

**No. 9**

**Tuesday**

**Fourth Session**

**1<sup>st</sup> September, 2009**

**Eighth Parliament**

**SAINT VINCENT AND THE GRENADINES**

**THE**

**CONSTITUTION REFORM DEBATES**

**(HANSARD)**

**ADVANCE COPY**

**OFFICIAL REPORT**

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# **THE CONSTITUTION REFORM DEBATES**

## **OFFICIAL REPORT**

### **PROCEEDINGS AND DEBATES OF THE NINTH MEETING, FOURTH SESSION OF THE EIGHTH PARLIAMENT OF SAINT VINCENT AND THE GRENADINES CONSTITUTED AS SET OUT IN SCHEDULE 2 TO THE SAINT VINCENT AND THE GRENADINES ORDER, 1979.**

**FOURTEENTH SITTING**

**1<sup>st</sup> September, 2009**

#### **HOUSE OF ASSEMBLY**

The Honourable House of Assembly met at 10:15 a.m. in the Assembly Chamber, Court House, Kingstown.

#### **PRAYERS**

#### **MR. SPEAKER IN THE CHAIR**

Honourable Hendrick Alexander

#### **Present**

#### **MEMBERS OF CABINET**

Prime Minister, Minister of Finance,  
Economic Planning, National Security,  
Grenadines and Legal Affairs  
Dr. the Honourable Ralph Gonsalves

Member for Central Windward

Attorney General  
Honourable Judith Jones-Morgan

Deputy Prime Minister, Minister of Foreign  
Affairs, Commerce and Trade  
Honourable Louis Straker

Member for Central Leeward

Minister of National Mobilisation,  
Social Development, Gender Affairs,  
Non-Governmental Organisations,  
Local Government, Persons with Disabilities,  
Youths and Sports  
Honourable Michael Browne

Member for West St. George

Minister of Education  
Honourable Girlyn Miguel

Member for Marriaqua

Minister of Rural Transformation, Information,  
Postal Service and Ecclesiastical Affairs  
Honourable Selmon Walters

Member for South Central  
Windward

Minister of Health and the Environment  
Dr. Douglas Slater

Member for South Leeward

Minister of Urban Development, Culture,  
Labour and Electoral Matters  
Rene Baptiste

Member for West Kingstown

Minister of Transport and Works  
Honourable Clayton Burgin

Member for East St. George

Minister of Agriculture,  
Forestry and Fisheries  
Honourable Montgomery Daniel

Member for North Windward

Minister of Telecommunications, Science  
Technology and Industry  
Honourable Dr. Jerrol Thompson

Member for North Leeward

Minister of the State in the Prime Minister's  
Office with Responsibility for the Public Service  
Honourable Conrad Sayers

Member for Central Kingstown

Minister of Tourism  
Honourable Glen Beache

Member for South Windward

Minister of State, Ministry of Agriculture,  
Forestry and Fisheries, Parliamentary Secretary  
Honourable Saboto Caesar

Government Senator

Honourable Rochelle Forde

Government Senator/  
Deputy Speaker

Honourable Richard Williams

Government Senator

## **OTHER MEMBERS OF THE HOUSE**

Honourable Arnhim Eustace

Leader of the Opposition  
Member for East Kingstown

Dr. the Honourable Godwin Friday

Member for Northern Grenadines

Terrance Ollivierre

Member for Southern Grenadines

Honourable Major St. Claire Leacock

Opposition Senator

Honourable Daniel Cummings

Opposition Senator

## **ABSENT**

Minister of Housing, Informal Human,  
Settlements, Physical Planning, Lands  
and Survey and Local Government  
Honourable Julian Francis

Government Senator

# SAINT VINCENT AND THE GRENADINES

## CONSTITUTION DEBATE

TUESDAY 1<sup>ST</sup> SEPTEMBER, 2009

### Prayers

The meeting convened with the Speaker, reading the Prayer of the House.

**HONOURABLE MR. SPEAKER:** All right, Honourable Members today is another historic day in the life of the Parliament of St Vincent and the Grenadines, not only because we are having the second reading debate and the third reading of the Bill during the course of this meeting; but that it is the Bill for the Constitution: the Constitution Bill that is. I wish to announce that we are streaming live on the Internet right here from parliament as we speak [applause] this comes to us with compliments from the service provider LIME. [Applause]

As we continue to advance the democratisation of parliament, we want to thank the following who have assisted us in getting these debates and other proceedings of Parliament out there on the worldwide web. We want to thank the Service Provider as was mentioned Cable and Wireless, who is most invaluable in this process. The Technical Support Officer in the Prime Minister's office: Mr. Lance Neverson and other API technical personnel. Minister Thompson who has been a driving force behind this, we want to express thanks to him as well and other members of his Ministry. And I want to thank also Mr. Khalique Bailey of the Ministry of Telecommunications for so ably assisting us in this: Andre Bailey; sorry. So, I think we of course will like to thank all those persons who have helped us to be able to provide this service.

