

# Commonwealth Heads of Government Meeting 2015

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## Commonwealth Heads of Government Meeting

Dear Delegates,

Welcome to the Commonwealth Heads of Government Meeting! I hope you're as excited as I am to embark on this adventure together. My name is Nick D'Ascanio and I'll be your Chair for this committee.

I hail from a sleepy town struggling to make the transition from industrial to post-industrial: London, Ontario. Perhaps because of this parochial upbringing, I find geopolitics, international relations, and international institutions highly interesting. I'm in my third year here at McGill studying History and minoring in International Relations (although these things are often subject to change). I've been doing Model UN since high school. At McGill, I've Vice-Chaired, committee directed, went on a delegation trip to WPSC 2014, and was on the Secretariat for SSUNS 2014.

The Commonwealth of Nations is unique in the world. It is not just an inter-governmental organization. It is a family. The member states of the Commonwealth are united by a shared language, history, and culture. They are bound by the shared values of democracy, human rights, and the rule of law. The former countries of the British Empire now work together as equals in the Commonwealth of Nations. The Commonwealth Heads of Government Meeting offers a chance for Commonwealth leaders to work together towards common goals. The theme of CHOGM 2015 is "the Commonwealth - Adding Global Value." This means using the Commonwealth's strengths in international politics to influence and change global issues. Three issues of focus at CHOGM 2015 will be: human rights within the Commonwealth and without, sustainable development and women in development, and ensuring the relevance and global value of the Commonwealth in the 21st century.

I've been fortunate to work with a great team of Vice-Chairs who have put a lot of work into this committee. While you were enjoying your summer they were toiling away to bring you this background guide. They're a committed, knowledgeable, and fun bunch that I hope you all get the chance to know.

### **Aleksandra Kasikovic**

Hello Delegates! My name is Aleksandra Kasikovic and I am delighted to be a Vice Chair on the Commonwealth Heads of Government Committee. Born in Vancouver but raised in New Jersey, I am pursuing a Masters in Biotechnology after just finishing my undergraduate degree here at McGill. Previously, I have vice-chaired McMUN for the Sixth Committee and acted as a committee director of The United Nations Trusteeship Council, so most of my Model UN experience has been on the staffing side. I am excited to be a part of another General Assembly with a chance to meet many passionate delegates and looking forward to my first SSUNS experience. I strongly encourage doing additional research ahead of time, not only to add depth to the topics, but also to allow them to run more smoothly. I hope you are as excited as I am for an amazing weekend filled with intense debates, new friendships, and lots of coffee!



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### **Tijana Mitrovic**

Hi, my name is Tijana Mitrovic and I am currently studying International Development and History. While this is my first year at McGill, I have been doing Model UN for several years and have had the pleasure of being a delegate, dais member, and Secretariat member for previous conferences. I am looking forward to being one of your Vice Chairs at Commonwealth Heads of Government and am excited for the enriching and stimulating debate to come. In my spare time, I enjoy browsing the New York Times, reading Shakespeare, and re-watching the movie Clueless.

