

Democratizing the Commonwealth

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'The Harare Declaration of 1991 was a turning point for the Commonwealth. It was nothing short of a bold programme to convert the Commonwealth in a post-Cold War world into a force for democracy and good governance, and a more effective instrument for the promotion of sustainable development.'¹ With these words, the Commonwealth Secretary-General, Chief Emeka Anyaoku, opened his 1997 annual report on the activities of the organization. It was published prior to the biennial summit—the Commonwealth Heads of Government Meeting, or CHOGM—held in October 1997 in Edinburgh, the first time the meeting has been held in Britain for 20 years. In Edinburgh the CHOGM agreed an economic declaration, the brainchild of the new British government, which is intended to stand beside the Harare declaration in setting the Commonwealth agenda for the twenty-first century. The prime minister explained the underlying rationale in his speech at the opening ceremony: 'We should challenge the rest of the world to meet the dual objectives of democratic and economic freedom together—because we unite all the continents of the globe, we can set an example for others to follow.'² These are large claims for an organization which many, not least in Britain, have often viewed as an anachronism, a device—like the Anglo-American 'special relationship' which was hurriedly fashioned after 1945 to help the British political class come to terms with the loss of empire, but which has long since outlived its usefulness. This line of criticism was popular throughout the Thatcher years, when Britain stood alone against the rest of the Commonwealth in resisting the imposition of serious economic sanctions against South Africa; but it survived beyond them, even in some of the press comment on the Edinburgh summit, although, overall the media, if not excited, were more receptive to the idea that the Commonwealth was useful, than at recent CHOGMs. Official British opinion had swung back behind the Commonwealth even before the change

¹ *Report of the Commonwealth Secretary-General, 1997* (London: Commonwealth Secretariat, 1997), p. 1.

² Speech by the Prime Minister, the Rt Hon. Tony Blair MP, at the opening ceremony, Edinburgh International Conference Centre, 24 October 1997.

of government. Both Conservative Eurosceptics and New Labour communitarians welcomed the House of Commons Foreign Affairs Committee's report on the Commonwealth when it was published in March 1996,³ the former, because the committee rebuked successive British governments for neglecting the Commonwealth, the latter because the committee also rejected the old view that the Commonwealth and Europe were alternatives, insisting on the contrary that they were complementary relationships.

In any event, Britain has not run the official Commonwealth since the Secretariat was set up in 1965, and it never ran the People's Commonwealth—as it was predictably dubbed—the network of more than 80 voluntary and professional associations which is arguably the lifeblood of the association, and certainly distinguishes it from most other international organizations. Moreover, international interest in the Commonwealth has never been greater: no country seems anxious to leave—indeed Fiji has rejoined after a ten-year absence—and there are several potential applicants for membership. It is worth re-examining, therefore, both the source of the Commonwealth's continuing appeal and the prospects for its fulfilling the ambitious mandate that its heads of government appear to have set themselves.

The enduring appeal of the Commonwealth

The first of these tasks is more straightforward than the second. International organizations, it has often been said, cannot accomplish more than their members wish them to do; they remain, in the last analysis, the servants not the masters of their members. That is, of course, their attraction. Just as the United Nations is not, and was not intended to be, an embryonic world government, so the Commonwealth is neither a surrogate empire nor an alternative to the world market. In the past, existing members have not found the costs of membership particularly onerous, in either financial or political terms. Three states have temporarily withdrawn—South Africa in 1961 following the admittance of black African countries and its own declaration of a republic; Pakistan after the admittance of Bangladesh; and Fiji in 1987, after a military coup aimed to disenfranchise the majority, but immigrant, Indian population—but they have all subsequently rejoined when circumstances changed. The advantages of being inside the association, and therefore eligible for the various services that it can offer, have, it seems, always finally outweighed any short-run political gains to be had from splendid, or principled, isolation.