And to the Members of Parliament specifically for you, we want you to know as well that password protected wireless internet is available here in Parliament; as I said password protected and you will have to contact one of us to get that password and I am saying all of this is in the process to continue to democratise the whole work of parliament here in St Vincent and the Grenadines, as we have been doing for the past 8-9 years or so. Thank you. I want also to acknowledge the presence here this morning with us of the Drafting Team: Chairman, Dr. Francis Alexis and Dr. Ghany [applause]; Hamid Ghany and our own Parnel Campbell QC., who have worked tirelessly [applause]. They all have worked tirelessly to ensure that we have this document: this Bill presented before us this morning in its revised form. We also want to thank members of the CRSC who are here with us and we acknowledge the presence of all other dignitaries who are here with us this morning. We want to thank you very much and I trust that you would enjoy being here with us in parliament. Oh! The web address is [www.vincysurf.com/svg](http://www.vincysurf.com/svg). Then they have the [http://](http://www.vincysurf.com/svg) and [www.vincysurf.com/svg](http://www.vincysurf.com/svg). That is on our web site and I think it is also on the Government; gov.vc. It can also be found there, okay. Thank you very much.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, the Honourable Leader of the Opposition and I in concurrence with all Honourable Members of the House and you, Mr. Speaker had agreed that at today's sitting we would not address the issues on the Order Paper of Obituaries, Congratulatory Remarks and Statements by Ministers so that we could begin the Debate as promptly as possible after 10:00 a.m. We have also agreed, Mr. Speaker that the questions on the Order Paper by the Honourable

Members of the Opposition would on this occasion be answered in written form and those questions which were directed at me, I have already submitted those answers to the Honourable Leader of the Opposition for distribution to his other colleagues. I believe that that exercise has been done either directly or through the office of the Clerk of this Honourable House. So, I think it is important that I make those formal declarations so that everyone concern would understand what is taking place today.

Mr. Speaker that being the case I beg to move the confirmation of the Minutes of this Honourable House of the Sitting held on the 13<sup>th</sup> August, 2009.

**Motion moved**

**Minutes Confirmed**

### **REPORTS FROM SELECT COMMITTEES**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I beg to lay on the Table of this Honourable House the Minutes of the Meetings of the Select Committee of this House to examine the St Vincent and the Grenadines Constitution Bill 2009. Mr. Speaker, there were 11 meetings, 11 sittings of this Select Committee between the 17th June and the 25<sup>th</sup> August. These Minutes have already been circulated to Honourable Members and I beg to lay them on the Table.

Mr. Speaker, I would like to indicate to this Honourable House that the other Select Committee that which concerns the Rehabilitation of Offenders Bill [interruption]

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Honourable...

**HONOURABLE ST CLAIR LEACOCK:** On the question of the Report from the Select Committee, Mr. Speaker, I wanted to make an intervention.

**HONOURABLE MR. SPEAKER:** Ah!

**HONOURABLE ST CLAIR LEACOCK:** On the subject of the Report from the Select Committees ...

**HONOURABLE MR. SPEAKER:** Okay, yes.

**HONOURABLE ST CLAIR LEACOCK:** I had raised during the Select Committee Meetings the procedures for reporting those Minutes and I recalled that it was agreed that it would be one collective Minutes at the end of the exercise and now that I have seen those Minutes, Mr. Speaker, my worst fears have been confirmed they are so abridged that they do not accurately capture substantive elements of the discussion and I want to go on record as saying that I do not associate myself with these Minutes if they are considered to be accurately record

of those deliberations and when the occasion so arises I will make those clarifications. I want to go down in record on that.

**HONOURABLE MR. SPEAKER:** All right.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, may I just indicate that as I understand it, Minutes of the Meeting are not necessarily verbatim presentation of the proceedings of those Meetings; but presumably if there are any errors to those Minutes which were prepared by the Office of the Clerk of the House; well those can be taken up certainly during the Debate. But I just want to make that point in the light of the Honourable Senator Leacock's observation.

**HONOURABLE MR. SPEAKER:** Yes.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I was making the point before I give way to Senator Leacock that in so far as the Select Committee on the Rehabilitation of Offenders Bill, there has been no meeting as yet given the fact that since May 28th this Honourable House in Select Committee was preoccupied quite naturally with the Constitution Bill 2009.

### **ST VINCENT AND THE GRENADINES CONSTITUTION BILL, 2009**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, before moving the second reading of the St Vincent and the Grenadines Constitution Bill 2009, I crave your indulgence to move under Standing Order 12 (5) that the proceedings of today's Sitting be exempted from the Provision of the Standing Order hours of Sitting.

**HONOURABLE MR. SPEAKER:** Accepted.

**Motion moved second time  
And accepted**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members I beg to move that a Bill for an Act to enact the new Constitution for the Sovereign Democratic State of St Vincent and the Grenadines be read a second time.

**Motion moved second time  
And accepted**

**HONOURABLE MR. SPEAKER:** Debate on the Bill.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, today is pregnant with history and is of extraordinary significance for the future enhancement of effective democratic governance and the consolidation, extension and strengthened protection of our inalienable rights and freedoms. Today we

are engaged in a parliamentary debate by the duly elected Representatives and appointed Senators as prescribed by our existing Constitution. This debate is being broadcast live on Radio and Television and streamed on the Internet worldwide. Today a free and magnificent people known as Vincentians in the first decade of the 21st century are listening to and are witnessing a most momentous occasion. [Applause]

This event is unlikely to recur in the lives of most of us present here. This is a veritable once in a life time opportunity and occasion. Mr. Speaker, when the Unity Labour Party went to the Electorate in 2001 and when it presented its Manifesto to the people in those general elections and subsequently, in December 2005, it placed before the people a programme essentially containing seven features: first a package which we can put under the rubric of poverty reduction, job creation and economic development. Secondly: education revolution; thirdly: building the nation's physical infrastructure; fourthly: uplifting our nation's social development in every material respect; and the enhancement of our Caribbean civilisation and its Vincentian component. Fifthly: the deepening of Regional Integration, as a prerequisite to the development of our nation. Sixth: the fashioning of an efficacious foreign policy in the interest of people's humanisation and seventh: a policy and a series of programmatic elements for good governance of which Constitutional Reform was and is a central plank.