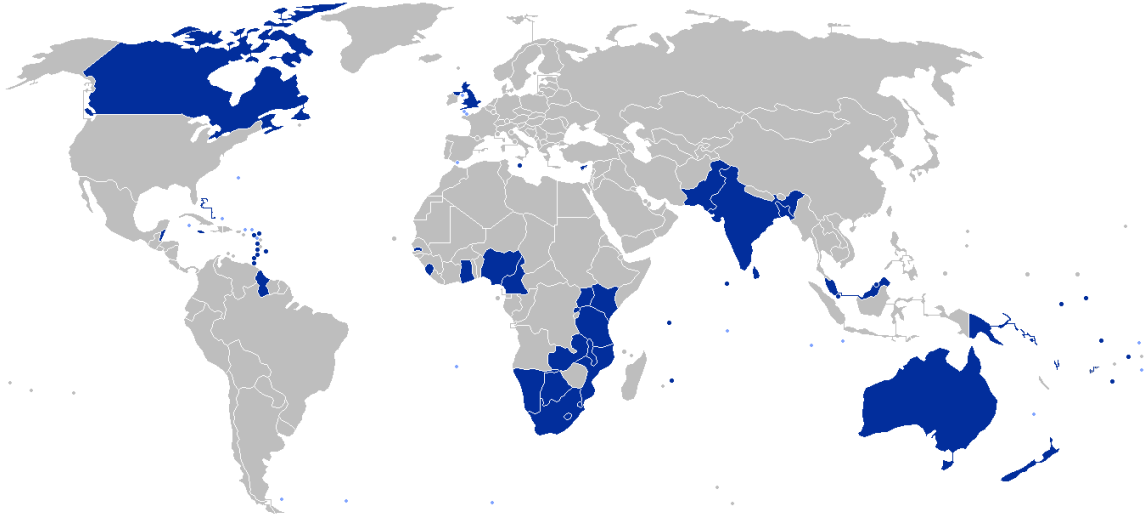
### **Samaa Kazerouni**

My name is Samaa Kazerouni and I am excited to be one of your Vice Chairs this year! I am currently in my second year at McGill University, studying International Development and Psychology. I have participated in MUN conferences for the past five years, including SOMA (Southern Ontario Model Assembly) and SSUNS. I grew up in Toronto, and in my free time I love exploring 'the six'. Here's a fun fact – my pants once caught on fire. Have a great time researching for these topics!

We are all excited to watch all of you learn and grow at SSUNS 2015!

Sincerely,  
Nick D'Ascanio

### Topic One: The Relevancy of the Commonwealth in the 21<sup>st</sup> Century



The peaceful dismantling of the British Empire was one of the most remarkable and yet often under-appreciated events of the 20<sup>th</sup> century. A few road bumps notwithstanding, the British gave up the majority of their global holdings without major violence. Violence would occur later between India and Pakistan or South Africa and Namibia, but the fundamental political process of decolonization went relatively smoothly. The legacy of this metropole-driven decolonization project is the Commonwealth of Nations. The organization ensures that no single member dominates all others, but the cultural, linguistic, economic, and even political bonds between members can endure. The Commonwealth blunted the trauma of imperial decline by preserving the global links its members had become accustomed to.

What then, is the role of the Commonwealth in a world where Britain's tenure as a superpower is a distant memory? The theme of the 2015 Commonwealth Heads of Government, the Commonwealth's Global Value, seeks to address this. Whether by accident or design, the Commonwealth has endured as an important forum for small states to assert their interests and for inter-governmental discourse focused on shared heritage. The Commonwealth's global value lies in its fraternal nature. It allows a diverse array of member states to come together on issues of mutual concern, without the disruption of vested great power interest.

#### Section 1: Related Organizations

Much of the Commonwealth's global value comes from the constellations of non-governmental organizations that have branched out from it:

The Commonwealth Foundation: A civil society organization aimed at preserving and promoting the Commonwealth values of democracy, good governance, respect for human rights & gender equality, sustainable development, and the promotion of arts & culture.



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The Commonwealth Games: Arguably the most visible Commonwealth activity, this multi-sport event is hosted every four years. It is designed to be a “friendly games” in the style of the Olympics to promote Commonwealth linkages.<sup>1</sup>

The Commonwealth War Graves Commission: This organization is responsible for commemorating and maintaining the resting places of the 1.7 million Commonwealth citizens who died as a result of the two World Wars. It is engaged in ceremonial commemoration and historical record keeping.

Commonwealth of Learning: Created to promote education, particularly with the integration of information technology and over long distances.

Commonwealth Small Business Council: Created to use the Commonwealth to promote global trade and investment for shared prosperity.

The Commonwealth Parliamentary Association: An association of legislators and legislative assemblies aimed at studying and strengthening democracy and good governance within the Commonwealth.

Commonwealth Local Government Forum: An association promoting good governance practices at the local level.

Commonwealth Culture and The Man Booker Prize: The Man Booker Prize is one of the most prestigious literary awards in the world. It is awarded to an author from the Commonwealth or one of the three former Commonwealth countries (Ireland, Zimbabwe, the Gambia). The Man Booker Prize represents the pinnacle of cultural achievement in English and indirectly serves to strengthen cultural and intellectual ties between member nations.

### Section 2: The South Africa Campaign and Sanctions

The Commonwealth's relevance in modern international politics was perhaps best demonstrated by the campaign against apartheid South Africa. A consensus developed between the developing and developed members of the Commonwealth that South Africa's apartheid policies were contrary to the values of the organization and universal human rights in general. Leaders from various Commonwealth states sought to leverage the organization to put pressure on South Africa. This movement reached its zenith with the expulsion of South Africa from the Commonwealth in 1961, only being readmitted in 1994 after its first free and fair elections.<sup>2</sup> The campaign against this institution in South Africa was spearheaded by many Commonwealth governments and countries, such as Canada. This campaign was expressed in a variety of uses of the institutional apparatus of

<sup>1</sup> “The Role of the Commonwealth Games.” *The Commonwealth Games Foundation*. <http://www.thecgf.com/about/role.asp>

<sup>2</sup> “Becoming a Republic and Withdrawing from the Commonwealth,” *South African History Online*. <http://www.sahistory.org.za/topic/becoming-republic-and-withdrawal-commonwealth-1961>



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the Commonwealth, such as the 1977 Gleneagles Agreement that forbid competition in sport between signatories and South Africa.<sup>3</sup>

The Commonwealth has undertaken similar sanctioning of other misbehaving member states. For example, Zimbabwe was suspended in 2002 over concerns about violent land reforms undertaken by the state-party apparatus.<sup>4</sup> The Commonwealth can be a powerful outlet of collective soft power.

