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Witness: The Rt Hon Patricia Scotland QC

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Members present

Lord Howell (Chairman)
 Baroness Coussins
 Lord Grocott
 Lord Hannay of Chiswick
 Baroness Helic
 Baroness Hilton of Eggardon
 Lord Inglewood
 Lord Jopling
 Baroness Smith of Newnham
 Lord Wood of Anfield

Examination of Witness

The Rt Hon Patricia Scotland QC, Secretary-General of the Commonwealth of Nations

Q1 The Chairman: Secretary-General, good morning, and thank you for joining us; we are very pleased about that. I should formally make the point that this is on the record and that there will be a transcript afterwards with opportunities to add supplementary points and so on and changes that you want to make. This whole session is enormously useful to us and I hope, indeed, useful to you. The Committee is also studying at this stage the role of another secretary-general, namely, the Secretary-General of the United Nations, yet to be appointed. Your work and your organisation, the Commonwealth system, exists in the same world as the UN and there is an overlap, but we see your Commonwealth issues as separate and are going to draw some conclusions from what we hear from you, and possibly from Ministers later on. Can I begin by asking you a fairly general question? What role do you see for the modern 53-nation Commonwealth in today's very unsettled, rather dangerous and fast-changing international context? How does it relate to the global networks that have emerged, to the rising power of Asia and of course to the work of the UN, if you have time for that as well? It is a general question, so please, over to you.

Rt Hon Patricia Scotland QC: First, I thank the Committee very much for inviting me to come to speak to you today, because the Commonwealth has never been more important than it is now. As the Committee knows, the Commonwealth is made up of 53 nation states encompassing the countries of the smallest nature, like Nauru, which has less than 10,000 people, and the largest, India, which has 1.3 billion. The Commonwealth is joined by not only history but a number of valuable values inasmuch as we have a common language, common law, common institutions and a common parliamentary structure, and it encompasses 2.3 billion people. What is so extraordinary about the Commonwealth is that it has within its

boundaries people of all races, all colours, all religions and all cultures. That enables the Commonwealth to do something quite extraordinary—to have a conversation between peoples from six regions of the world, encompassing one-third of it.

As you rightly point out, Lord Chairman, Asia is becoming increasingly important; a great deal of power for the future lies in Sri Lanka, Bangladesh, Pakistan and India, and we can look at the 18 African states together with the countries from the Caribbean and Europe, and, of course, from the Pacific. This eclectic mix enables the world to have a conversation through the prism of the Commonwealth, which has never been more important, because, in the troubling and troubled times in which we now live, there are very few platforms where the broad spectrum of people encompassed within the Commonwealth come together and have an opportunity to agree. One can see the power of the Commonwealth in its ability to reach consensus by what happened last year, both in the UN sustainable development goals and in COP 21. For about two and a half years the Commonwealth's 53 Heads had been discussing what the Commonwealth strategy should be—what was the strategic plan. The essence of what the Commonwealth agreed prior to September 2015 were the Sustainable Development Goals. If we look at what happened in September and reflect on the Commonwealth strategic plan, we see almost a mirror of the agreement and then the SDGs.

The same happened with the Commonwealth's approach to climate change. Many of the Committee will know that the Commonwealth countries first started talking about Commonwealth commitment to climate change back in 1989 at the Langkawi conference. Since then, looking at what happened last year, in 2015, consensus had been building across the Commonwealth that climate change needed to be tackled; we needed an aspirational target of 1.5 degrees, 2 degrees had to be an absolute minimum, and we had to have enforceability. The agreement arrived at in Malta in November was the mirror of what was then agreed in Paris. One reason for that is that members of the Commonwealth 53 in every single regional group were pushing for consensus. In Barbados, at the Caricom conference, the Caribbean had been able to speak very persuasively to Canada, which agreed with the Caribbean group that 1.5 degrees was right. Africa, then part of the ACP, was supportive of the Caribbean and the Pacific. It too agreed 1.5 degrees. By the time we got to the Pacific conference—the Pacific Islands Forum in Papua New Guinea—Australia, which might have been more questioning, was persuaded by the Pacific that 1.5 degrees was right, and by the time we got to the Maltese Heads of Government Meeting we had 52 countries with a solid commitment to 1.5 degrees and then 53 agreeing on 2 degrees. That demonstrates the power of consensus that can come from the amalgam of consultations in the Commonwealth. If we look at the

troubles that now exist between our different cultures, races and regions, the opportunity for the Commonwealth to be the consensus builder, the opportunity for sane, quiet conversation, has never been greater.

