

Charter of the Commonwealth

The Commonwealth Charter was agreed through written procedure by all Commonwealth Heads of Government, including **Canada's**, on 14 December 2012.

Summary information

The Charter reaffirms the core values and principles of the Commonwealth and elaborates 16 such values and principles including Democracy; Human Rights and Peace and Security; as well as Tolerance, Respect and Understanding; Freedom of Expression; Separation of Powers; the Rule of Law; Good Governance; Sustainable Development; Protecting the Environment; Access to Health, Education, Food and Shelter; Gender Equality; the Importance of Young People in the Commonwealth; Recognition of the Needs of Small States; Recognition of the Needs of Vulnerable States and the Role of Civil Society.

History

At the Commonwealth Heads of Government Meeting (CHOGM) in Trinidad in 2009, the leaders resolved to establish an Eminent Persons Group (EPG) to advise the CHOGM on a number of organizational questions affecting the future of the Commonwealth of Nations and “to look into the future and provide ideas for action that CHOGM might take to assure that the Commonwealth of Nations has a future.” It has been speculated that the decision to create the EPG “may have been influenced by a feeling ... that the Commonwealth was in urgent need of reform; that its handling of human rights complaints against member countries was seriously defective; that the conduct of its operations by the Secretariat ... was lacking in transparency; that coverage of the Commonwealth’s achievements in the international media was poor; that several urgent problems, especially facing Commonwealth countries, were not attended to; and that a new broom was needed if the Commonwealth was to survive.”

Eleven Commonwealth citizens were selected from nominees put forward by Commonwealth governments, with Tun Abdullah Badawi (past Prime Minister of Malaysia) as Chairman and including Senator Hugh Segal from Canada.

The EPG delivered a report to the Secretary-General of the Commonwealth in July 2011. The report, A Commonwealth of the People: Time for Urgent Reform (2011), contained 206 recommendations, including the adoption of a Charter of the Commonwealth.

The idea of a Charter initially came from Chairman Ahmad Badawi – as a document that set out the governance arrangements, roles of principal Commonwealth agents, and rights and responsibilities of members in that organization. In proposing a Charter, the

EPG noted that “Tumultuous changes have recently occurred in the world driven by the aspirations of the people, who are no longer content to live under undemocratic and autocratic regimes, or under systems of economic injustice. People, and especially young people, are demanding a new social contract between governments and themselves.” The EPG argued that “Commonwealth countries must actively engage this mood of change, embracing its spirit in order to fashion the Commonwealth of the future and the constructive role the Commonwealth association can play in helping to create a more just and equitable global society.”

They envisioned the Charter as a “People’s Charter” and stated that “there should be wide consultation about its content and formulation within each Commonwealth country” including “the full participation of accredited Commonwealth civil society organisations.” To provide a basis for the consultations, the EPG appended a draft Charter derived “substantially from the many declarations of Commonwealth values and principles issued by Heads of Government at the conclusion of CHOGMs since 1970 and which can now be said to be entrenched in the Commonwealth’s modern culture.”

These values and principles included the Singapore Declaration of Commonwealth Principles (1971), the Harare Commonwealth Declaration (1991), the Langkawi Declaration on the Environment (1989), the Millbrook Action Programme (1995), the Latimer House Principles (2004), the Aberdeen Agenda (2005), the Munyonyo Statement on Respect and Understanding (2007), the Lake Victoria Commonwealth Climate Change Action Plan (2007), the Trinidad and Tobago Affirmation of Commonwealth Values and Principles (2009), the Commonwealth Declaration on Investing in Young People (2009) and the Perth Declaration on Food Security Principles (2011).

The leaders welcomed the report from the EPG at the CHOGM in Perth, Australia in October 2011 and agreed that “the report provided a strong basis to revitalise the Commonwealth and its institutions and ensure its continued relevance to member states and their people – today and in the future.” The leaders also indicated that they would “agree to a text for the Charter in 2012, following a process of national consultations, consideration by a Task Force of Ministers drawn from all geographical groupings of the Commonwealth, and a full meeting of Foreign Ministers in New York in September.”

Subsequently, the Secretary-General wrote to all Commonwealth ministers of foreign affairs, inviting governments to undertake national consultations on the Charter and to provide feedback by the end of March 2012. To facilitate the consultation process, the Secretary-General made the draft Charter available on the Secretariat’s website and invited submissions directly from civil society organizations and individuals.