It is in accordance with those overwhelming mandates received at two successive elections by the people from the people by our Party that we have an obligation to precede with this process of Constitutional Reform. We have done so, Mr. Speaker, in a manner where never before in our history or indeed I challenge anyone to find any example anywhere else in the world, where there has been so extensive and detailed a process of democratic consultation and deliberation on a National Constitution. This seminal fact has been so hailed universally, I repeat, nowhere else in this region or indeed I would like an example to be drawn to me anywhere in the world, in the process of Democratic Constitution making that there has been so extensive and so detailed a process for almost seven years.

Mr. Speaker, permit me to speak personally of this matter; my generation who were born just after the Second World War or even some who were born during the Second World War; we came to political consciousness in the late 1960's and some in the early '70s and an idealism drove us to put our buckets down among our people for a better life, for enhanced good governance to bring an end to colonialism, and to put ourselves on a path of freedom and dignity.

In that generation we can count many persons present here, the Deputy Prime Minister, the distinguish head of our Drafting Committee, Dr. Francis Alexis QC, Mr. Parnel Campbell QC, distinguish former Attorney General of this country and the Honourable Leader of the Opposition. I know that in this regard that I have been beaten on the anvil of experience and forged in the cauldron of struggle. A struggle for our people and our region to put our nation in the forefront of the most democratic and progressive nations in the world, in the interest of the people, particularly the poor, the working people, marginalise and the farmers [applause] Those fires burn in me today as gloriously as they have ever burnt, I consider it a great honour and an immense privilege indeed a blessing from Almighty God that a simple boy from Colonarie who went to primary school barefooted; whose father left primary school at age 10 to work on a plantation. And who by God's mercies and discipline and good fortune, I have been brought in His Majesty, in His wisdom and in His calculation, which I cannot comprehend

to bring me here at this juncture to play a leading role in crafting a truly democratic and free Constitution with a God centered core in the interest of our people's humanisation [applause].

Mr. Speaker, today in the audience here in this Honourable House is my 13 year old daughter, this morning I called her to my study and I said, "I want you to come to the Parliament to hear your father speak and to hear others speak; because today I want you to be part of the history when I seek to deliver unto you and your generation and to those not yet born a profound gift, the gift of a free and democratic Constitution of our own making, home grown" [applause]. Mr. Speaker, last week I told my Party at National Council that in addition to the Education Revolution and Poverty Reduction the issue, which stands up there is the matter of Constitutional Reform. I said it is not something which is going to bring a lot of votes at election time when we go to the polls late next year and I am a sufficiently practical politician to know that.

I know for example that the International Airport and its construction are likely to garner more votes to this Government and to me than the exercise in which we are involved. But I say this, there is no other public policy of this Government save and except the Education Revolution and Poverty Reduction; none which is more monumental in its significance and meaning, and more solemn than what we are engaged here to lift the nature of our country's governance. [Applause] Mr. Speaker, I do not come to this exercise with any seeking of political advantage, I pray to Almighty God throughout this entire exercise to cleanse me of any vanities, let me see the points of views of others and let me be drawn inexorably to one thing, to one standard that which is good for our nation and for our people [applause]. I am doing my duty, Mr. Speaker, Prime Ministers across the Region have promised Constitutional Reform and the only country in which you have had; the only two countries, sorry, in which we have had a measure of Constitutional Reform are in Guyana where the package of constitutional measures were fashioned essentially to consolidate by and large an overweening Presidency, and to keep in play the racial divisions and the ethnic divisions in that country. And in Trinidad and Tobago where after 1976, Dr. Eric Williams initiated a bundle of Constitution innovations which at the very moment when they were being implemented their glaring weaknesses were observed.

But in none of those cases was the process as thorough and none dare to put the matter to a Referendum; not required by law but politically did not consider it necessary and desirable so to do. Here in St Vincent and the Grenadines we have made it paramount that every man, woman and child enter this process as meaningful citizens in an alive constitutionalism. I come to the Table, Mr. Speaker, with some modest talents and accomplishments in this area to provide guidance to the people whom I have pledged to serve to my dying day. I first became attracted to the issues of Constitutional Reform in 1966 as a first year student at the University of the West Indies. An English woman was teaching Political Science and Government at the University of the West Indies in Mona Jamaica and over the last 43 years I have studied comparative Constitutions from the standpoint of Government and Political Science. I have studied it as a law student; I have written on the subject as a Researcher, I have taught the subject as a Lecturer, I have understood the Constitution from my political activism on the Streets, as an Opposition Parliamentarian, as a practitioner in the Law Courts for over 20 years and then functioning as Prime Minister. This knowledge and experience over 43 years you cannot go to the Supermarket and buy it like you would buy cornflakes or your favourite wine, no.