### Section 3: Possibilities for the future

It is the responsibility of the commonwealth heads of government to renew and strengthen the Commonwealth's global value. There are many effective ways of doing this, and below are some of the big ideas past Commonwealth statesmen have considered.

Commonwealth Citizenship: In the United Kingdom, citizens of Commonwealth countries are offered certain privileges, such as enhanced visas and the right to vote in elections. The notion of a Commonwealth citizenship has been proposed several times and may provide many benefits in an increasingly globalized and mobile world.

Commonwealth Free Trade: The creation of a Commonwealth Free Trade zone has sometimes been presented in the context of British debates over its role in Europe as an alternative to the ECC/EU. The idea may merit some revisiting. Trade would have to substantially increase between Commonwealth states to make such a scheme feasible. A related idea is the creation of a single Commonwealth currency. Again, this would only be feasible with substantially increased trade between member states.

### Section 4: The Future of the Monarchy

While the British (and Canadian, Australian, etc.) monarch is not the head of state of all Commonwealth countries, the office remains at the core of the Commonwealth as an organization, with Queen Elizabeth II as head of the organization. It is a sad but eventual fact that Queen Elizabeth will not reign forever and so the Commonwealth heads of government are increasingly concerned with the eventual royal succession. Recently, the Commonwealth Realms (those Commonwealth countries with the monarch as head of state, the UK, Canada, Australia, New Zealand, and several others) adopted legislation that changed the laws of succession to establish equal primogeniture.<sup>5</sup> At the previous Commonwealth Heads of Government meeting in Sri Lanka, the Prince of Wales attended the conference in the Queen's stead, citing a desire to slow down the Queen's travel schedule in her old age.<sup>6</sup> The Commonwealth heads of government must prepare for this eventual transition in order to preserve and promote the institution at the core of the organization. The constitutional monarchy that the Queen represents is an integral part of Commonwealth values of good governance.

<sup>3</sup> "Gleneagles Agreement Starts Apartheid South Africa's Sporting Isolation," *The Commonwealth: Our History*. <http://thecommonwealth.org/history-of-the-commonwealth/gleneagles-agreement-starts-apartheid-south-africas-sporting-isolation>

<sup>4</sup> "Zimbabwe is Expelled from the Commonwealth," *The Commonwealth: Our History*. <http://thecommonwealth.org/history-of-the-commonwealth/zimbabwe-suspended-councils-commonwealth>

<sup>5</sup> "Law Ending Exclusively Male Royal Succession Now Law," *BBC News*. <http://www.bbc.com/news/uk-22300293>

<sup>6</sup>



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### Questions to Consider:

1. Is the Commonwealth still relevant in the 21<sup>st</sup> century? How can this be strengthened?
2. What are the implications of a globalized world on the Commonwealth?
3. How can new institutions strengthen Commonwealth solidarity?
4. How can the Commonwealth reconcile differences within itself?





### Topic Two: Sustainable Development and Women's Rights

Individually, sustainable development and women's rights are pressing global issues. Sustainable development is development that should meet current needs without compromising the ability of future generations to meet their own needs<sup>7</sup>. This definition was originally created in the Brundtland Report published by the World Commission on Environment and Development in 1987<sup>8</sup>. In particular, sustainable development looks at the essential needs of the world's poor, as well as limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs. It can be divided into three pillars: economic, environmental, and social<sup>9</sup>. Overall, sustainable development requires the vision of the world as a system that connects space and time<sup>10</sup>. Gender equality is defined as the rights, responsibilities and opportunities of individuals regardless of whether they are born male or female - it is a human right<sup>11</sup>. It also is a precondition for poverty reduction, as well as development<sup>12</sup>. Women account for about 2/3 of the 1.4 billion people who live in extreme poverty<sup>13</sup>. Although there has been substantial change regarding women's rights all over the world, gender norms still hold women and girls back.