The Secretariat reflected on the comments received and made a decision to assemble a small team to redraft the Charter completely, “mindful of the Heads’ decision that the Charter should be a consolidation of principles contained in previous declarations.” The Secretariat also circulated the comments received to all the members “so as to ensure that these would remain at the forefront of negotiators’ minds as they developed the

Charter of the Commonwealth.” The draft was a success, was approved at the September 2012 meeting of Commonwealth foreign ministers and then approved by the Heads of Government through written procedure on 14 December 2012. The Charter of the Commonwealth was officially signed by Queen Elizabeth II on 11 March 2013, Commonwealth Day.

Key Provisions

The Charter reaffirms the core values and principles of the Commonwealth and begins with a preamble that includes affirmation that “the special strength of the Commonwealth lies in the combination of our diversity and our shared inheritance in language, culture and the rule of law; and bound together by shared history and tradition; by respect for all states and peoples; by shared values and principles and by concern for the vulnerable” and that the core Commonwealth principles include “consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy, and responsiveness.”

The Charter next elaborates 16 core values and principles starting with Democracy – recognizing “the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections” and that parliaments and representative local governments are “essential elements in the exercise of democratic governance.”

The second core value and principle is Human Rights – including a commitment to “the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments”, to equality and to respect for the protection and promotion of civil, political, economic, social and cultural rights. These rights are considered to be “universal, indivisible, interdependent and interrelated and cannot be implemented selectively.” As well, all forms of discrimination are condemned.

Third is International Peace and Security – which along with “sustainable economic growth and development and the rule of law are essential to the progress and prosperity of all.” There is a commitment to support for UN and other multilateral institutions working towards peace and disarmament and condemnation of terrorism.

The other core values and principles include:

- Tolerance, Respect and Understanding – including respect for the dignity of all;
- Freedom of Expression – including through a free and responsible media;
- Separation of Powers – maintenance of the integrity of the roles of the Legislature, Executive and Judiciary as guarantors of the rule of law, the promotion and protection of fundamental human rights and adherence to good governance;
- Rule of Law – stressing the importance of an independent, impartial, honest and competent judiciary and recognizing that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice;

- Good Governance – through the rule of law, to ensure transparency and accountability and to root out corruption;
- Sustainable Development – to eradicate poverty by pursuing inclusive growth while preserving and conserving natural ecosystems and promoting social equity;
- Protecting the Environment – affirming that sustainable management of the natural environment is the key to sustained human development;
- Access to Health, Education, Food and Shelter – with emphasis on the importance of promoting health and well-being in combating communicable and non-communicable diseases and on the right of everyone to have access to safe, sufficient and nutritious food;
- Gender Equality – recognizing that the advancement of women’s rights and the education of girls are critical preconditions for effective and sustainable development;
- Importance of Young People in the Commonwealth – recognizing the positive and active role and contributions of young people in promoting development, peace, democracy and in protecting and promoting other Commonwealth values, such as tolerance and understanding, including respect for other cultures;
- Recognition of the Needs of Small States – including the particular needs of small island developing states, in tackling their particular economic, energy, climate change and security challenges, and in building their resilience for the future;
- Recognition of the Needs of Vulnerable States – to find ways to provide immediate help to the poorest and most vulnerable including least developed countries, and to develop responses to protect the people most at risk; and
- The Role of Civil Society – recognizing the important role that civil society plays as partners in promoting and supporting Commonwealth values and principles, including the freedom of association and peaceful assembly, and in achieving development goals.

The Charter ends by stating a commitment “to ensuring that the Commonwealth is an effective association, responsive to members’ needs, and capable of addressing the significant global challenges of the future” and an aspiration to be a Commonwealth that is “a strong and respected voice in the world, speaking out on major issues; that strengthens and enlarges its networks; that has a global relevance and profile; and that is devoted to improving the lives of all peoples of the Commonwealth.”

Canada’s Commitments and Responsibilities

The Commonwealth Charter was agreed through written procedure by all Commonwealth Heads of Government, including Prime Minister Stephen Harper of Canada, on 14 December 2012.

International Monitoring and Implementation

The Charter of the Commonwealth is not a treaty whose implementation involves a dedicated monitoring mechanism.

References

Commonwealth Eminent Persons Group

Commonwealth Charter Background

Report: A Commonwealth of the People: Time for Urgent Reform (2011)

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