I have come to the table with this experience and knowledge and therefore, I recommend the people to vote 'yes' in the Constitution Referendum [applause] because the Constitution which we are debating today and which is before the people, I say that it is better by far than the current one which exists [applause] and it is by far the best Constitution of its kind that is to say of a parliamentary kind that is available anywhere, any place in this world. [Applause] That one or other citizen may wish to say this or that amendment; but I say to the people of this country do not in constitution making fall into the error of absolutism and so make perfection the enemy of the good. What we have sought to do is to make more perfect our constitution; that is not to say we have made it perfect; because the only place that we will have perfection whether in Constitution making or in life is on the other side of eternity when we all enter Beulah Land. On this side we do our best and all who have been engaged in this including those who have made some stringent criticisms during the process that they themselves have contributed immensely to making this document the best, which is available of a parliamentary model anywhere in the world.

Mr. Speaker, I want to turn to the Constitution itself, I have prepared Mr. Speaker, a document, which I will share with the people of this country it, is written in the form of a presentation to this Honourable House of 70 pages; fear not it cannot be presented in its entirety today. I have taken the task and the opportunity of doing a condense version in 15 pages, which is meant for easy circulation to all the people of St Vincent and the Grenadines. I begin with the Preamble to the Constitution; Mr. Speaker, the Preamble to a Constitution sets the tone, the context for the text of the Constitution, which will follow. It evokes the spirit of our being and becoming and where there is a Preamble, which is rich with the ideals of our forebears and presented in poetic language and encompasses what we are and what we seek to be that we ought only likely ... sorry we ought only in the very gravest circumstances to tamper with it. We do not tamper with it lightly and our founding father, Robert Milton Cato penned the memorable Preambler words in our Constitution, we revere his memory and he was an inspired man when he wrote these words. He began with the affirmation that:-

**“This Nation is founded on the belief in the Supremacy of God and the Freedom and dignity of man;**

This affirmation does not relate only to the making of laws; no! It is far wider, it is the Nation which is founded on the Belief in the Supremacy of God, the people, the landscape and seascape, the air we breathe, the laws, everything that is what is founded; all of that not merely the laws, founded on the Supremacy of God and the Freedom and dignity of Man. And it details in very moving language the essential ideals and values of our people, the rights and freedoms and the principles and it ends:-

**- desired that their Constitution should enshrine the abovementioned rights, freedoms, principles and ideals.**

And the only way to have conceivably improved upon it was to add a word which is implicit and which is spelt out in the text of the Constitution to insert the word 'inalienable' before rights. So, it reads now:-

- **desired that their Constitution should enshrine the abovementioned inalienable rights, freedoms, principles and ideals”.**

Inalienable in its literal meaning, means not transferable from one person to the next. In other words there are rights which are part of you and that is implicit in the notion of the Freedom and dignity of Man and the founding of all of us in this nation on the Supremacy of God.

Then this Preamble is buttressed by 20 guiding principles of state policy and these principles layout the basis of a truly democratic freedom centered humane development and a live constitutionalism. I do not have to go through the details they are there, they cover every gamut of our aspirations; us and our quest of becoming and then in clause 38, there is a veritable young people’s charter which puts young people early in the Constitution at its heart and at its core [applause]. Mr. Speaker, the Fundamental Rights and Freedoms section of the proposed Constitution we have presented with a people’s charter for better securing these fundamental rights and freedoms, and there are five important respects in which the existing Constitutional Rights and Freedoms are better secured in five ways. First: by better protecting a person’s right to life by ensuring that the deterrence of the Death Penalty for murder will be employed without being subject to a set of bizarre unreasonable and unacceptable Judge made restrictions. [Applause] Clause 29 of the proposed Constitution restores the Death penalty and insulates it from further assaults by Judges. In fact, in the Constitution there is a provision which drives a Constitutional horse and chariot through the so call Pratt and Morgan decision relating to the timeframe in which some of the penalty of deaths can be imposed for murder.

And in our Draft Constitution, a distinction is made between capital murder; for which you must have the Death penalty and non-capital murder. And non-capital murder is restricted only to the cases of a murder committed in the heat of passion. In other words you cannot chop off a man’s head in a field where you go to rob him and you have people in England telling you that that is not the worst of the worst and the man is also disemboweled; no! You know, I made the point when they told us that the British people are moving away from the Death penalty, I said the British Government, not the British people. And the British people are not really against the Death penalty you know, they are just against the Death penalty for everybody else other than the Queen; because the Death penalty is available if you were to kill the Queen.

And then you are so concerned about life and you go and fight unnecessary wars to have innocent people killed; no! We have to fashion that in our Parliament and among our people and the people are given an opportunity [applause]. Secondly, we have strengthened the provision which regarding Freedom of Expression by explicitly protecting Freedom of the Press. Thirdly, by extending the Constitutional protection of Freedom of Association in clause 35 (1) to include the right to participate in Collective Bargaining activities and Agreements and to form or belong to political Parties. The first limb of that clause constitutes a veritable work as charter. At the moment, the Trade Unions do not have a right to Collective Bargaining, you know; no! That is something which they enforce by muscle and through convention. Every single Trade Unionist in this country whether you support NDP, ULP or no P at all, I am saying to you that in your Union and at your workplace, this Constitution is making you stronger by providing Constitutional protection for the right to Collective Bargaining. [Applause]

Fourthly, the proposed Constitution has strengthened Constitution protection from deprivation of property in two ways; first by specifying that adequate compensation to be paid for the States acquisition of a person's property must be compensation which in all the circumstances is fair and reasonable to the individual and the State without limitation as to the date at which compensation is to be paid now, though as the current law says:-

