

## **Annex 2 A Draft Charter of the Commonwealth**

### **WE THE PEOPLE OF THE COMMONWEALTH OF NATIONS**

#### **PREAMBLE**

**REMEMBERING** the historic evolution that, by the wisdom and resolve of our forebears, transformed an imperial dominion over our nations and peoples into a free association of member nations to which we, the peoples of the Commonwealth of Nations, belong;

**RECALLING** the sacrifices and struggles, the pain and sorrow of earlier times and the achievement of the independence of our nations within the Commonwealth, each nation responsible for its own laws, practices and policies but co-operating in the Commonwealth in the interests of their peoples and promoting the objectives of international understanding and world peace; [Harare, par.2];

**CELEBRATING** the shared experiences of history and language [Harare, par.3], similar institutions and aspirations and including peoples of many different races and origins, encompassing every state of economic development and comprising an unequalled variety of races, origins, cultures, religions, traditions and institutions of the world [Harare, par.(2)].

**MINDFUL** that economic and social development must remain a primary and urgent goal for the great majority of the people of the Commonwealth and therefore of the Commonwealth itself;

**RECOGNISING** that the Commonwealth today comprises more than 50 nations; more than 2 billion people; and more than 1 billion young people who have a special potential to promote development, peace and democracy, to uphold Commonwealth values and to achieve the Commonwealth's aspirations for the future which they will further inherit and determine;

**REJOICING** in the family of nations and peoples that is the Commonwealth and cherishing the links that connect our nations and peoples together in friendship for one another, at peace with the world;

**DETERMINING** that, in each succeeding generation, we will strengthen the bonds that connect us together and broaden and deepen our links of friendship, co-operation, trade and shared values and aspirations;

**ACKNOWLEDGING** the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948, whose proclamation coincided with, and heralded, the birth of the Commonwealth itself in its present form; and

**AFFIRMING** that we will support each other in the observance of the Values and Aspirations of this Charter, both in the Commonwealth and throughout the world

**NOW SOLEMNLY RESOLVE** by the decision of the Heads of Government of the Commonwealth of Nations made on our behalf and in our own name, to uphold, preserve and defend the Values and Aspirations of the Commonwealth as declared in this Charter.

## **VALUES OF THE COMMONWEALTH**

1. We believe in international peace and security, recognising that the scourge of war, genocide and conflict has brought untold loss and sorrow to humanity [UN Charter, Preamble 1] which the Commonwealth helps seeks to avoid and repair. We pledge our support for the United Nations and other international institutions in the search for peace, disarmament, development and the promotion of international consensus on major global political, economic and social issues [Harare, par.9(n)].
2. We believe in economic growth and development throughout the Commonwealth, recognising their special importance for the transformation of our nations, the elimination of poverty, the removal of

disparities and unequal living standards, and the strengthening of all of these changes in every land [TT, par.5(a) and (h)];

3. We believe in an effective multi-lateral system for the maintenance of our global relationships, based on inclusiveness, equity and international law and in the strengthening of the United Nations as the surest foundation for achieving securing global peace, equity and justice in the challenges that face the world;
4. We believe in democracy as the central principle for governance of our own nations and the safest means of resolving disagreements at home and in the world:
  - 4.1 We re-affirm our belief in the inalienable right of Commonwealth citizens to participate, by means of free and democratic political processes, in shaping the societies in which they live;
  - 4.2 We believe that governments, political parties and civil society have vital responsibilities for upholding and promoting a democratic culture and practices in all nations of the Commonwealth;
  - 4.3 We believe in the accountability to the people of all those who hold public office, whether elected or appointed; and
  - 4.4 We recognise that parliaments and local government and other forms of national, regional and local governance are essential elements in the exercise of true democracy throughout the Commonwealth [TT, par.5(b)]; and
  - 4.5 We recognise that electoral integrity is essential to entrenching democratic processes and accountability [TT, par.11].
5. We believe in universal human rights and that they are applicable to all persons throughout the Commonwealth in accordance with the principles of international law:
  - 5.1 We re-affirm our commitment to the Universal Declaration of Human Rights of 1948 and to human rights covenants and instruments that declare the universal rights of all;