These advantages are not all material: membership can provide governments with diplomatic and political support and a stage on which to pursue their special interests. Such considerations appeal to all members, but for the 31 of

³ House of Commons, Session 1995–6, Foreign Affairs Committee, First Report of *The future role of the Commonwealth*, 2 vols (London: HMSO, 1996).

the Commonwealth's 54 states which are officially classified as small—that is, independent countries with a population of 1.5 million or less⁴—they are of considerable practical importance. The international political system is dominated by a relatively small number of large states, and although globalization has reduced the significance of economic sovereignty, many small states face increasing marginalization in world politics, most particularly when competing for inward investment. It is true that not all these states are poor—indeed some, such as Cyprus and Brunei, are rich—but smallness, irrespective of wealth, creates two recognizable patterns of geopolitical vulnerability nonetheless. As Peter Lyon has pointed out, 'The functional distinction is that between the small island states (with their attendant inescapable, maritime concerns) and the few landlocked (buffers or enclaves) small states.'⁵ There is no intrinsic reason why the Commonwealth should have developed a special expertise in focusing attention on the problems of small states, which typically have great difficulty in adjusting to the competitive environment of the global economy and are prone to destabilization as the result of drug trafficking, gun running, money laundering and other forms of international criminal activity, but few would dispute the Secretary-General's judgement that the Commonwealth 'is the only global organisation in which small states can genuinely claim special consideration'.⁶

The attractions of the contemporary Commonwealth, it must be admitted, seem to have taken the existing membership somewhat by surprise. After all, the Commonwealth has no functional, economic, regional or even political rationale. It grew with the disintegration of the British empire, transforming itself in the process from an association of white dominions sharing the same monarch into a multinational, multi-cultural and multi-religious association, the majority of whose members are republics although they all recognize the Queen 'as a symbol of the free association of its independent member-states and as such Head of the Commonwealth'.⁷ As Britain's imperial withdrawal gathered pace, most of its former dependencies opted for membership. Not all did, however: Myanmar (then Burma) and Sudan, for example, chose to stand aloof.

It is hardly an exaggeration to say that if the Commonwealth had not existed, it would not have been necessary to create it. The contrast with La

⁴ For a definition of small states in the Commonwealth, see *A future for small states: overcoming vulnerability* (London: Commonwealth Secretariat, 1997), pp. 8–9.

⁵ Peter Lyon, 'Small states reconsidered' in *Small statehood and the Commonwealth reconsidered*, presented to delegates at the Commonwealth Heads of Government Meeting, Edinburgh, 1997 (London: Carfax Publishing for The Round Table, 1997), pp. 9–14.

⁶ *Report of the Secretary-General*, p. 8.

⁷ The phrase was first used in the London declaration of 1949. The title 'Head of the Commonwealth' is not hereditary, 'but the presumption is that it will pass to the Queen's successors, as it passed to her on the death of George VI in 1952. The office, however, is purely symbolic. The Queen has no place in the republican constitutions of the Commonwealth; nor does she discharge any constitutional functions in virtue of headship': Vernon Bogdanor, 'Uniting disparate nations', *The House Magazine*, 20 October 1997, p. 22.

Francophonie, the association of former French colonies, is striking in this regard. Most French-speaking territories remained organically linked to France after independence through a network of bilateral treaties covering everything from defence to the maintenance of the franc zone. There was no equivalent set of ties within the Commonwealth, where even the sterling area, so long as it lasted, was not a Commonwealth institution or a condition of membership. Yet by 1965 it had already established an independent Secretariat, a move which La Francophonie finally copied in November 1997 with the appointment of Boutros Boutros-Ghali as its first Secretary-General.

It was only as the Commonwealth proved its utility—in support of small states, more generally as a forum for North–South dialogue, and above all as an intergovernmental pressure group for action against apartheid—and as the era of decolonization gave way first to the Cold War and then to its chaotic aftermath, that the question of membership had to be faced. In 1995 two new members, Cameroon and Mozambique, were admitted against a background of demands that the criteria for future expansion should be clarified.

Cameroon, the western part of which had been administered by Britain first under the League of Nations mandate system and then as a trusteeship territory as part of eastern Nigeria, could arguably claim that it was joining late but with essentially the same credentials as the other member states. But even if this argument were accepted—and the larger part of Cameroon had been administered by France, not Britain—not all member states were convinced of the wisdom of establishing a precedent. Somalia could apply using the same reasoning, potentially a far more worrying prospect. Some of the advantages of Commonwealth membership may be intangible, but access to technical assistance and aid funds, at a time when both are increasingly hard to come by, is obviously a factor in the calculation of governments, whether of applicants or of existing member states.