**“The date of the compensation should be one year before the taking of the land...”**

What this is saying no! We are not saying it is a year we are saying what is fair and reasonable in all the circumstances of the case. It may be last year's but it may be the current value depending on what is reasonable and fair in all the circumstances. And secondly, the Property Rights are further protected where we are specifying that when the Government takes your property they must pay you within 12 months. At the moment it simply says in a reasonable time. And fifth and very important in the strengthening of Fundamental rights and Freedoms is the establishment of the Human Rights Commission where in addition to the protection accorded by the courts, there is an independent Human Rights body covered in clauses 44 to 48 to ensure that the human rights of our citizens are protected. For those who complaint about police excesses would have a Human Rights Commission to which they can go to get their rights adjudicated upon and not necessarily through a lengthy court proceeding.

I want to put out a challenge to anyone to take the Constitution which we have presented to the people and show me in one instance where any right or freedom which we have currently is taken away of diminished in any form or fashion. On the contrary, as I have indicated there are five fundamental ways in which the rights and freedoms of our citizens have been strengthened in the proposed Constitution. [Applause] Those who want to vote no will be voting against those additional protections. Mr. Speaker, under the proposed Constitution a Republican form of Government is established; with a home grown Non-Executive President elected by the National Assembly with all the requisite safeguards. The Monarchial System of the Queen and Governor General comes to an end under the proposed Constitution.

I cannot believe that any man or woman of my generation or subsequently could go in a Referendum where no right is taken away, no right is diminished where the Constitution is better by far than what we have at the present time and will go and vote no and in the process voting to keep the Queen. Well, I have my duty to do; I have my duty to do and I am appealing over the heads of partisan politics, to the minds and hearts and consciences of our people to say to them with all honesty that I would want to see them come to this new Constitution. Mr. Speaker, this thing is so important to me I told my sons and my daughters that if a requirement for this Constitution to pass is that Ralph Gonsalves must demit office, I will do it gladly [applause], if it is required to pass that I voluntarily demit office I will do it. I will do it; I am very happy to see that the two Senators have applauded [knocking of desk] to indicate to me that the real 'problem is not the Constitution is Ralph's continuance in office [applause] [knocking of desk]

Mr. Speaker, at the present time there is only one man in the country who decides who is Governor General and who is not and it is the Prime Minister. When I write Her Majesty and say such and such a person ... I am advising her that such and such a person to be the Governor General, Her Majesty graciously accepts the advice of her Prime Minister and as Sir James once said, at the swearing in of a Governor General; he said, "I make

and unmake Governor Generals”; but now with the President is the whole Parliament has to be involved and to remove the President under the new system you require two thirds in the House, the Head of State would not be beholden to the Prime Minister and he can only be removed through an involved and intricate tribunal system. Mr. Speaker, the Parliament under the new Constitution which we are proposing is more representative, democratic and accountable and I want to indicate how.

The National Assembly which is the new name for the House of Assembly will henceforth be only elected on the basis of traditional First Past the Post Electoral System in constituencies and a System of Proportional Representation based on a Party List of Candidates submitted to the Electoral and Boundaries Commission. So, you vote one time, you vote for your Representatives and then the total number of votes in the whole country for the Political Parties is taken into account in allocating the Senators, ten of them whose names you will know in advance. The first person who told me, he said, “Ralph this is the best Representative System for St Vincent and the Grenadines”; is Sir James Mitchell. I studied it, studied the West German model and I am satisfied that he was correct. And I say unashamedly to the people, the voters in the New Democratic Party that this Representative proposal belongs to your founding father Sir James Fitz Allen Mitchell. [Applause]

Secondly, Ministers of Religion will now have the right to stand for parliamentary elections, at the moment they cannot do that. Thirdly, the Public Accounts Committee, the oversight body on Government spending will be explicitly chaired by the Minority Leader, formally the Leader of the Opposition and will consist of a majority of Opposition Members this will greatly strengthened parliamentary oversight of government finances. I was talking to a British Diplomat this morning about this and he said to me; “You are giving the Public Accounts Committee such powers”? And I said, “Yes, we are doing that”. He could not believe it. The majority of the members of the Public Accounts Committee I want the nation to know will consist of more Opposition members than government members and will be chaired by the Minority Leader and more than that provision is being made to subpoena witnesses and documents from the Central Government and any public enterprise. So, they are asking for instance what are some of the inside things about the Airport financing? If this Constitution is passed the Leader of the Opposition can bring Rudy Mathias before the Select Committee, before the Public Accounts Committee, sorry, and say to him; “bring a, b, c and d documents”; and listen to me the majority is from the Opposition, nowhere at all in the Commonwealth is there such a provision: absolutely nowhere. You know why? This is not about Ralph; this is about country and governance. Fourthly, a Vincentian National with dual and multiple citizenships ...

**HONOURABLE ST CLAIR LEACOCK:** Mr. Prime Minister, I just want you to clarify because I did not hear you accurately, when you said if the Bill is passed the Leader of the Opposition can summon Rudy Mathias that is what you said?

