1. There could not be a more appropriate topic, namely should the Commonwealth establish a Commissioner for Democracy, Rule of Law and Human Rights, to be discussed at the 58th Commonwealth Parliamentary Conference. I say this for a very good reason. The Commonwealth Heads of Government Meeting held in Perth in 2011 deferred a final decision on establishing the office of a Commissioner of Democracy, Rule of Law and Human Rights as recommended by the Eminent Persons Group. The Secretary General was called upon to report back to the Foreign Ministers at their meeting in September in New York.

2. The Report of the Eminent Persons Group was commissioned by the very CHOGM at their meeting in Port of Spain, Trinidad in 2009. They recognized the need to strengthen Commonwealth capabilities to deliver collective action which were initially highlighted in the ‘Commonwealth Conversation’. This report pointed out the dilemma faced by the Commonwealth which is a value based organization committed to upholding democracy.

The report bluntly state the truth that “today, while member state governments carry out appalling human rights abuses, many see a Commonwealth apparently standing blithely by. Without a commitment to see these principles upheld, Commonwealth membership is devalued. A values and principles-based association
that does not consistently strive to defend its ideals, and to be defined by them risks appearing to be little more than an imperial relic."

3. The Office of the Commissioner was proposed by the Eminent Persons Group with a view to establishing an early warning mechanism to allow the good offices of the Secretary General to preempt any deviation from the principles of good governance by any of the member states. The issue at stake is whether the Commonwealth acting as a whole or as members individually are able and willing to standby the values which were reiterated in Trinidad.

4. In Perth the Heads of Governments agreed to enhance the role of the Commonwealth Ministerial Action Group (CMAG) and also take into account a situation of concern in a member country which could be deemed to constitute serious or persistent violation of Commonwealth fundamental political values other than an unconstitutional overthrow of a government. Without the office of the Commissioner this will be a futile exercise.

5. Some governments have been heard to argue that such action would amount to interference in the internal affairs of member states and infringe upon their sovereignty. This argument does not hold water since the Heads of Government also agreed that any member state may draw the attention of the Secretary General where a fellow member country violates the principles of any Commonwealth country. If you are a member of the Commonwealth you have to adhere to the principles and rules on which it has been founded. If the argument of the 'sovereignty' obsessed states is accepted then it would result in the Commonwealth becoming a Commonwealth of Governments and not a Commonwealth of the People.
6. 'Sovereignty' is not limited to the exercise of powers by the Executive and the Legislature. In our own Constitution sovereignty is defined to include both the franchise and fundamental rights. Article 4 specifically prohibits abridgement or denial of fundamental rights. Very many of the Constitutions of other member countries have identical or similar provisions. They are also signatories to the International Covenant on Civil and Political Rights (ICCPR).

7. What is alarming today is that discussions on the founding values of the Commonwealth are being restricted to gatherings of Heads of Governments and Foreign Ministers. This should not be so. We are a Commonwealth of people. The basic values relate to us. The Governments should not in anyway oppose any measures to make these rights more effective. Therefore these discussions should be open to both Parliaments of member states and other Commonwealth institutions.

It is in this context that I call upon the Commonwealth Parliamentary Association to accept the proposal of the Eminent Persons Group to establish the Office of the Commissioner and call on National Parliaments to report on the manner of implementing these proposals. This then should be submitted to the next CHOGM in Colombo, Sri Lanka.