Mozambique's admittance, following some powerful special pleading by President Mandela at the Auckland CHOGM in 1995, set a precedent of a different kind: the admission of a state which had never had a constitutional relationship with either Britain or any other Commonwealth country. It was justified as a special case: Mozambique had attended Commonwealth meetings as an observer since the mid-1980s as a consequence of its close relations with the Commonwealth front-line states in the struggle first against Rhodesia and then South Africa. Its membership was defended in order to establish a solid bloc of Commonwealth states in southern Africa, all of which are committed to building a new system of economic and political security in the region following the collapse of apartheid.

The Commonwealth does not—and indeed could not—aspire to become a universal organization on the pattern of the United Nations. But if a special case could be made for Mozambique, what response was to be made to Yemen, Rwanda, Palestine and even Israel, all of which have made exploratory contacts with the Secretariat and two of which (Rwanda and Yemen) have requested

admittance. In the search for defensible principles of exclusion, an intergovernmental group was appointed 'to examine and advise on the criteria for assessing future applications to the Commonwealth'.⁸ The group's report was published in February 1997 and subsequently endorsed by the Edinburgh CHOGM.⁹ It pointed out that, unlike other international organizations, the Commonwealth 'has no Charter or comparable instrument which makes provision for the admission of new members', and that consequently, in considering applications, it would be necessary 'to take into account the procedure which has evolved over time and become the established practice of the Commonwealth'.

From the point of view of limiting future admissions, established practice has, if anything, been too flexible. Most, but not all, members have experienced British rule. Most, but not all, have sought membership prior to independence. Most, but not all, have supported their applications with a resolution from the legislature. Although all members accept 'the use of the English language as the medium of inter-Commonwealth relations', the precedent of bilingualism and biculturalism as well as belonging to both the Commonwealth and La Francophonie has already been established by Canada, Mauritius, Seychelles, Dominica, St Lucia, Vanuatu and Cameroon.

Reading between the lines of the report, it is difficult to avoid the impression that the group considered that the door should be closed more often than it should be opened.¹⁰ The main criteria are flanked by others: emphasis is placed on the importance of maintaining the informality and intimacy of the Commonwealth way of doing business, on the ability of new members to contribute 'both financially and in other ways to Commonwealth programmes', and on their ability and willingness to participate in the non-governmental Commonwealth. Beyond these attributes, new members will have to pass both a historical and a political test.

Historically, applicants 'should as a rule have had a constitutional association with an existing Commonwealth member'. In practice this test may prove less onerous for would-be applicants than the requirement that they should comply with 'Commonwealth values, principles and priorities as set out in the Harare declaration'. Since, at first sight, this document appears to reach deep into the domestic affairs of member states, it constitutes not merely a more

⁸ *Report of the inter-governmental group on criteria for Commonwealth members*, February 1997, reissued September 1997 (London: Commonwealth Secretariat). The group consisted of representatives of Australia, the Bahamas, Britain, Canada, Cyprus, India, Jamaica, Malaysia, New Zealand, Singapore, Zambia and Zimbabwe.

⁹ Paragraphs 21 and 22 of the Edinburgh communiqué. Recalling Palestine's historic association with the Commonwealth, the communiqué recorded that 'Heads of Government welcomed the interest expressed by the Palestinian Authority in Commonwealth membership. They recognized that, under the Oslo Accords, Palestine may attain state sovereignty in 1999. Once this was so, the case for membership would be duly determined in accordance with the agreed criteria for Commonwealth membership.'

¹⁰ The CHOGM agreed to keep the Rwandan and Yemeni applications under review 'in the context of the criteria endorsed by them', hardly an enthusiastic response.

exacting test, but theoretically a revolutionary break with the traditional principles of statecraft on which the modern Commonwealth has hitherto relied.

Sovereignty, democracy and 'fundamental values'

The underlying problem is not confined to the Commonwealth. The end of the Cold War exposed the tension between the principles of democratic constitutionalism on which the United Nations and most other international organizations are theoretically based and the respect for state sovereignty on which international cooperation rests in practice. During the Cold War, the stalemate in the Security Council effectively rendered this tension invisible, but a series of human rights disasters in its aftermath put it dramatically under the spotlight. In his *Agenda for peace*, the then Secretary-General of the United Nations, Boutros Boutros-Ghali, argued that while the state remained the foundation stone of international society and 'respect for its fundamental sovereignty and integrity are crucial to any common international progress', sovereignty could no longer be viewed as absolute or exclusive.¹¹ He also suggested that conflicts between the core value of sovereignty and other international values such as self-determination and respect for human rights could best be resolved through democratization. 'Respect for democratic principles at all levels of social existence is crucial: in communities, within states, and within the community of states.'¹²