Surprisingly, women's rights and sustainable development are very intertwined. Gender inequalities extract high economic costs, leading to social inequities, followed by environmental degradation all over the world<sup>14</sup>. Women make up the segment of the population that is hit hardest by the immense social, economic and environmental consequences of climate change. Women often lead very precarious livelihoods, as they are faced with the burden of securing shelter, food, water and fuel. The World Survey on the Role of Women in Development in 2014 states that gender equality is necessary to achieve sustainable development, since women are central actors in moving towards this goal<sup>15</sup>. Under regulated market-led growth and unequal power relations between men and women are a major cause of both gender inequality and unsustainable development. This includes the exploitation of women's labour and unpaid care work, as well as market actors who secure profit while polluting climates, land and ocean, via the overexploitation of natural resources<sup>16</sup>.

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<sup>7</sup> "What Is Sustainable Development?" International Institute for Sustainable Development. 2013. Accessed June 2, 2015.

<sup>8</sup> Bärnlund, Kaj. "Sustainable Development - Concept and Action." UNECE. 2004. Accessed June 2, 2015.

<sup>9</sup> Stevens, Candice. "Are Women the Key to Sustainable Development?" *Sustainable Development Insights* 003 (2010). Accessed June 2, 2015.

<sup>10</sup> "What Is Sustainable Development?" International Institute for Sustainable Development.

<sup>11</sup> Warth, Lisa, and Malinka Koparanova. "Empowering Women for Sustainable Development." *Discussion Paper Series*, 2012. Accessed June 2, 2015.

<sup>12</sup> "Gender Equality." UNFPA. March 3, 2015. Accessed June 2, 2015.

<sup>13</sup> "The Face of Poverty Is Female." International Planned Parenthood Association. Accessed June 2, 2015.

<sup>14</sup> Stevens. "Are Women the Key to Sustainable Development?"

<sup>15</sup> UN Women. 2014. *Gender Equality And Sustainable Development*.

<sup>16</sup> Ibid





### Section 1: Past Actions

The relationship between women's rights and sustainability has been introduced in various international settings in the last twenty-five years. The principle 20 of the Rio Declaration on Environment and Development (1992) states the essentiality of women in achieving sustainable development. Three years later, the Beijing Declaration and Platform for Action called for governments to integrate gender concerns into policies and programs for sustainable development<sup>17</sup>. The UN conference on Sustainable Development recognized the importance of gender equality and women's empowerment within economic, social, and environmental sustainable development, and resolved to promote the involvement of women in sustainability policies and programs<sup>18</sup>. According to the World Survey, a sustainable pathway must include an explicit commitment to gender equality in its conceptualization and implementation. The synergies between sustainable development and gender equality must be recognized, and there must be effective engagement between the three dimensions of sustainability with the integration of gender equality<sup>19</sup>.

### Section 2: Economics and Gender

There is an institutionalized form of gender discrimination in the inability to adjust the male work model to fit the needs of women. Currently, about 60% of eligible women in richer nations work, while only about 40% of women in poorer nations do<sup>20</sup>. The current economic model is mainly built on the ambitions of men, who have a different career trajectory than women. Since women tend to bear the responsibility of homemaking, they peak professionally at a later stage in their life in comparison to men. There is a lack of adequate childcare for working women, creating a necessity for flexible work hours – women struggle to maintain a proper work/life balance<sup>21</sup>. Furthermore, there is a significant lack of women in leadership positions within the professional world. Among Fortune 500 companies, women make up 3% of CEOs, 6% of top managers and 15% of board members<sup>22</sup>. Ironically, there have been studies by Catalyst and McKinsey indicating that companies with women in leadership positions tend to have better performance and higher profits. Women tend to be better at managing money, as men often spend more money on personal uses<sup>23</sup>.

Potential solutions within corporations would involve some major changes to their routine operations, to cater more to the needs of women. The UN Global Compact and OECD Guidelines for Multinational Enterprises are looking towards new guiding principles on gender for the global sector. These principles would not only include equal employment opportunities for both men and women, but would also recommend updated corporate practices that directly benefit women such as equal pay and affordable and

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<sup>17</sup> Ibid

<sup>18</sup> UN Women. *Gender Equality And Sustainable Development*.

<sup>19</sup> Ibid.

<sup>20</sup> Stevens. "Are Women the Key to Sustainable Development?"

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Stevens. "Are Women the Key to Sustainable Development?"



accessible child care. In developing countries, a solution would be to turn some of the management of finances to women. Currently, women in developing economies are 20% less likely than men to have formal bank accounts. Numerous gender restrictions, such as requirements for a male family member's permission to open an account, exist in these economies<sup>24</sup>. There are about 9 million small and medium enterprises with female ownership in emerging markets. These businesses have unmet financial needs of between US\$260 billion and US\$320 billion annually, barring them from growth and development<sup>25</sup>. If these women gain access to credit, the economic opportunities available to them will increase dramatically, and bank accounts can lead to the use of additional financial services. Instead of solely working towards gender-neutral solutions, there should be a specific focus on developing the role of women in the professional world.