The Chairman: Thank you. Before I ask my next question, as Chairman, I should have mentioned that I have an interest to declare as president of the Royal Commonwealth Society and chairman of the Council of Commonwealth Societies.

Can I follow up that very comprehensive answer by saying consensus, yes, dialogue, yes—an amazing network of sympathy, understanding and shared values—but can you be specific about what that adds in value terms to peace, prosperity and the expansion of trade in an unsettled world, and indeed the upholding of human rights, that is not being done already by other organisations?

Rt Hon Patricia Scotland QC: It creates an opportunity to have very challenging and difficult conversations between countries that have very different perspectives. As you know, we have small, medium and large countries; we have landlocked countries, countries that are as large as a continent and tiny countries. I can think of no other group that brings that eclectic mix of people together. Much more significantly, on trade, I hope most of the Committee will have had the opportunity and the advantage of reading *The Commonwealth in the Unfolding Global Trade Landscape*, which was produced before I became Secretary-General and therefore I can laud it as a piece of excellent, dynamic, wonderful work not undertaken by me. It was a seminal piece of work for the following reasons. It analysed, with a degree of precision that had never been undertaken before, the actual advantage of those 53 countries trading together. It identifies the benefits of having that shared platform—the same language, the same common law, the same legal structure and similar institutions—and the analysis identified that there is a 19% advantage for Commonwealth common-law countries trading with each other above trading with any other partner. We are not talking about trade preferences. We are talking about commercial economic advantage. There is a real opportunity for us to expand that trade advantage. One of the things that I have been speaking to the 53 Heads about is whether we can, within the Commonwealth Secretariat, create an office of civil and criminal justice reform. I intend to do it. At the moment, virtually every one of those 53 countries is going through a review of how to make the civil justice system faster, easier and more economic and efficient to enable people to trade with each other. For example, Lord Justice Michael Briggs is currently reviewing our civil justice procedure, updating and reviewing the Woolf reforms to civil justice that have been taken up right across the world as a way to enhance the efficiency and effectiveness of the civil justice system. What I am

contemplating—there is a big appetite for this—is encouraging the 53 countries to work together to create what I hope will become a seminal methodology that could be applied between all the 53, because, if we are all reviewing our systems together, why do we not review them simultaneously? I propose that we will have Commonwealth best practice models: Commonwealth best practice in relation to contracts, Commonwealth best practice in relation to template legislation and Commonwealth best practice in relation to regulation.

The great thing about the Commonwealth is that it is consensual. No one has to adopt any of those procedures, but we know the parliamentary structures are very similar. The concerns that we would have in one of our member states are likely to mirror concerns in others about rule of law, integrity, good governance and issues in relation to matters such as corruption. They are all mirrored. Instead of the 53 doing them on their own, if we can coalesce around an agreed platform and produce those models, there is an opportunity for us to enhance the 19%, to get interoperability between the 53 and make it easier to trade. We would not be dependent on simple trade preference; we would have operational advantage, enhancing the 19%. I aspire to think about what our trading relationships would look like if we could increase that to, say, 30%. If we could get a 30% operational practical discount for people working together, why would they not do that? I have heard right across the Commonwealth the complaint that there are insufficient parliamentary draftsmen and women, and many countries are looking at the same issues. This is an opportunity for trade and interoperability that I think no other constellation of countries can deliver.

Q2 Lord Hannay of Chiswick: I think the British parliamentary draftsmen may be prioritising something different, but let us leave that for the moment. There are two subjects that you have not mentioned but which seem to be of the sort that you have mentioned: one is migration and the other is radicalisation. There are, after all, several Muslim majority countries in the Commonwealth, such as Pakistan and Bangladesh, and there are others with large Muslim populations. Do you think the Commonwealth has a contribution to make in either of these two and, if so, how should it set about it?