- 5.2 We believe that equality and respect for the protection and promotion of civil, political, economic, social and cultural rights for all, without discrimination on any grounds, are foundations for the creation and maintenance of a peaceful, just and stable society; and
  - 5.3 We believe that all these rights are universal, indivisible, inter-dependent and inter-related and that they may not be implemented or denied selectively [TT, par.5(c)].
6. We believe in gender equality, re-affirming that such equality and empowerment are:
    - 6.1 A requirement of the universal principles of human rights [Harare, par.9(b)];
    - 6.2 Essential for human development; and
    - 6.3 A pre-condition, through the advancement of women's rights, for effective and sustainable development throughout the Commonwealth [TT, par.5(i)].
  7. We believe in tolerance, respect and understanding among all peoples in the diverse nations of the Commonwealth:
    - 7.1 We recognise that such values strengthen both democracy and development;
    - 7.2 We realise that respect for the dignity of all human beings is essential to the promotion of peace and prosperity; and
    - 7.3 We acknowledge that unjustifiable discrimination against individuals or groups impedes the attainment of the values of the Commonwealth and demands proper correction and redress [Harare, par.4(b); TT, par.5(d)].
  8. We believe that good governance throughout the Commonwealth is essential to the attainment of these values in all member nations:
    - 8.1 We commit ourselves to ensuring integrity, transparency and accountability in the governance in our own countries and in the organs of the Commonwealth itself; and

8.2 We pledge ourselves to strive, by effective and co-operative means, to root out systemic and systematic corruption of those who hold power over others, both at national and international levels [TT, par.5(k)];

9. We recognise the importance of maintaining the integrity of the distinctive functions of the Legislature, the Executive and Judiciary [TT, par.5 (e)];

10. We believe in the rule of law as an essential protection for the people and an assurance of limited and accountable government:

10.1 We recognise that, in each nation of the Commonwealth, the Legislature, the Executive and the Judiciary have distinctive roles to fulfil as guarantors of the rule of law;

10.2 We assert that access to justice and to an independent judiciary is among the universal rights belonging to all peoples and that it is fundamental to the maintenance of the rule of law;

10.3 We acknowledge that the rule of law implies that the content of law should conform to universal human rights and to the principles of lawfulness, justice and reasonableness; and

10.4 We believe in the enhancement of the rule of law by effective, transparent, ethical and accountable governance throughout the Commonwealth, by the appropriate sharing of legal materials and by undertaking and promoting systematic reform of the law [TT, par.5(f)].

11. We believe in human diversity and human dignity and we oppose all forms of discrimination whether it be based in race, ethnicity, creed or gender or other like cause [Coolum report, par.3]. We believe in freedom of thought, conscience and religion and oppose discrimination upon any such ground [UDHR, art. 18]

12. We believe in the important role functions that civil society and the media of communications plays in our communities and nations:

12.1 In affording opportunities to the people of the Commonwealth to express their civic freedoms and to fulfil themselves as citizens and as human beings;

- 12.2 In enhancing the pursuit of freedom and happiness in life in all Commonwealth countries [TT, par.5(l)];
- 12.3 In promoting and supporting these Commonwealth values; and
- 12.4 In advancing the attainment of these Commonwealth aspirations.
13. We believe in the strengthening of civil society and of the organisations that, individually and collectively, can give expression to these Commonwealth values and aspirations, and help harness our shared historical, professional, cultural and linguistic heritage [Harare, par.11] in an abiding spirit of co-operation and mutual support [Harare, par.12].
14. We believe in access to shelter, health care, education [Harare, par.9(d)] and work for all peoples of the Commonwealth; and in the fulfilment of the universal principles of human rights as essential means to alleviate poverty; to promote sustainable development [Millbrook, par.6]; and to uphold justice in every land [Harare, par.9(e); TT, par.5(j)].
15. We believe in mutual support in times of natural calamity or where peace building is needed [Youth Declaration TT, pmb1 2]. We commit ourselves to the proper protection and defence of the natural environment and to equity, sustainability and diversity in our planet and for all living creatures that make it up. [TT 12]. [Declaration Port-of-Spain: Partnering for a More Equitable and Sustainable Future: Release 29 Nov 2009].