### Section 3: Society and Gender

Society and gender tends to be the most politically sensitive pillar of sustainability. This is because it involves changing powerful societal trends, such as rising unemployment levels, and the widening gender gap<sup>26</sup>. The expectations of a man or woman depend on the socio-cultural context of their society, and this often tailors their role in the workforce, and even in their daily lives. Gender roles are learned through the socialization processes – these roles are not pre-determined or fixed in any manner. Gender roles are institutionalized through legislation, education, culture and traditions, and result in gender norms and practices that disadvantage women. The biological reproductive role of women has automatically led to the assumption that they automatically hold the role of homemaker<sup>27</sup>.

The OECD Social Institutions and Gender Index looks at variables such as family codes, violence against women, and ownership rights in developing countries. The gender scores are found to be lowest in South Africa and Sub-Saharan Africa, areas with high levels of poverty. Solutions presented include reforms addressing underlying causes of discrimination, including changes to laws governing property rights, marriage, divorce and inheritance. Furthermore, the redistribution of income via taxes, education, and social safety nets can ensure that future generations have fewer issues regarding gender inequalities<sup>28</sup>. This long-term sustainable development plan relies heavily on good governance practices giving equal weight to the above factors.

### Case Study: United Kingdom

According to the World Economic Forum, the UK is twenty-sixth in the rankings of its Global Gender Gap Report, the result of a steady decline since 2006 when it was ranked ninth. This index measures equality gaps in countries, and the UK was not only

<sup>24</sup> Isaac, John. "Expanding Womens Access to Financial Services." The World Bank. February 26, 2014. Accessed September 2, 2015.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Bärlund. "Sustainable Development - Concept and Action."

<sup>28</sup> Stevens. "Are Women the Key to Sustainable Development?"

overshadowed by Scandinavian countries, but also by some middle-income and developing countries such as Nicaragua (seventh) and Rwanda (seventh)<sup>29</sup>. The low score in the UK is a result of significantly low scores for economic participation. As seen in Figure 1, there is a severe shortage of women as legislators, senior officials and managers, as well as a large inequality in earned income<sup>30</sup>. It is not only developing countries that are facing women's rights challenges, but first world countries such as the United Kingdom and the United States of America.

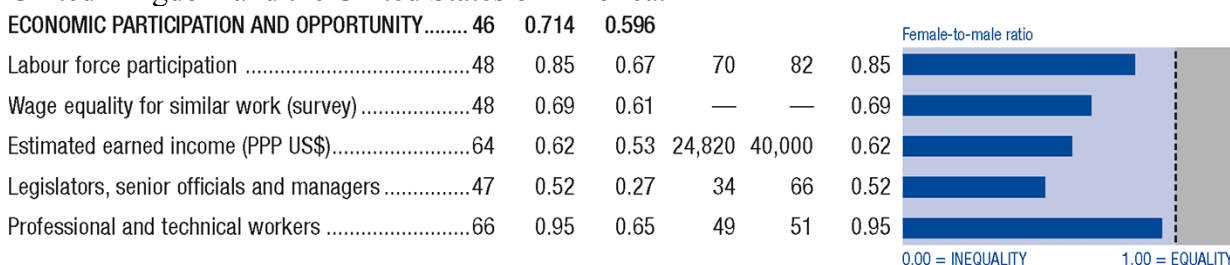


Figure 1: UK Score Card for Economic Participation in the 2014 Gender Gap Index Source: World Economic Forum

## Section 4: Environment and Gender

There is a plethora of information stating that women are more environmentally conscious than men. For instance, women are more likely than men to buy recyclable, eco-labelled and energy efficient products, and in the developed world, women account for 80% of household purchases<sup>31</sup>. Furthermore, women tend to bear the burdens of climate change and the effects of extreme weather conditions<sup>32</sup>. Environmental changes have a negative impact on infrastructure and resource supply, which makes it more difficult for women to undergo daily tasks, as well as the upkeep of their homes. These changes bring about increases in the costs of energy, health-care and food, which disproportionately affect women (especially single mothers), even in developed countries. For instance, after Hurricane Katrina, those who struggled the most to recover were the women, who also happen to be the majority of the poor in the USA<sup>33</sup>.

Reinforcing women's roles in sustainable development will not only help to reduce climate change, but will put them in a role where they can manage the aftermath of natural disasters. In India, after the tsunami, a network of women's self-help groups provided for the practical needs of the local population such as sanitation and health care. In comparison to women who lean towards changes in consumption patters and carbon reduction targets, men favour more technical solutions such as research on bio-fuels and carbon storage<sup>34</sup>. Both solutions can be successful, but women's outlooks are often seen to guarantee change.