Rt Hon Patricia Scotland QC: It has a contribution to make because of the eclectic mix of cultures that I have been speaking about. The Commonwealth is a family, and within that family there are common problems; for example, not just in those countries, but in all our countries, radicalisation, how we respond to the increasing threat of terrorism, is real. One of the opportunities we have is to try to disaggregate the threat that is made against us jointly, so that we can better understand and identify the commonalities that are present in that threat and can together craft a better response to the terrorism, to the radicalisation that we all jointly

face. I have been talking to a number of colleagues right across the Commonwealth and one of the things I have been thinking about is whether we could do something that in my head I have been calling “Faith in the Commonwealth”. The Commonwealth has all faiths, and we should have enough faith in the institution and the framework of the Commonwealth to be able to have some of those quite challenging and difficult conversations. I do not think we can leave faith out of the bailiwick of things that may be a contributor to the successful amelioration of conflict, as opposed to one of ways it has been seen, which is as a causative source of difference. When we look at the things that join the Commonwealth, it is a bit like our DNA; 99% of what we have is in common and 1% is different. I hope, and I see this happening in the Commonwealth, that we are concentrating more and more on that which joins us as opposed to that which separates us. There is a real appetite from all the nation states. All 53 equal partners have put this on the agenda. As you know, at CHOGM¹ in Malta last year, the Heads gave the Commonwealth Secretariat, and therefore me, a specific task to look at how we can better respond to radicalisation, creating steps that will help us jointly to respond to the growing threat of terrorism in our world today.

Lord Hannay of Chiswick: What about migration?

Rt Hon Patricia Scotland QC: Migration is a huge problem, not just in relation to the threat of terrorism but as a result of climate change. Climate change poses an existential threat to small and vulnerable states in particular, but to all states in general. Looking at what happened in Syria, part of the issue was to deal with climate change and the pressure that it put on migration. If we do not respond more energetically and more successfully to the climate challenge, we shall see more and more migration take place as a result of climate change. For example, some of the small island states are at risk of being submerged below the water line. A huge jurisprudential issue is going to occur because at the moment, given the way in which the legal response to climate change is structured, if an island were to disappear, the country’s entitlement to the waters that surround the island would disappear too. We now have big blue ocean countries, which are small islands with large seas around them. If, increasingly, we mine the seabed for its assets, and entitlement to do so is dependent on the land mass, we have a very big challenge. We also have challenges if a whole population has to migrate from those islands to somewhere else. Where are they to go? Do they retain their sovereignty? Does the sovereignty get submerged or merged with the state to which they go? Are they able to sequester part of the receiving country and gain sovereignty over it? There are a lot of

¹ Commonwealth Heads of Government Meeting

complex, difficult jurisprudential questions that we in the Commonwealth are looking at to try to mitigate the potential problems that may come from migration.

There are some quite complex issues regarding access to different Commonwealth countries. There is a huge issue about immigration. For example, if the rules change on the relationship between the United Kingdom and Europe, are there to be new rules refreshing the old rules that used to apply to Commonwealth countries in that regard? There are a number of complex difficult issues, but migration is a real issue for us to grapple with; it might impinge inappropriately and quite dangerously if we do not grapple with it now.

The Chairman: There are all sorts of issues we want to move on to. Lord Inglewood, do you have one more on the general theme?

Q3 Lord Inglewood: When you were telling us about your plans for legal work, it struck me that what you were describing was very similar to how Lord Cockfield would have described what he was doing in the run-up to the 1992 European single market. Are you trying to create a kind of single market, or something even more ambitious than that across the Commonwealth?

Rt Hon Patricia Scotland QC: I do not think I am trying to create a single market, but I am trying to identify the benefits we currently have because of the common law. All these countries either share the common law or wish to take advantage of the common law because the common law is the foundation stone of international law. The models that we create in the Commonwealth will not just be of advantage to ourselves but could also be advantageous to other countries. For example, one of the things I am working on is to try to create an anti-corruption standard very similar to the sort of thing we have with Investors in People. How do you differentiate companies that wish to adhere to best practice from companies and entities that do not? Over the five years since the introduction of the Bribery Act, it has come to be seen as the gold standard for anti-corruption legislation. We also have the Foreign Corrupt Practices Act, which is the United States model, but the Bribery Act is seen to be more encompassing and more successful. If we can together create a practical system that creates adequate measures, differentiating those who aspire to be free of corruption and those who do not, it enables us to create a better platform right across the Commonwealth. That is a very practical thing to do, and it is easier within the Commonwealth because we have similar institutions, similar models and, for goodness' sake, in some of our countries we still wear wigs and gowns, so we have that familiarity within the legal concepts. If it turns out that de facto you have common themes and common practices, operationally you create something that is more difficult to create by compulsion. The great thing about the Commonwealth is

that people choose to work together. They choose to share the models. They choose to share best practice. In the Commonwealth, I hope we will continue to create those models, which, if they have real utility to the member states, will be used.