The problem for the United Nations in translating these principles into practice is that before the UN can intervene to uphold democratic values in states where they have been abandoned, or never implemented, it requires a vote by the Security Council ruling that a threat to international peace and security exists. In the immediate aftermath of the Cold War there was some evidence that the Security Council—and more particularly the five permanent members—were prepared to act on behalf of the victims of human rights abuse to an extent never previously contemplated. But subsequent reverses in the former Yugoslavia, Somalia and Rwanda, which themselves reflected uncertainty about the objectives of international intervention in civil conflicts, forced it back to a more traditional interpretation of the UN Charter.¹³

For the Commonwealth, the problem is both less and more acute. It is less serious in that the Commonwealth has no Security Council and, *qua* Commonwealth, no mandated security responsibilities. The Secretary-General can and does use his good offices—often to good effect—when requested to

¹¹ For text, see Adam Roberts and Benedict Kingsbury, eds, *United Nations, divided world: the UN's role in international relations*, 2nd edn (Oxford: Clarendon, 1993), appendix A, paras 17–19, pp. 474–5.

¹² *Ibid.*

¹³ See James Mayall, ed., *The new interventionism, 1991–1994: United Nations experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: Cambridge University Press, 1996), pp. 1–24

help resolve political crises in member countries;¹⁴ but there has never been any official enthusiasm for the idea that the Commonwealth should, or indeed could, compete with the UN in either peacekeeping or peace enforcement. Commonwealth efforts are therefore confined to the less contentious areas of informal preventive diplomacy and providing political support to Commonwealth countries in disputes with other countries.

It may be worth noting, in parenthesis, that this latter practice has led to a paradoxical convention which no doubt helped to maintain harmony within the Commonwealth during the Cold War but which may prove problematic in the context of the new debate on promoting fundamental political values. Thus, while CHOGM communiqués customarily put on record their 'support for the sovereignty, independence, territorial integrity and unity of the republic of Cyprus',¹⁵ and for Belize in its territorial dispute with Guatemala,¹⁶ Commonwealth heads have always remained silent on the Indo-Pakistani dispute over Kashmir.¹⁷

The tension between sovereignty and democracy poses a more acute problem for the Commonwealth than for the United Nations in that, lacking both the universality and the written Charter of the world body, it is more dependent on a value consensus to justify its existence. How else can it claim to contribute to the sum total of international cooperation or rebut the charge that it merely duplicates efforts in other organizations? The agreed definition of the Commonwealth—'a voluntary association of sovereign independent states, each responsible for its own policies'—is fully consistent with Article 2.7 of the UN Charter which binds members to refrain from interfering in each other's domestic affairs; but the statement of purpose which the definition also contains—that they will consult and cooperate 'in the interest of their peoples and in the promotion of international understanding and world peace'—implicitly raises the question of the basis of such consultation and cooperation.

The Harare declaration of 1991 represents the Commonwealth's latest attempt to stake out a consensus on the troubling relationship between sovereignty and 'fundamental political values', the official shorthand for the members' commitment to uphold democracy, human rights and the rule of law. In principle, of course, the Commonwealth was wedded to these values long

¹⁴ In 1996–7 the Secretary-General and/or the Secretariat were involved in resolving the constitutional crisis in Lesotho following the death of King Moshoeshoe II; in facilitating agreement between the rebel Revolutionary United Front (RUF) and the elected government in Sierra Leone; and in finding a solution to the constitutional crisis in Papua New Guinea, following the government's engagement of mercenaries in an attempt to end a separatist rebellion in the province of Bougainville.

¹⁵ Edinburgh communiqué, para. 22.

¹⁶ *Ibid.*, para. 23.

¹⁷ When asked about Kashmir, the Secretary-General replied 'Kashmir has never been discussed at a Commonwealth Heads of Government meeting. The Commonwealth Heads of Government have a convention of not discussing issues of bilateral conflicts within the Commonwealth so the best I can hope is that the meeting will provide a further opportunity for Prime Ministers Gujral and Nawaz Sharif to continue the discussions which they have started': transcript of press conference by the Commonwealth Secretary-General, Edinburgh, 23 October 1997.

before the Harare CHOGM—indeed, they could be said to have formed the basis of the original development of relations between Britain and the dominions as being simultaneously between independent countries and yet qualitatively different from other foreign relations, a distinction which no longer has much constitutional significance (even for those countries of which the Queen is monarch) but survives nonetheless in the title of the Foreign and Commonwealth Office.

