months before official clearance came through for the opening of its office. At the review workshop in February 2007, Krishan Srinivasan, former Foreign Secretary of India, argued that the Indian Government had actually been quite speedy in authorising the arrival of the CHRI.

<sup>11</sup> He was also the initial editor of "Human Rights and poverty eradication: a talisman for the Commonwealth", 2001, although collaboration with the New Delhi office was fraught, not least because Yash Ghai was trying to rewrite the Kenya constitution, with

public consultations, at the same time. Maja Daruwala took over responsibility for editing this report to CHOGM.

<sup>12</sup> In advocating India's continuing Commonwealth membership to parliament, on becoming a republic, Jawaharlal Nehru argued that it might not do much good, but could do little harm.

<sup>13</sup> This paralleled the call for a UN Human Rights Commissioner, appointed after the UN human rights conference in Vienna in 1993; however many Commonwealth governments saw the establishment of the UN post as a higher, and possibly less embarrassing priority.

<sup>14</sup> Tanzania, Ghana and Nigeria had threatened to leave the association in protest at UK policy on South Africa; it is a mark of how the Commonwealth has changed that member states were being suspended by the 1990s, largely on human rights grounds, and that when the Mugabe regime of Zimbabwe left in 2003 it was because it could not live up to the principles adopted in Harare in 1991.

<sup>15</sup> In Cyprus in 1993, Margaret Reynolds had been attending an AC meeting of the CHRI just prior to a Women's Affairs Ministerial meeting; she found that there was no Australian government representative, got herself accredited, and was able to present CHRI views to the gathering.

<sup>16</sup> By early 2006 there were some 350 on the e-list, mostly organisations but a few individuals also, receiving the CHRN.

<sup>17</sup> In 2002 the British Council, from its New Delhi office, set up a Commonwealth National Human Rights Commissions Project. By 2006 it was providing workshops and an information service for human rights commissions in 20 countries. However the officer responsible was required not to spend more than 10 per cent of her time on work with the National Human Rights Commission of India.

<sup>18</sup> Hanif Vally, head of HRU in the early years of the 21<sup>st</sup> century, invited and paid for CHRI representatives to attend a series of regional workshops on the UN Declaration on Human Rights Defenders. He felt that CHRI was not particularly keen to cooperate with the Unit, and that there were problems of liaison when the CHRI's London office was in difficulty.

<sup>19</sup> International Development Select Committee report, 2005; the DFID commitment to India has, for many years, been Britain's largest bilateral overseas aid effort.

<sup>20</sup> Due to Pakistani hostility to India-based organisations it was not until 2005 that the CHRI acquired observer status at the UN's Economic and Social Council (ECOSOC); Pakistan, though its government was again suspended in late 2007, was of course as much a member of the Commonwealth as India.