The Chairman: You already alluded to Brexit. Lord Wood has a question on that.

Q4 Lord Wood of Anfield: Yes. It is nice to see you here, Secretary-General. We could not get through a session without talking about Brexit. As you know, the Commonwealth featured quite largely in the debate around Brexit. Particular advocates of leave saw the Commonwealth as an alternative or perhaps a form of alliance that could be expanded in the areas of trade and maybe foreign policy and other areas. I am interested in your thoughts on that debate and how much ambition you think our decision in the referendum should trigger about a renewed commitment and new areas of interest in the Commonwealth, and perhaps whether there are some areas where it may be a mistake to think about the Commonwealth as an alternative to the European Union.

Rt Hon Patricia Scotland QC: It was really important, if that debate was to be properly understood, for people to listen to what the Commonwealth itself was saying and what the leaders of the Commonwealth were saying. I did not hear one leader in the Commonwealth suggest that they thought it would be good for the Commonwealth if the United Kingdom were to leave Europe. I heard no one who disagreed with what I am now going to say, so if there was a leader who had a different view, all I can say is that it was not communicated to me. Most of the Commonwealth took the view that they had developed over the last 40 years a very mature relationship with the United Kingdom, a relationship that was interdependent on the United Kingdom remaining with one foot firmly planted in Europe and the other firmly planted in the wider world, acting as a bridge for many Commonwealth countries between the Commonwealth and Europe. When there were issues of concern, for example, to Africa, when Zika and Ebola were being discussed, the Commonwealth looked to the United Kingdom to lead in Europe on their behalf, albeit that there was Malta and Cyprus. Those three European countries were the voice of the Commonwealth within Europe, which was a very important voice.

There was real concern because there was a worry that those who were seeking to make that division did not fully understand the way in which the relationship between the United Kingdom and the Commonwealth had matured. The Commonwealth is now working hand in glove with the United Kingdom, but as equal partners. The idea of the British Commonwealth was something of the past. There is now a new, modern, dynamic, interactive, interdependent relationship. If I can give you an example of the difference 40 years made, New Zealand at

the time the United Kingdom went into the European market had 70% of its income dependent on trade with the United Kingdom. Today, New Zealand has 7%. That is a very dramatic change. As the United Kingdom looked to Europe, the Commonwealth had to look elsewhere too. The same was so with preferential markets in Australia. The Commonwealth got used to the new developed, interdependent relationship, and the United Kingdom, together with Malta and Cyprus, was the vehicle that enabled the Commonwealth countries to have access to a 500-million citizenship community in the European market.

Every leader said it was a matter for the people of the United Kingdom to make the decision as to what was in their best interest, and they now have, but Britain's choice has caused real concern as to what it means now for the Commonwealth countries that had become used to that strong voice on behalf of the Commonwealth within Europe. I am not sure it was fully understood that the Commonwealth would be so anxious and so concerned. All the things that I have said in relation to trade were happening anyway, and the Commonwealth very much saw this as a twin-track advantage. Yes, we will continue to work and the United Kingdom will continue in Europe to be the bridge, to have the access and to give these opportunities, and at the same time the Commonwealth will energetically and powerfully commit itself to enhancing trade within its membership. The Commonwealth saw this not as an either/or. It was a false dichotomy. It was "and", not "or". The twin track was seen as being materially important and advantageous. The Commonwealth has absolutely accepted that the United Kingdom has made its choice, and now much more energy, if that is possible, will go into enriching the Commonwealth relationship and looking to see how we can strengthen that which we were already doing. But does the Commonwealth feel sad that it has had one of its legs amputated and now has a prosthesis? Yes. Can you run really fast with a prosthesis? We will have to.