<sup>29</sup> Goodley, Simon. "UK Gender Gap Continues to Widen, Says World Economic Forum Report." The Guardian. October 28, 2014. Accessed June 2, 2015.

<sup>30</sup> "Global Gender Gap Report 2014." World Economic Forum. 2014. Accessed June 2, 2015.

<sup>31</sup> Stevens. "Are Women the Key to Sustainable Development?"

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Stevens. "Are Women the Key to Sustainable Development?"



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Additionally, the role of women in the government is important – when women are well represented on legislative bodies, corruption levels are seen to go down. Currently, women hold only 22% of legislative seats worldwide. Thus they do not have a large influence on environmental policy<sup>35</sup>. Finally, the majority of professions with “green positions” are ones where women are minority workers, including construction and engineering. Solutions are required to recruit women for these jobs, with particular training towards sustainable development while ensuring equal pay and high labour standards.

### Case Study: Rwanda

Rwanda has the highest number of women parliamentarians worldwide, with women holding 63.8% of seats in the lower house<sup>36</sup>. This country has 24 seats (30% of the total) reserved for women through its quota system and the rest comes naturally. After the Rwandan genocide twenty years ago, the nation began to rebuild itself. During this process, a conscious effort was made to place equality at the forefront. For this reason, a quota was put in place for female parliamentarians. This meant that Rwandan women had to be educated, which contributed to females taking more and more leadership roles<sup>37</sup>. Today, Rwandans are proud to say that women have a great influence on their social and economic process.

### Conclusion

Women need to be seen in more productive, decision-making roles to see progress towards sustainable development. Women’s knowledge and collective action should be used as an asset for improving resource productivity, enhancing ecosystem conservation and the sustainable use of natural resources, as well as creating low-carbon food, energy, water and health systems<sup>38</sup>. Sustainable development requires good governance, which cannot be seen until society approaches gender parity. The three pillars of sustainable development: the economy, society and the environment are key focus points for women to increase their influence in.

### Questions to Consider

1. What are some of the main causes of climate change in your country? How can you work to decrease these causes while increasing the influence of women within society?
2. In your opinion, which pillar of sustainable development should be a priority for your country to focus on? Is it possible to focus solely on one, or do you find that the three are intertwined?

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<sup>35</sup> “Facts and Figures: Leadership and Political Participation.” UN Women. Accessed September 2, 2015.

<sup>36</sup> Ibid.

<sup>37</sup> Kantengwa, Juliana. “Why Rwanda Has the Most Female Politicians in the World.” Left Foot Forward. September 17, 2013. Accessed June 2, 2015.

<sup>38</sup> UN Women. *Gender Equality And Sustainable Development*.



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3. Do you think it would be more effective to focus on educating girls to ensure that the next generation is better equipped to reach gender parity? Does this go against the definition of sustainable development, which states that both the needs of the present and future must be met?



### Topic Three: The Commonwealth and Human Rights

#### Section 1: Background Information

The Commonwealth has had a long history being at the forefront of human rights. When its initial hierarchical power structure was challenged in the 1960s with the end of Britain's imperialist rule abroad and the independence of formerly colonized nations, the Commonwealth revised itself into a Secretariat based on equality among all new and former members. In 1987, the Commonwealth Human Rights Initiative (CHRI) was founded as a non-governmental organization specifically focussed on the status of human rights within the Commonwealth. Since its establishment, the CHRI has worked closely with the Commonwealth Heads of Government Meetings, providing each summit with a detailed human rights report on relevant themes every two years (Commonwealth Human Rights Initiative).

As well, Commonwealth nations were quick to support the UN in their adoption of stricter policies concerning human rights throughout the latter half of the twentieth century. An example would be all fifty-three member nations of the Commonwealth voting in favour of the adoption of the resolution 'Declaration on Human Rights Defenders' in the UN General Assembly in 1998 (Commonwealth Human Rights Initiative). While there have been challenges in the past from member nations', ranging from apartheid to civil wars to domestic political dissidence, the Commonwealth has largely entered the new millennium in a position of political confidence.

However, in recent years certain human rights infringements of member nations have come to light on the international platform, with some even having been condemned by the UN. Abuses of children, women, the LGBTQ community, the Indigenous communities, and of innocent civilians have emerged from Commonwealth nations with diverse histories and backgrounds. In fact, the diverse array of countries from which these transgressions stem only highlights the diverse array of human rights issues which the Commonwealth will have to address in order to help the thousands being persecuted across continents.