More recently, as Srinivasan has pointed out, ‘the Harare Declaration is a direct descendant of the Singapore Declaration of Commonwealth Principles in 1971’.¹⁸ As he correctly says, it was not so much the principles that changed in the period between these two documents as the context which gave rise to them and in which they were to be applied. The Singapore declaration was drafted against the background of the Cold War and in the context of often tense North–South conflict over colonialism and apartheid. Rhodesia’s Unilateral Declaration of Independence (UDI) had already persisted seven years, despite Commonwealth and UN sanctions, and the new British Conservative government, under Edward Heath, was insisting on honouring a contract to sell helicopters to South Africa, despite the embargo on arms sales introduced by his predecessor. ‘The principles of Singapore therefore placed emphasis on democracy, human rights and the rule of law in an international context, while Harare, twenty years later, was a product of the post Cold War period and dealt primarily with conditions within nation states. Accordingly, the emphasis was on democracy, human rights and the rule of law *within* countries.’¹⁹

The heart of the Harare declaration was contained in the ninth paragraph in which heads of government pledged themselves to ‘work with renewed vigour’ in ten areas ranging from the protection and promotion of fundamental political values, through equality for women, sustainable development and environmental protection to action to combat drug trafficking and support for small states in tackling their special problems. Only the first of these areas, however, called for an approach which arguably went beyond the usual mechanisms for multi-lateral cooperation between states.

Fundamental political values were defined under two heads:

- ‘democracy, democratic processes and institutions *which reflect national circumstances* (my italics), the rule of law and the independence of the judiciary, just and honest government’ and
- ‘fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief’.

¹⁸ K. Srinivasan, ‘A force for democracy, human rights and the rule of law? Do Harare and Millbrook go too far or not far enough?’, *The Round Table*, no. 344, October 1997, pp. 513–16.

¹⁹ *Ibid.* p. 513.

How was the Commonwealth to fulfil this pledge? As with the other nine areas identified in the declaration, everything was done that could be done to reassure those who signed up to these commitments that they were not surrendering any significant authority. National governments remained responsible for their own policies, and the reference to national circumstances—weasel-words, or a necessary and realistic concession to the cultural diversity of the Commonwealth, or both, depending on your point of view—was intended to check the enthusiastic tendency to view the Commonwealth as a kind of secular version of the Holy Alliance.

There was much that the Commonwealth states, aided or even on occasion discreetly led by the Secretariat, could do to implement the declaration without unduly straining the conventions of international diplomacy. At the New Zealand summit in 1995 Commonwealth heads drew up an action programme on the Harare declaration.²⁰ Among other things it called on the Secretariat to enhance its capacity 'to provide advice, training and other forms of technical assistance' on such matters as institution-building, legal and constitutional aspects of democratization, the development of electoral machinery and election monitoring, the training of the judiciary, public service reform and the development of effective parliamentary practices. All these are services offered to governments and assume a measure of self-help by those who signed up to the Harare declaration.

Even assuming commitment and goodwill, there are numerous transitional problems associated not merely with moving from one-party or military rule to multi-party democracy, but with establishing a democratic political culture where none previously existed. Perhaps the most impressive innovation in support of the Harare principles was the round table of heads of government of Commonwealth Africa, convened by the Secretary-General and hosted by the government of Botswana in February 1997. There are currently only two military governments left in the Commonwealth—in Nigeria and Sierra Leone—but the problem of entrenching a democratic culture is arguably more intractable in Africa than in any other region. Hence the round table on 'Democracy and Good Governance in Africa' served a double purpose. Officially it provided the participants 'with an opportunity collectively to review the progress of democracy in their respective countries and to exchange views on how they might meet present and future challenges';²¹ but it also had a symbolic function, putting leaders on view publicly endorsing practices and procedures which they might otherwise have found it convenient to ignore. Among sovereigns it is only by building a collective ethos that common standards can be enforced. Honour and shame may not be very strong sanctions, but since they must be internalized to work at all, they are probably indispensable in any functioning community.