Lord Grocott: I am rather reeling at the comparison—legs being amputated and so on. I make the observation that the Commonwealth, when Britain entered the Common Market, as it then was, was one of the major reasons that caused anxiety both with the initial application and the referendum that followed, and now, as you have well described, the position is reversed in the Commonwealth. I suppose you could characterise that as the status quo always being something that people rather favour. The status quo, of course, led to a different conclusion then than now. It may be due to bad reporting, but given all you have said about the trading advantages that you are working so strongly towards, of trade with countries in the Commonwealth, certainly from countries such as Australia, that look forward to some of the

opportunities that may arise, do you think that talking about amputation may not be the most constructive way? Do you not see anything positive at all in the possibility of—

Rt Hon Patricia Scotland QC: Let me be absolutely clear. I am hugely positive—hugely, hugely positive. I probably was being rather florid as to how some people saw it. There are masses of advantages, because the work that we are doing, which may in the past have seemed optional, an extra quite nice addition, now becomes fundamental. To be fair and absolutely frank about it, lots of people did not understand the massive advantage that we have as a Commonwealth, because it had not been nailed down and articulated with a degree of precision until this document came out. It puts flesh on the bones of what people felt about the Commonwealth. People had warm fuzzy feelings, such as it is where we belong, it is part of our family and it is what we enjoy doing, but then they asked what the point was: is there any real advantage to all this history and commonality? Just last year, 2015, it was nailed down absolutely. What we can do together is phenomenal. If we had stayed in the European Union, we would have been motoring on this, because of the economic trade advantage. Would we be doing some of the things that we will now do as members, trying to work out new deals? No, probably not, not in the same way. The fact that the UK made the decision to come out has put this on turbocharge. The good thing is that we have already got it. It is not as if we are starting from scratch and we do not have a way to go. We do. Now, the Commonwealth becomes more important than ever before.

I need to contextualise how people saw it. Lots of people were really frightened about what would happen if the United Kingdom came out of Europe. You are always more frightened about something before it happens than when it has happened and you just have to get on and deal with it. I was being humorous, because we also know that, if you look at what is happening with people who have to adapt, they are still winning the race. It is not that you are less able. You just work out how to use what you have more creatively so that you still go through the line. I was not in any way suggesting that this was in some way disabling us. There are those in the Commonwealth who did not want it to happen, who are frightened and worried about what has happened, who are saying, “If the United Kingdom and sterling go down, and the trade balance is affected, how am I going to get my remittances and what about the effect on tourism and the dependence that Africa has?” If they are frightened about that, I am saying as Secretary-General, “Don’t be”, because we have already started on the method and the pathway on which we together can make real changes deliverable. I believe that, now that the United Kingdom has made this decision, the Commonwealth will become more pivotally important than it has ever been, but I am also telling people to recognise that this

relationship in the Commonwealth is the modern Commonwealth. It is a Commonwealth of equals; people are interdependent and, just as people will be looking to get something, they will be looking to give something.

One thing that I know a lot of people are looking at is whether the Commonwealth will get back the migration preferences on access to the United Kingdom that they had before, and whether there will be additional benefits in having reignited the Commonwealth family. It is a complex series of conversations, but I am absolutely confident that with what we have now discovered and developed and the things I want to do on civil and criminal justice, because we all face similar criminal justice issues, we will be better able to face them if we face them together. If you are asking whether I am positive—absolutely. Did the Commonwealth want it? I do not think it did. Will it work incredibly hard with all its members to derive the new benefits that now may be available? Absolutely.

Baroness Smith of Newnham: I have read that document, because I was asked by the Commonwealth Round Table to speak on a panel at the beginning of the year, with Jim Carver of UKIP as its Commonwealth spokesperson. He read out a speech and I agreed with 90% of what he was saying. What he said was very positive about the Commonwealth, but, as you said in your opening remarks, it in many ways is “both and”, so my 10% difference was that it should have been the EU and the Commonwealth speaking. One of the issues about trade is that at the moment, if I have the figures right, Germany exports about four times as much, say to India, as the UK does. You said we are going to turbocharge trading relations and so on, but is the issue really something that the Commonwealth is going to be able to help the UK with, or is it something that we need to be thinking about domestically? The inability to export is not because of EU membership; if it were, Germany would not be doing as well as it is doing.