**DR. THE HONOURABLE RALPH GONSALVES:** Yes.

**HONOURABLE ST CLAIR LEACOCK:** So, it is actually written with him in mind that is what you are saying? [Interruptions] [Unanimous no]

**DR. THE HONOURABLE RALPH GONSALVES:** No; but that is what you said.

**HONOURABLE ST CLAIR LEACOCK:** But that is what you said; you said, if the Bill is passed, he can call Rudy Mathias.

**DR. THE HONOURABLE RALPH GONSALVES:** I did not know that the Honourable Senator Leacock wanted to be obtuse today. I do not think he wanted to be obtuse today. What is going through his mind, he said the Comrade is in full flight; let me see how I could stop him. [Laughter] But that is not possible, this bird has two wings. A Vincentian National with dual or multiple citizenships will no longer be disqualified as a candidate for Parliamentary Elections. You have a whole set of people in New York, London, Canada who want to run in elections here; you would enlarge the pool; but they cannot run now because though they born in St Vincent they have American Citizenship or they have an American Passport, in order to run they would have to do like Sir Louis renounced the American Citizenship and many of them do not want to do that because they have their family there and so on. Not everybody is as self sacrificing as Sir Louis Straker. I want the Diaspora to hear what I am saying, this is for them, hence forth also only Vincentians and citizens of OECS and Caricom countries in the Commonwealth will be eligible candidates for Parliamentary Elections. The Leader of the Opposition was very strong on this and I agreed with him; in the Select Committee.

At the moment all Commonwealth Citizens with one year residence in this country can run for elections; but in the new law, the new Constitution only those from Caricom OECS countries which are in the Commonwealth. At the moment a man can come here from Nigeria and spend a year and run for office. A man can come here from England, from Canada and live one year here and can run for office. No! Not anymore after this, we tie it to the Commonwealth, Caribbean and the OECS. You know who is the champion of this? The Honourable Leader of the Opposition and I congratulate him for championing this proposition, [applause]. Six: Mr. Speaker, I heard the Honourable Senator Leacock, my good friend I heard him chuckled, you know because he may feel that I am leaving him out; [laughter] I intended to come to it a little later but; Mr. Speaker, this is what the Honourable Senator Leacock insisted be put in this Constitution; we never had a provision relating to the (bear with me Mr. Speaker) clause 8; it addressed the issue of Constitutional Administration Economic Development and so on. And it goes on:

**“This development must pay due regard to the existence of constituencies whenever the Annual Estimates of Revenues and Expenditures are prepared”.**

You know, Senator Leacock was very strong up and down the country saying that you must have in the Estimates: listed monies for constituencies to do a number of localize things. And he said that unless there is such a provision in any Constitution he will not offer himself as a candidate. It is in the Minutes, it is in the Minutes. When this is passed and I hope that he supports its passage; because I want to see him as a candidate. [Laughter] I want to see him so I can beat him fair and square; but Mr. Speaker that is a separate matter; I do not want him to be denied being a candidate; because the existing provisions would not facilitate him in this regard.

Mr. Speaker, very importantly, clause 78 of the proposed Constitution permits us never before the active participation of civil society invitees to participate in the debates in the National Assembly. There is no country

in the world where there is this provision. The first time I saw a provision nearly similar and it does not go this far is in the Constitution of Anguilla when I was doing a case there, a Constitutional case. Now, I see a number of persons in the Gallery from civil society they may not be interesting in offering themselves as candidates; but they would like to come to Parliament on a particular Bill or a Motion to speak. The Leader of the Opposition; the Minority Leader or the Prime Minister can have the Speaker extend an invitation to them and while they are speaking here, they have all the rights, immunities and privileges save and except the right to vote as if they were a member of the National Assembly [applause].

**HONOURABLE LOUIS STRAKER:** Good Constitution. Good Constitution.

**DR. THE HONOURABLE RALPH GONSALVES:** Then under clauses 87 and 88 of the proposed Constitution a formal obligation and a Representative to report to his constituencies at least every six months on his representational activities and the Speaker can name and shame the person if they do not submit their Reports. Mr. Speaker, there is a reduction of the majority required on a Referendum from two thirds of the votes validly cast to 60% in order to alter the Constitution. Mr. Speaker, in practically every single Democratic Constitution in the world the majority in a Referendum is 50% plus 1. Well, in Barbados to change the Constitution you do not need a Referendum at all. I repeat, in Barbados you do not need a Referendum to change the Constitution at all. There are some sections you can change with a simple majority and other with a two thirds majority. Now 60% in a Referendum plus two thirds in the House as we would have under the New Constitution is more than enough protection against undesirable change and at the same time makes it possible to have desirable change without being blocked by any recalcitrant minority. You see when colonialism handed down the Constitution in 1979 they put that provision there to block desirable change as what we are now doing making substantial desirable change; but we have to go for two thirds in a Referendum.

Clause 74:6 (b) facilitates constitutionally the deepening of regional integration. Clause 84, again we are in the National Assembly and the Minority Leader for the first time would be able to propose a Motion regarding taxation and expenditure from the Consolidated Fund or any such financial issue of the Central Government. He has asked for that every year when he brings a Motion and he has a problem. You see, I want the power to be able to bring the Motion; he is now being given the power.