The three examples to be discussed concerning Kenya, Sri Lanka, and Australia are, unfortunately, only some of the human rights violations happening in member nations of the Commonwealth. It is important to remember that while they do provide a diverse array of rights infringements, these issues remain pertinent throughout the whole Commonwealth, whether there are similar human rights infringements there or not.

#### Section 2: The Case of Kenya

Independent since 1964, Kenya has undergone governments who have all practiced some degree of limited political freedoms. In the last decades of the twentieth century, human rights abuses in the name of politics and government diminished but were not eradicated: those against women through sexual violence, those against children through labour and prostitution, and those against the LGBTQ community through criminalization are among





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several which have transcended into the twenty-first century (BBC). Yet by far the most transgressional group of human rights within Kenya are the national police forces (Human Rights Watch).

Alongside the standard police forces, the Anti-Terrorism Police Unit (ATPU) and the General Service Unit (GSU) have been implicated in human rights abuses such as beating of suspects without evidence, torture, unlawful use of lethal force, arbitrary detention, among many others (Open Society Foundation). Often, the targets of these abuses have been the same minorities throughout the country, most notably Somali refugees and Muslim minorities (Amnesty International). The culmination of these atrocities was in the intense violence that immediately followed the December 2007 national election, which lasted throughout 2008 and killed over a thousand and displaced nearly 650,000 people (Human Rights Watch). As the Kenyan police forces did then and continue to do now, they detained, arrested, and beat those they considered suspects in the violence, sometimes without much, if any, evidence to suggest their culpability. These violations occur even in times of relative political and social calm, which in itself is diminishing in face of the growing refugee outpour from Somalia and increase of terrorist attacks.

The response of the government however, even at the urging of the UNHRC, has been to pursue a very slow, and inefficient investigation into the violence committed during the election crisis. As of yet, the government has not brought any suspects to justice for what may have been crimes against humanity and has often dismissed suspects due to 'insufficient' evidence (Amnesty International). Even with the establishment of the Kenyan Independent Policing Oversight Authority (IPOA), which was created to investigate complaints and criminal offenses by police forces, has had marginal success in bringing about real change due to both a lack of reports and a lack of funds (Amnesty International).

Serious police brutality is not the only significant human rights issue within Kenya. As the situation in Somalia deteriorates, more and more people are crossing the border into Kenya as refugees. In camps such as Dadaab, where the majority of refugees are Somali, national Kenyan forces terrorize the population, all while the government provides very low levels of support and justice (Amnesty International). Members of the Kenyan LGBTQ community may also find themselves in precarious situations with the law and its enforcers, as the criminalization of their way of life endangers them with a real likelihood of subjection to harassment, extortion, arbitrary arrest and detention without charge or on trumped up charges, denial of services, sexual assault, and rape at the hands of police and other state agents (Human Rights Watch).

Many communities within Kenya continue to endure abuse at the hands of the police, all while the government fails to adequately pursue and responsibly respond to these human rights violations.

### Section 3: The Case in Sri Lanka

Embroided in a violent civil war that spanned the last two decades of the twentieth century, Sri Lanka has had serious human rights violations within its border which





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continue to this day. A two-pronged struggle between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), in which the LTTE's repeated crimes against civilians as ploys to grab the government's attention were met with little attention to the LTTE and for their citizens. While the government defeated the Tamil Tigers in 2009, much of the abuse has not stopped (Human Rights Watch).

The LTTE was a militant faction intent on achieving power in Sri Lanka even in the face of high costs: often, those high costs were human lives. Their atrocities, including suicide bombings, child soldiers, and killing of civilians are perhaps less shocking when compared with the actions that the Sri Lankan government themselves overtook during the civil war (Human Rights Watch). Both sides of this war committed heinous crimes against innocent civilians, yet during the war the government ignored caring for its own citizens, helping those who were displaced even several years after the fighting had ceased. Not only this, but Sri Lanka persecuted Tamil people who they believed could be involved with the LTTE: this means that countless civilians were detained, likely beaten and tortured, on very little, if any evidence to suggest they were working against their government. The persecution of the Tamil people at the hands of government forces are one of the abuses that Sri Lanka – among detaining human rights activists, limiting all aspects of media in certain parts of the country, and threatening committees investigating the atrocities committed during the war – continues to ignore (Human Rights Watch).

Even after multiple UN resolutions urging Sri Lanka to investigate war crimes committed in the last phase of the civil war, including one in 2012, 2013, and 2014, the government has refused to comply, all while dismissing reports that they too engaged in gross human rights violations (BBC; Human Rights Watch). It is hard to say what level of action will prompt the Sri Lankan government to finally pursue the crimes committed during the war and persecute those who executed such abuses which still affect its citizens today.