Rt Hon Patricia Scotland QC: I think we now have to recalibrate the relationship in order to take the benefits of the new situation we find ourselves in. This document helps us to identify where the 19% advantage lies. No one had mined and identified the advantage before. This gives us the springboard to say, okay, if it is because of common law, if it is because of common language, if it is because of common institutions and common democratic processes, how do we enhance those? For example, at the moment, in the 53 we have 53 different templates and ways of doing it, some of which mirror the others, some of which do not. If we can do a needs-based analysis, understanding the level of trade that takes place at the moment between the Commonwealth countries, identifying where the barriers are and what the impediments to our working together are, and target those impediments and barriers so that

we look practically at how we make interconnections easier between different member states—trading partners—and we have the opportunity to do that because we have common law and common practices, it means that we can together create an instrument that speaks to our strengths and we can support them. For example, one of the areas I am going to look at first is extractive industries. We know that many countries in the Commonwealth partner together and undertake multinational contracts. At the moment, the differences between the legal structures within the Commonwealth are such that that can be quite a complex, long, difficult and troubling type of process. If we are going to have mirrored procedures, if we are able to look at what the best new structure would look like and if we all migrate to something similar at the same time, we get interoperability, portability and transparency. We could add to that our common approach to anti-corruption, and we could create what we looked at when I was working as trade envoy to South Africa. The South Africans created a one-stop shop, whereby, if you wanted to do business in South Africa, all your certificates would happen in one place. Some people said that it could take five years, going to all the different states and meeting together, but if we discover that a one-stop-shop is the most efficacious way to facilitate business, and if all 53 of us have a one-stop shop and do it in a similar way, we get portability and we get to enhance the bones that we have identified together. That is how we enhance trade. India is already looking at creating an SME workshop facility for less developed countries in the Commonwealth. These are opportunities for looking at the supply chain and how we get the supply chain within the Commonwealth working together to create a more symbiotic economy, a more circular economy within the Commonwealth, to do the win-win.

We also have all the new work that is coming out as a result of the climate change new agenda. There is an opportunity to look at what works. For example, when the Finance Minister of Jamaica came to see me, he was concerned about wanting to create telebanking and was looking very carefully at how to do that. He also wanted to look at how he did e-assisted healthcare and how he could do something better about domestic violence. I was able to say that Kenya has a brilliant telebanking system that he could look at, and Rwanda has a brilliant e-health system where they took 1,000 doctors and 55,000 nurses and gave each nurse a smartphone. Because they have 3G and 4G, they are able to triage people in their villages and, in real time, have consultations with clinicians. We do not have that in most countries across the Commonwealth, so there is an opportunity for us to learn practical things about what works, and swap ideas, support each other and, as a result, make a real difference.

In Geneva, when I went to the Health Ministers conference, we decided that instead of talking from a script we would talk to each other. We talked to each other about the things that different countries in the Commonwealth were doing that work: how do we get universal healthcare? Those conversations are starting to happen. I went to Geneva again to talk to the UN. Along with the UN agencies, we are looking at how we work better on small and vulnerable states. The UN has 39 small states—vulnerable states. Of those small vulnerable states, 31 are Commonwealth. We are going to work in a conjoined way to deliver a better product for those small and vulnerable countries. As you know, the Commonwealth has always been the champion of the small and vulnerable, less developed states. There is huge opportunity if we work together and strengthen our commonality.

The Chairman: We have really covered the rest of the Commonwealth viewpoint and the UK viewpoint about the present disturbances, but, Lord Inglewood, do you have one more question on this before we move on?

Lord Inglewood: Might I clarify, Secretary-General? You are right. If I have understood you correctly, you are saying that the impact of Brexit on the Commonwealth is that Britain becomes, taken in the round, a less useful member of the Commonwealth, and, presumably, conversely, Cyprus and Malta become of more use to the Commonwealth. Is that right?

Rt Hon Patricia Scotland QC: That would not be a fair reflection. It would be fair to say that Cyprus and Malta become the remaining voices for the Commonwealth in the European set-up, but in many ways there is no diminution of the importance of the United Kingdom. The United Kingdom is the fifth largest economy. It has always been a treasured and valued member of the Commonwealth, and I do not think any of that is going to change. What I think will happen in fact is that the Commonwealth will become even more important to the United Kingdom and, as a result, I am sure the relations between Commonwealth countries and the United Kingdom will become even stronger. I do not think there is any turning away. We have been saying that the Commonwealth needs to be an anchor for the 53 countries of the Commonwealth and maybe now a safe harbour for the United Kingdom.

The Chairman: Baroness Coussins, on values and principles.

Q5 Baroness Coussins: We know that the Commonwealth has sometimes been criticised for not upholding its own values and principles. For example, there are some Commonwealth countries that do not even want you to appoint a commissioner for democracy, the rule of law and human rights. Could you say something about your view of this divergence in values and principles and what you think are the most important priorities for reform that you might be able to achieve in that regard?