**HONOURABLE ARNHIM EUSTACE:** I asked for that every year?

**DR. THE HONOURABLE RALPH GONSALVES:** You asked for it; you asked for it every year;

**HONOURABLE ARNHIM EUSTACE:** Man, speak the truth *nah*.

**DR. THE HONOURABLE RALPH GONSALVES:** But I am speaking the truth. When you came in 2003, with a Motion relating to the Crime and where you had the Social and Redemption Chart and for spending money and I said you cannot do that unless you get a certification from the Governor General through a Minister and you said, “You see, this is the problem we need this law to change we need this Constitution to change.” And when you came the last time with the Motion on the Integrity Commission you said, “Well, I tried

to not put in anything concerning money; because I know I cannot bring a Motion here with money given the state of the law". Again you were complaining. What happened you are not complaining about it, you like it so?

Now, Mr. Speaker very fundamentally, there is a bundle of innovative provisions for the better in the proposed Constitution regarding elections and the machinery for the conduct of elections. These provisions include the establishment of a truly independent and transparent five-member Electoral and Boundaries Commission and the appointment by the President on the advice of the Boundaries Commission of a genuinely independent Chief Electoral Officer. Mr. Speaker, at the moment, the Public Service Commission has to speak to me about the Supervisor of Elections and appoint that person. You know the Chief Electoral Officer under this New Constitution, I will have nothing to do with that, that is the Boundaries Commission, the Chairman who would be appointed after consultation with the Leader of the Opposition and myself and the Electoral and Boundaries Commission would have two members from the Opposition, two from the Government side with an independent Chairman and it is that body which will appoint the what is now the Supervisor of Elections. The Chief Electoral Officer after the last elections the Opposition demonstrated calling for the removal of the Supervisor of Elections that he is a lick boots: he is there only to do the bidding of the Government and so on and so forth. And we have heard that over and over in the Labour Party time in Opposition, they used to say that about Bully Robinson, well now, we cut all of that out to have the person independently appointed and I do not mind that because I do not want to be in office winning an election where anybody feels I have an unfair advantage. When I beat you, I want to beat you fair and square.

[Knocking of desk] How can anybody vote against this: a better Electoral System, Mr. Speaker? Then comes the Minority Leader, I want to list the increased powers of the Minority Leader, first of all; it is the first time that the Minority Leader is so recognised in the Constitution there is a whole chapter on him not a verse you know, as in the current Constitution a whole chapter. Hear the powers, the additional ones. Explicitly he now chairs the Public Accounts Committee to review government's expenditure and as I have said before you have more Opposition people in it than government. Secondly, he is able to move Motions in the Assembly regarding taxation and expenditure; that is new. Thirdly, I want you to listen, Honourable Members carefully to this: the Leader of the Opposition has a vastly enhanced role under the proposed Constitution in the appointment of Members of the Public Service, the Police and the Prison Services Commissions.

For example, the President is required to consult with him and the Prime Minister in the appointment of the Chairman. Under the current system, the Governor General has to appoint the Chairman whom I want. I want to repeat so that you know, under the current system the Chairman of the Police Service Commission and the Public Service Commission, the Governor General appoints whom I want that is what the Law says: the Constitution says. Now, the President will appoint a Chairman after consulting the Honourable Minority Leader and the Prime Minister, I cannot get who I want and then remember it is the Public Service Commission, the Police Service Commission and now also the Teaching Service Commission. They have a lot of powers in relation to promotion and transfer and so on of people who are working in the Government.

Mr. Speaker, the Honourable Leader of the Opposition knows that ... may I just say this in relation to the Public Service Commission, Police Service Commission and Teaching Service Commission, there is a provision for civil society involvement, one of the Members has now to be appointed by the President from civil society, you

know. That does not exist at the moment; I am the person who deals with all of those and they say in one case I should consult the Leader of the Opposition. Well, I will call him and discuss the names. What Sir James used to do - he writes a letter, "I hereby consult you on the appointment of the Public Service Commission"; you know, this is important to understand. Similarly, in the Public Service Board of Appeal where one member would be appointed on my advice in the current Constitution it is no longer on my advice; he has to consult both the Leader of the Opposition and the Prime Minister. Then there is the additional authority through the establishment of the Parliamentary Commission which the Leader of the Opposition has.

This Parliamentary Commission consists of ten persons, the Speaker and nine others. You know who are the five persons out of the nine? Three persons from civil society determined by the President, a Medical Doctor and a Minister of Religion all determined by the President, then two by the Prime Minister, one by the Leader of the Opposition and the Attorney General, who has to be there because he is a Lawyer. You know what the Parliamentary Commission does? the Parliamentary Commission is given the power under the New Constitution to exercise the prerogative of mercy if he should go to the gallows or not go to the gallows after a sentence in the Court; reduction of sentence; suggest names to be elected President and also to speak on any national issue of significance. You know sometimes controversial issues come up and people long to hear a mechanism addressing these matters, this mechanism can do it. Mr. Speaker, I have addressed issues of the Service Commission already.

The Ombudsman is there between clauses 141 and 147 to investigate complaints by members of the public about administrative abuses. You know at the moment if a citizen has a problem with a public servant in the conduct of the public servants duties the only avenue open is for the citizen to take that public servant with the abuse to the courts for judicial review. But you do not have to do that if you do not want to; you can go to an Ombudsman. Mr. Speaker, I should be winding up shortly. Then there is provision for the Integrity Commission - independent Integrity Commission, Local Government, under clause 150, it says specifically, and I want the Member for the Northern Grenadines to understand this and I want the people in the Southern Grenadines to understand this. Hear what it says, how can you vote against this?