²⁰ 'The Millbrook Commonwealth Action Programme on the Harare Declaration'. For text see *Report of the Commonwealth Secretary-General*, Appendix 1, pp. 111–13.

²¹ *Ibid.*, p. 3.

It is in the section of the declaration specifying collective measures in response to violations of the Harare principles that the Commonwealth began to break new ground, although, for the most part even here these measures were analogous to—and went no further than—those contained in Chapter VI of the UN Charter.²² They did, however, provide for the exclusion of delinquent governments both from ministerial meetings and from CHOGMs pending the restoration of democracy, and, 'in exceptional circumstances, suspension from the association'. Whether or not it was, as Srinivasan maintains, 'almost inevitable that sooner or later there would be an attempt to set up a monitoring mechanism',²³ it became so when the Nigerian government executed Ken Sara-Wiwa and the other Ogoni activists during the Auckland summit in November 1995.

The Commonwealth Ministerial Action Group on the Harare declaration (CMAG) was established 'to deal with serious or persistent violations of the principles contained in that declaration', and consists of eight foreign ministers appointed, in the first instance, for two years.²⁴ The fact that in the first two years of its existence CMAG failed to resolve the two major crises with which it was concerned—in Nigeria and Sierra Leone—and that its success in helping Gambia return to civilian rule was flawed by serious electoral malpractices, should not deflect attention from the diplomatic and constitutional significance of its creation. Arguably for the first time, outside purely regional arrangements, a group of sovereign states agreed to extend the principle of multilateral surveillance from consideration of economic policies (where it was established after 1945 by the Bretton Woods institutions and GATT) to cover their domestic political behaviour.

In its report to the Edinburgh summit, CMAG recommended the continued suspension of Nigeria, which had failed to convince the group of its commitment to return the country to civilian rule, let alone to uphold human rights and the other Harare principles, and of Sierra Leone. It also recommended that CMAG continue to monitor the situation in Gambia, which has nonetheless resumed its full participation in Commonwealth activities. These recommendations were accepted by the CHOGM, as, perhaps more significantly, were those relating to the group's future direction and mandate. As a result CMAG has now been confirmed as 'a standing ministerial mechanism to address serious and persistent violations' of the Harare declaration, a formulation which deliberately does not limit its remit to the problem of military regimes.

The creation of CMAG thus has potentially Kantian implications—although, unlike Kant's *Perpetual peace*, Commonwealth harmony is not to be entirely self-policing. Whether the Commonwealth will in fact continue to develop as

²² Chapter VI deals with the Pacific Settlement of Disputes.

²³ K. Srinivasan, 'A force for democracy', p. 514.

²⁴ The original membership consisted of the foreign ministers of Britain, Ghana, Malaysia, New Zealand, Canada, Jamaica and South Africa under the chairmanship of the Hon. Dr Stan Mudenge, the Minister of Foreign Affairs of Zimbabwe.

an international civil society protected by an association of peaceful and co-operative democratic governments remains to be seen. At present, the omens are mixed. On the positive side it is noteworthy that none of the states that have been criticized for their violation of the Harare principles has responded by unilaterally withdrawing from the association. Even the Nigerian authorities, who initially denounced their suspension at the Auckland CHOGM in the most vigorous terms and refused to receive a CMAG mission, eventually relented, thus implicitly recognizing its authority.²⁵ The CMAG mission in November 1996 was unable to visit Chief Abiola, the presidential candidate whose election in 1993 was suppressed by General Abacha, or any of the other public figures who had been detained without trial. On the other hand, at its meeting in London in July 1997 the group received oral presentations from four Nigerian non-governmental organizations, thus putting the regime on notice that there are limits to how far they can manipulate the return to civilian rule in October 1998, the date that they themselves have set, if they are to restore their international reputation.

CMAG has also contributed to the isolation of the military regime in Sierra Leone which seized power from the elected president, Tejan Kabbah, in May 1997. In a sense this coup represented an even more fundamental challenge to the Commonwealth's new order than that posed by Nigeria (which has been ruled by military regimes for much of its independent history) since it abruptly interrupted a process of democratization and peace-building, in which the Commonwealth had been deeply involved alongside the UN and OAU. On the recommendation of CMAG, Kabbah participated fully in the proceedings of the Edinburgh summit 'in accord with his status as the democratically elected president of Sierra Leone'.²⁶ If this move—which had no precedent in Commonwealth affairs²⁷—contributes to Kabbah's restoration it will add significantly to the reputation and credibility of the new mechanism.