Rt Hon Patricia Scotland QC: The first thing to say is that the Commonwealth has grown and changed. I thought it was poignant when Her Majesty was addressing Heads in Malta and spoke about how few democracies there were when she started her reign and the Commonwealth was born, and now virtually all Commonwealth countries are either democracies or aspiring to be democracies. That is a very different scenario. What we have seen is an evolution that has grown in speed, substance and depth. The charter was a seminal moment, because the charter, which was signed by all 53 countries, is an expression of the aspirations of all 53 as to where they want to be at the end of the journey as opposed to necessarily where they are now. The opportunity that we have in the Commonwealth is to have some pretty tough discussions with members who are at different stages of that journey. One quite interesting and powerful thing that we have been able to use is economics. If you look at what the World Trade Organization and the World Bank are saying about real wealth and sustainability, the real sustainability is predicated on building social capital. If you want a sustainable long-term healthy country, you have to have social capital. The only way you build that social capital is by making sure that every individual in your country, irrespective of their race, religion, ethnicity, culture, sexual orientation and/or systems, has an equal opportunity to explore their talents and give of their best. We know that where women have been well educated, are able to educate their children and to participate in the trade and governance of their country, those countries exponentially receive great benefits. Making the economic case for good governance and human rights has tended to be quite fruitful. We will continue to make the moral case for equality and partnership and we will also continue to make the economic case.

The Chairman: Can you describe to us the pressures that can be brought to bear on those who deviate or fail to keep up the pace? There are some very obvious examples, which are often pointed to in the media. In what way can the Commonwealth system bring additional pressure for keeping to the standards of the Commonwealth charter that might not be available elsewhere?

Rt Hon Patricia Scotland QC: I think it is because the Commonwealth countries have been very receptive to receiving from the Commonwealth technical help, assistance and advice. I will give you an example. I will not necessarily name the country, but one country said—a number of others said the same—“Actually, if we are brutally honest, we would like to change some of these laws. We do not have a sufficient number of draftsmen and women. We have a very full, complex, difficult political agenda for a number of quite clear reasons and therefore we would find it of great assistance if the Commonwealth was able to create best

practice models that we can adopt”. Because they are Commonwealth best practice models, not just one country, saying that this is an aspiration that all our family want to adhere to, it makes it easier.

There are countries within the regions that have already implemented the best practice. Having someone who looks like you, who has similar problems to you and lives in the region where you live, working with you to get you where you want to be, and who understands all the obstacles that may be there socially, economically and culturally, is so much easier than having someone who does not know you, who is not part of your family, does not speak your language and does not share your culture, saying to you, “This is how you can do it”. Among the great things that we have developed and are developing in the Commonwealth are different methodologies to get you to the same place, to say, “This is the outcome we want. We want the following outcome. How do you do it and can you help us?” I have been so encouraged by what I have seen; as many people in this Committee have done, I have been working with Commonwealth members of one sort or another since I was 21, which of course was only yesterday. One of the reasons why I very much wanted to become the Commonwealth Secretary-General is that over the years I have seen the power of that friendship and concern, and the ease with which Commonwealth partners work together. One of the most wonderful things to watch is laughter. You will find Commonwealth citizens from all six regions in a group laughing together, and not one of them has to say “I was only joking”.

The Chairman: We have just a couple more quick questions, because you have been very explanatory and helpful.

Q6 Lord Jopling: When people think about the Commonwealth, for a lot of them some issues that are nothing to do with government intra-Commonwealth relations come to mind, things like civil society, cultural issues, education, election monitoring, sport—all these things. Do you believe that these matters are as important as government intra-Commonwealth relations or do you think in a digital age they are even more important?