### **Section 4: The Case of Australia**

While Australia is one of the founding members of the UN and assisted in drafting the Universal Declaration of Human Rights, it still has numerous human rights misdemeanours to address. While these human rights infringements are of a different nature than many of the ones previously discussed, they are still highly important and relevant to other nations within the Commonwealth. It is also interesting to note that Australia is currently bidding for a spot on the UNHRC in 2018, even amidst international criticism for their unsatisfactory track record in human rights.

Most of these transgressions are due to Australia's current treatment of refugees. At the moment, Australia shuttles all incoming refugees and asylum-seekers from around the Asian Pacific onto one of their offshore detention centres on Manus Island and Nauru – that is of course, unless they do not attempt to send them back to the countries from which they flee (Doherty). Those who come to Australia by boat, dangerous in itself, must endure staying in dirty and unsanitary detention centres while they undergo asylum and refugee claims – the process of which fails to be fair or transparent – which may take years at a time (Human Rights Watch). Reports funneled back to the mainland and the international world have described these centers as hotspots for violent riots, child sexual



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abuse allegations, inadequate medical care, assaults and other human rights breaches (Doherty). Even in the face of condemnation from human rights groups at home and abroad and the UN itself, the Australian government not only continues to propagate this inhumane policy, but has also tried to minimize the arrival of refugees on Australian shores. This has been done by ‘allying’ with nations such as Sri Lanka and Cambodia to implement policies such as boat turn-backs and regional resettlement in exchange for muting their criticism of the human rights abuses of those countries (Doherty).

Refugees and those seeking asylum are not the only groups who suffer at the hands of the Australian government. The Indigenous peoples of Australia are still confronted with attitudes of racism in the face of police and law enforcement, and endure their scrutiny at much higher levels than non-Indigenous Australians (Lane). The over-policement of Indigenous peoples in Australia has led to a much higher likelihood of discrimination and arrest, for while Indigenous peoples make up account for only 3 percent of Australia’s population, they account for 27 percent of Australia’s prison population (Human Rights Watch). As well new amendments to Australian laws, wherein police officers can perform ‘paperless’ arrests and detain citizens for up to four hours without placing charges, highly endanger the Indigenous population, and “undermine the rights of Indigenous Australians and violate their right to be treated with humanity and dignity, to be treated equally before the law and to due process” (Lane). The LGBTQ community within Australia is also at a societal disadvantage, as homosexual marriage has not only not yet been legalized, but been retracted from law by the federal government after some states recognized it. For while the majority of the Australian population supports equal rights in marriage, the government continues to discriminate against this community, denying it of what many call a ‘basic human right’ (Human Rights Watch).

### **Section 5: Commonwealth Response to Human Rights Abuses**

At present, the responses of Commonwealth nations to these human rights infringements have been few and far in between. In recent years, the leaders of Canada, India, and Mauritius abstained from attending the last CHOGM as it was held in Sri Lanka in November 2013, as a protest against their human rights violations (BBC). As well, while Sri Lanka was chairing CHOGM, Canada retracted a ten million dollar donation contribution to the Commonwealth Secretariat as a protest of Sri Lanka’s abuses, having a direct impact on the entire Commonwealth (Bell). Other actions taken against human rights abuses, such as those in Kenya and Sri Lanka remain purely on the level of vocal condemnation.

This however, has had little effect on actually bringing these human rights abuses to a stop: if the Commonwealth is serious about tackling these transgressions, they will need to show a stronger resolve through more than just rhetoric.

### **Section 6: Conclusion**

Human rights are a serious issue for the Commonwealth at this time, not only since it endangers the global image of the Secretariat, but also because many citizens of it are suffering in unfair and unjust positions. While the transgressions in Kenya, Sri Lanka,



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and Australia have been explored, there are, unfortunately, many more instance of human rights violations within the Commonwealth to consider. As of now, the Commonwealth has done little to stall these violations in its member nations: if it wishes to ameliorate the lives of its people a serious change of strategy that will yield substantial results is necessary.

### Questions to Consider

1. Has your country committed any human rights transgressions? What can you do to tackle the issue of human rights within your own borders? Could such a solution be applied to other states?
2. If clear rhetoric and condemnation won't stop a country from abusing human rights, what action might persuade them to stop? Does the type of action necessary depend on the extent of human rights abuse? Or should all human rights abuse necessitate the same escalating levels of action?
3. Apart from reactionary measures that must be taken to counter the now-existing violations of human rights, are there any preventative actions that Commonwealth countries may take to prevent future instances of human rights abuses? Should the Secretariat even commit time to considering preventative measures, or should the sole focus be on countering the violations at hand?

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