## **COMMONWEALTH ASPIRATIONS**

16. We aspire to a Commonwealth that is in harmony with the future: an association that draws on its history; utilises its strengths; pursues the common interests of its members; and seizes the opportunity to help to them and others to shape a better world [Coolum, par.8].
17. We aspire to a Commonwealth that is foremost in the elimination of poverty, unjust discrimination, powerlessness and despair. We pledge ourselves, through the Commonwealth, to contribute to the enrichment of life for peoples everywhere and to provide a powerful

influence for peace, development, good governance and human rights throughout the world [Singapore, par.14].

18. We aspire to a Commonwealth that builds on its strengths but is unafraid to evolve and to adapt itself constantly prepared to adapt to changing times and fresh challenges [Coolum, par.8].
19. We aspire to good relations between our nations so that they are conducted in accordance with the values of the Commonwealth and consistent with the principles of consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy and responsiveness that mark the Commonwealth out amongst international associations. [TT, par.6].
20. We aspire to an enlarged role for the Secretary-General of the Commonwealth [Millbrook, par.4] and the Commonwealth Secretariat in promoting and upholding the Commonwealth's values; in supporting adherence by our countries to such these values and principles; in preventing and settling any conflicts that may arise; and in giving voice in the Commonwealth and in the world to these values and aspirations to which we pledge ourselves.
21. We aspire to give affording practical assistance and technical aid to build the capacity of the public and private institutions in Commonwealth countries that uphold Commonwealth values and to strengthen the institutions of member countries so as to ensure the attainment of our values and the avoidance of all violations [Millbrook, par.2], CMAG [Millbrook par.3]
22. We aspire to an effective role for the Commonwealth Ministerial Action Group (CMAG) as the special custodian of the Commonwealth's values. We call on CMAG to respond and deal promptly and effectively and promptly with all instances of serious or persistent violations of Commonwealth values; to adopt measures designed to prevent such violations from occurring and to pronounce and act upon them, including in public as

appropriate, so that the commitment and resolve of the Commonwealth to abide by its values will not be put in doubt [TT, par.8].

23. We affirm that, in the face of serious or persistent violations of the values expressed in this Charter, silence on the part of the Commonwealth is not an option [EPG, 26 October 2010].
24. We recognise the particular vulnerabilities of small island and developing states [Millbrook, par.6(e)] as well as the urgent need for concerted action by the international community to address their special needs. We aspire to a Commonwealth that will pursue innovative and practical support for small states and recognise its role as a special and effective voice at international forums for the small and vulnerable states of the world [Coolum, par.7; pars. 37 and 38].
25. We aspire to immediate progress consistent with Commonwealth values that will transform the Commonwealth in ways that seize the opportunities and respond effectively to the challenges of our time:
  - 25.1 By enhancing the role that the youth of the Commonwealth will play in the governance, institutions and diverse voices of the Commonwealth, acknowledging that the future of the Commonwealth belongs to them;
  - 25.2 By increasing the linkages of the people of the Commonwealth through new information technology so that the shared means of communication and our common use of the English language will enhance national, individual and group relationships, promote national and international understanding and strengthen the ties of friendship; and
  - 25.3 By promoting the advantages of the freest possible multi-lateral trade within the Commonwealth [Harare, par.9(f)], utilising the shared media of language, legal, educational, sporting [Harare, par.9(h)], professional and other commonalities so that our unique global association will become a true commonwealth for all its



peoples linking together economies rich and poor, large and small, developed and developing, to the benefit of the economic progress of all; to strengthen economic capacity and resilience so as to support and advance Commonwealth values and aspirations and the wellbeing of all Commonwealth citizens.

26. We aspire to a Commonwealth that will be a strong and respected voice in the world, speaking out on major issues; committed to strengthening and enlarging the many networks that already exist; dedicated to raising the profile of the Commonwealth in the world; and devoted to improving the lives of the peoples of the Commonwealth and thereby of humanity everywhere.
27. And we aspire to strengthen the Commonwealth as a free association of peoples who are represented in its councils and agencies by democratically elected and appointed leaders, served by uncorrupted officials, based on these abiding values and aspirations and organised to give primacy to the people of the Commonwealth in whose name this Charter is expressed.

DONE at-----, this-----day of-----20-- , in the name of the peoples of the Commonwealth of Nations, and in the presence of the Head of the Commonwealth

(Signed) by Commonwealth Heads of Government