There are aspects of CMAG, however, which are more problematic. Two have wider implications for any serious attempt to ground international society on agreed constitutional commitments. The first is the problem of how to reconcile the fundamental values of the association with the requirements of peace-making when, in the short run at least, they may conflict. This problem has already manifested itself as a result of the interweaving of the Nigerian and Sierra Leone crises. While Nigeria remains suspended from the Commonwealth and has been put under notice of expulsion if it has not com-

²⁵ See the letter from the minister of foreign affairs of Nigeria to the Commonwealth Secretary-General, 12 December 1995, and the statement by the chairman of CMAG at the conclusion of the group's mission to Nigeria, November 1996. *Report of the Commonwealth Ministerial Action Group at the Harare Declaration (CMAG) to Commonwealth Heads of Government, Commonwealth Secretariat, September 1997*, appendices IX, pp. 89–94, and XIII, pp. 109–10.

²⁶ See the addendum to the CMAG report, 24 October 1997, *ibid.*, p. xiv.

²⁷ It was analogous, however, to the action taken by the OAS in refusing to accept the outcome of the coup that overthrew President Aristide of Haiti in 1991. See David Malone, *Decision-making in the UN Security Council, 1990–96: the case of Haiti* (Oxford: Oxford University, D.Phil., 1997).

pleted 'a credible transition to democratic government and to observance of the Harare principles' by 1 October 1998,²⁸ in relation to Sierra Leone the Commonwealth can do little other than reinforce the regional efforts, led by Nigeria, to find a political solution. The relevant paragraph of the Edinburgh communiqué expresses the dilemma eloquently: 'they [Heads of Government] noted the positive contribution which Nigeria has been making to efforts through the Economic Community of West African States (ECOWAS) in support of democratic government within the west African region, and it expressed the hope that this reflected a determination to comply with the Harare principles in its domestic policies.'²⁹

Since the Nigerian regime has repeatedly insisted that it intends to return to civilian rule in October 1998, its dispute with the Commonwealth, and indeed with the UN, is over the manner in which the transfer will be accomplished. Abacha's refusal to release political detainees, or to allow freedom of association and other fundamental political rights, strongly suggests that he is determined to retain full control of the process. On the face of it, this will make it difficult for Nigeria to meet the criteria set by CMAG. On the other hand, Nigeria's neighbours are understandably reluctant to alienate the regime more than necessary, as was abundantly clear from their refusal to consider oil or other punitive sanctions. If, admittedly against the odds, Nigerian diplomacy—and military weight—succeed in restoring Kabbah to power in Sierra Leone, Abacha will be in a strong position to extract concessions from the Commonwealth over the transition to civilian rule. Compromise is, of course, what distinguishes constitutional politics from violent conflict, which is one reason why in international society which lacks a formal constitution, governments have traditionally been reluctant to open their domestic political arrangements to international scrutiny. The problem arises for the Commonwealth because its members have now signed up to a set of fundamental political values. There is thus a danger that compromise over fundamentals will inevitably be denounced, and with some justice, as a contradiction in terms by those whose rights may be ignored in any settlement.

The second problematic aspect of CMAG concerns the depth and reach of the value consensus that it represents. It is possible, although unlikely, that the only 'serious or persistent violations of the Harare principles' will continue to occur in Africa. Even if this were to be the case, the credibility of the mechanism, as the group's report itself recognizes, will depend on 'preserving suitable regional representation' and on 'the desirability of as many Commonwealth countries as possible serving on CMAG in rotation'.³⁰ At the Edinburgh CHOGM Jamaica and South Africa were replaced on the group by Barbados and Botswana, but South Asia, the Commonwealth's most populous region, continues to be unrepresented.

²⁸ Edinburgh communiqué, para. 16.

²⁹ *Ibid.*, para. 14.

³⁰ CMAG report, p. 40.