Rt Hon Patricia Scotland QC: They are incredibly important. I referred to laughter—the fact that we share so many social and cultural things together. We have just launched the Commonwealth hub, at which the Queen very graciously officiated, bringing together the Royal Commonwealth Society, the Commonwealth Local Government Forum and the Commonwealth Games. You will know that the Commonwealth Foundation is already within our building. We have found that synergy is really something that we need to celebrate. The opportunity to play together, sing together and do artwork together all strengthens the fabric

of the Commonwealth. Earlier, we touched on some of the harder-edged issues of migration and radicalisation. Many of those issues can be migrated through the cultural opportunities we have to work together. I have an aspiration, for example, to create a Commonwealth under-19s cricketing cup, because the other thing that we have together—it is quite bizarre and other people do not understand it—is that Commonwealth countries love and play cricket, so that is an opportunity to have teams, boys and girls, and to develop women's cricket, as a means of getting people together, helping them to understand their similarities and sharing expertise. Playing games can teach our young people huge talents and make them employable: you have to get up early in the morning; you have to have your kit ready; you have to think about somebody else; you have to turn up; you have to play. All those things are huge opportunities, and we have to recognise that 60% of the Commonwealth will be below the age of 30 by 2030. That is a huge resource in trade and opportunity, but it could also be a troubling figure if that energy and talent are not harnessed in an appropriate way.

I think that cultural, civil society links are incredibly important, and, as you rightly say, Lord Jopling, in this digital age when you can have interconnectivity between 2.3 billion people in a nanosecond all across the Commonwealth, it makes it even more important that we have opportunities that highlight our common humanity and our common culture, and give people an opportunity to meet one another on a fair playing field. Lots of people talk about the power that we have in the Commonwealth as soft power. I think it is diamond-hard, because we need that power to humanise the other things that are happening, to make people realise that we are one: we are one family, and this family can better care for each other if we come together than if we try to do it on our own. I have been saying to people, and it has had resonance, that we all have a choice. We can either swim together in this new complex, difficult world or we can drown separately. I am for swimming.

Q7 The Chairman: We will take one final quick question. With the benefits of the Commonwealth possibly becoming clearer all the time, are other countries wishing to join the family, or associate with it or have observer status? What do you feel about that?

Rt Hon Patricia Scotland QC: Many countries are very interested in joining the Commonwealth. They celebrate its values. They look at the warmth and the support between its members and there is a queue for people who would like to join. Our values, however, are incredibly important: countries that wish to join really have to understand that the charter is not just an aspiration; it has become an expectation. People may not all be there now, but we need all our members to maintain the aspiration that that is where they will be in due course. That is something that is very warming—to know that the special nature of the relationship

that is seen from the outside by people is such that many want to join. I see the Commonwealth as a stabilising entity at a very difficult time, an anchor for many of the countries, and therefore I am not surprised that, as turbulence in the world increases, people are increasingly looking for somewhere they can go that is consensual, because no one has to be a member of the Commonwealth. It is by consensus. The fact that we are creating new models that people can, if they choose, use and emulate is very important because no one has to do it. I think that for as long as the principles of the Commonwealth remain consensual, people will continue to want to join it.

The Chairman: What do you say about associate status?

Rt Hon Patricia Scotland QC: That is a conversation that has been going on for quite some time. You will know that it is a conversation that has to be had with the Heads, because the 53 Heads have to agree as to associate status, if there should be and how it should be, and one of the beauties of my new position is that I am but the servant of the 53. Clearly, we are going to have some good conversations about what the criteria should be, who should join and when.

Lord Jopling: Could we just know the three countries who are top of the list and what stage their application, if there is one, has reached?

Rt Hon Patricia Scotland QC: The first thing to say is that we never disclose who is or is not in the process of—

Lord Jopling: Why is that?

Rt Hon Patricia Scotland QC: Because, diplomatically, it is always better to welcome a successful candidate than to publish abroad all those who have not quite made the cut, and one would like to have a continuing conversation. Some countries have had this as an aspiration for a while and they continue to work towards it in the hope and expectation that they will succeed, and they may. It would be very unfortunate to discourage them from continuing their efforts in that regard. The one that has declared, I think, and has openly done so and made it known to member states, is South Sudan, but that is the only one.

The Chairman: Secretary-General, you have been enormously helpful to us—very valuable. You have given us examples as well as the general picture. You yourself have a very big journey ahead, and we wish you well in it. You have opened up for us avenues to the future. Thank you very much for being with us. I am sorry about the heat, but there we are.

Rt Hon Patricia Scotland QC: Thank you. Because I know that the Committee wanted to know more facts and figures in relation to trade, I am very happy to supply them. I have them all here, but I am afraid I got carried away with answering the questions as opposed to delivering them. I am very happy to send you whatever further and other information you

want. Just to reassure Lord Grocott, I see very clearly every single advantage, and I am absolutely committed to making sure we take them.

The Chairman: Thank you; excellent. We are most grateful.