In most respects, the South Asian member countries play a full part in Commonwealth affairs. They are well represented in the Secretariat, and are enthusiastic supporters of the economic work of the organization. At the non-governmental level they also participate fully—in the Commonwealth Human Rights Initiative, for example, which has its headquarters in Delhi. But given their own political problems and the regional conflicts in which they are involved, it seems unlikely that the governments of India, Pakistan and Sri Lanka will wish to expose themselves to accusations of double standards (from their domestic opponents) by participating in a group whose task is to monitor domestic political behaviour. Certainly, at the UN, India has been among the most ardent defenders of the traditional legal defences of the sovereign state against external interference.

Beyond this immediate problem of how to ensure that the monitoring mechanism is representative and non-discriminatory lies the deeper one of matching values to power. Ideally, it might be argued that if the Commonwealth is to be an organization based on democracy and human rights, there should be pan-Commonwealth mechanisms for monitoring elections and for reviewing the human rights records of all countries, not just those which are most vulnerable or most in trouble. Resource constraints would no doubt remove any proposal of this kind from the realm of practical politics, but even if these were to be lifted, it seems unlikely that the larger states would be as receptive to Commonwealth involvement in their domestic affairs as those who have so far been the object of CMAG's attention. The logic of the Harare declaration is to subordinate the hierarchical order of power in international relations to the egalitarian legal order implied by the principle of state sovereignty. Its success, however, will probably depend on this logic not being put to the test.

An economic role?

What, finally, of the non-political aspects of the Harare declaration, in particular its support for sustainable development? In deference to the wishes of the host government, the Edinburgh CHOGM took as its central theme Commonwealth trade and investment and produced the Edinburgh Commonwealth Economic Declaration on Promoting Shared Prosperity to complement the Harare declaration. There remains, even so, less to be said about this aspect of the Commonwealth's new look, not because it is unimportant but because it is, in the final analysis, less contentious. Its negotiation was certainly not easy. Countries that felt that they had been on the losing side of the Uruguay Round of multilateral trade negotiations were reluctant to sign up to a 'rule-based international trading system', on which Britain and other industrial member states insisted. But they were brought round by their own success in securing a strong reference to the need for equity in the opening paragraph of the declaration. Indeed, for the first time since the establishment of the World Trade Organization, a major international document explicitly

referred to the view that globalization should 'be carefully managed to meet the risks inherent in the process'. There was thus something for everyone in the declaration. Nonetheless, it remains unclear what practical difference it will make to the existing pattern of Commonwealth relations.

It is true that the equation between democratic and economic freedom, to which Tony Blair referred in the speech quoted above, is accepted now as it never was during the Cold War, when many Commonwealth governments clung to the vision of central economic planning and state trading. But this conversion to market economics is not confined to the Commonwealth. Moreover, although the CMAG report sensibly suggested that there would be 'merit in considering a similar mechanism (such as the Commonwealth Finance Ministers' Annual Meeting or another body) which could be given the task of overseeing the observance of the Commonwealth's underlying principles, as reflected in the Harare Declaration, in the economic and sustainable development fields',³¹ this recommendation was not specifically taken up in the communiqué.

Time will show whether the Commonwealth has a comparative advantage as an economic facilitator in an era of globalization. This appears to be the assumption underlying both the business forum, which preceded the Edinburgh summit and is to become a regular biennial feature,³² and of the economic declaration itself. The assumption is plausible because in a world of increasing deregulation but continuing imperfect market information, networking—or, in the words of the declaration, 'the establishment of enabling environments for private foreign investment'—is likely to be an essential ingredient of success. On both trade and investment, the Commonwealth has taken decisions (for example, commissioning a report on intra-Commonwealth trade prospects, launching an action programme on eliminating bureaucratic and technical hurdles for such trade, establishing three new funds for Africa, South Asia and the Pacific under the auspices of the Commonwealth private investment initiative) whose impact is potentially significant.

The heads of government also agreed to endorse an Australian proposal to establish a trade and investment access facility 'to assist developing countries with the process of adjusting to, and taking advantage of, the opportunities of globalism'. The success of this new mechanism is likely to be crucial if the Commonwealth is to prevent economic globalization from acting as a divisive force: for while the larger countries have the resources which will enable them to take advantage of the new context, and may well be able to use the Commonwealth framework in new and creative ways, many Commonwealth countries view globalization, much as they view global warming, as an apparently unstoppable force which is likely to sweep them aside in its relentless advance.

³¹ *Ibid.*, p. 40.

³² *Edinburgh Commonwealth Economic Declaration*, para. 5.