**“It will be appropriate for autonomy to be offered Local Government bodies in the Grenadines than those on the mainland”.**

How are you going to go against that? Then the number of members for the Executive to the Cabinet will be limited to twelve persons. Specified constitutional offices such as the DPP; the Attorney General and Auditor General and former Director of Audit are specifically protected. Including Mr. Speaker, I showed, Mr. Leacock, the Honourable Senator Leacock said: it is one of my finest hours. the Honourable Attorney General here is a public servant, under the Constitution currently if you have a change of Prime Minister or a change of Government nobody can remove her you know, she is permanent currently; but what we have done we have provided in the Constitution that in such a change the Attorney General would put her office at the disposal of the incoming Prime Minister or government without any loss to her seniority or to her security of tenure or to her benefits. Now, many times in this region there is bacchanal between Attorney General and Government, sometimes they have to try and see if they get a job as a Judge for her or send her overseas or something. That is the spirit with which this Ralph Gonsalves not Prime Minister, this Ralph Gonsalves has approached this matter.

Then there are immense reductions of the powers of the Prime Minister. Mr. Speaker, at the moment I can call any election snap; under the new Constitution I have to wait until four years and nine months in my term so to do. I cannot deal with issues with the prerogative of mercy anymore; I have nothing to do with that. The Public Accounts Committee which the Prime Minister under the current system could control, under this New Constitution the man who controls that is the Minority Leader. The power for me to effectively appoint the Chairman of the Service Commission will no longer be with me. I no longer have the power effectively to appoint the Head of State or to remove him. I have explained how that has been done. I have no power to appoint Senators they are now elected.

Then restraints are placed upon me because of the Parliamentary Commission, the Human Rights Commission, the Ombudsman, the Integrity Commission, the Local Government, participation by the Civil Society nominees and by the Election and Boundaries Commission. Then the Magistracy is protected for the first time under the Constitution. You are hearing people saying all the time oh! Prime Minister could influence magistrate. I cannot influence magistrate because I am not like that; but for the first time in the history of the OECS the Magistracy in this new Constitution will be constitutionally protected [applause] and 90% of the cases go there, and provision is made for the regionalisation of the Magistracy.

As far as the Judiciary is concerned, Mr. Speaker, this Constitution is saying we move away from the Privy Council and go to the CCJ; [Caribbean Court of Justice]. And then what we will do after this is voted we will simply bring a Bill to the House here to effect the smooth transition from the Privy Council to the Caricom Court of Justice, so that you do not have any messy transfer of one to the next. There is immense civil society participation in this Constitution and Mr. Speaker, if I may say this under the current Constitution the Attorney General can also be Director of Public Prosecution, under the new Constitution that is not possible. Under the current Constitution there can be marriages of convenience in order to get citizenship, it cannot happen after the new Constitution.

Widening access to the Constitutional Court: you had to have a relevant interest, now all you have to have is an arguable interest which makes a profound distinction. People have asked for us to change the name from the Royal St Vincent and the Grenadines Police Force to the St Vincent and the Grenadines Police Service and all that is accepted. Mr. Speaker, in this Constitution there is the Bill: this Constitution Bill; there is the Bill and the Constitution is a Schedule to it. When we go to the polls in the Referendum you will be asked to vote yes or no on this whole thing. In the Bill there are transitional provisions so that as soon as we get through here with the two thirds and we go to the Referendum this Parliament will be until the next election; the Parliament under the New Constitution and similarly with other institutions.

Mr. Speaker, I want to remind everyone that there are provisions to strengthen women - positions for women: 30%. We are aiming to have nine out of the twenty seven persons from each Party offered up as Representatives or Senators that is an aspiration, very important matter equality between men and women, constitutionally protected and strengthened. Family and marriage strengthened, they are not going to have any marriage between woman and woman and man and man [applause] all these are here.

Mr. Speaker, anyone who says after listening to me that the only changes here are cosmetic got to be living in a different world than the one in which I am living; got to be living in a different world than the one in which I am living. This Constitution makes profound changes for the better. I end as I began; I come to you not as

Prime Minister, I have that office to carry the Charge; but someone who holds the highest office in this land, the office of citizen. Mr. Speaker, when people come to office and Prime Ministers tend to come to office by the time they are in their mid '50s they have ten years they are approaching their mid '60s, such persons, such human beings are not interested in constitutional change that is why we have not had them. They say, "You give me the thing where the Prime Minister is the real power house and he drives everything". What sort of an animal wants to reduce his powers and spread the power more around? A lot of other institutions make it more democratic; the sort of animal who comes along if I may say so with modesty: once in a blue moon.

My colleagues in other parts of the region elsewhere said, "But Prime Minister why you want to change this thing with all the powers given to you"? I said, "I want to change it because what we have is not right it is wrong we can do better for our countries". This is the culmination of part of my life's work for many of my generations. This is my gift to the people of this country I want them to embrace it. To the children and to the young people any opposition against this Bill leading to a 'no' vote, with great respect it has no creditable intellectual basis or merit. Please do not make Ralph Gonsalves or the ULP an issue; I know it is not easy to get two thirds of the vote in a Referendum; Unity Labour Party tends to get 55-57% of the vote; but I am satisfied that there are enough right thinking people out there. After we have gotten the two thirds here which I am satisfied we will get in this Honourable House; that they will go and vote for this Constitution in a Referendum saying 'yes'. Never mind your Party you can vote if you love your NDP there is nothing wrong in voting 'yes' in the Referendum and vote for your Party or your Representative in the Elections. It is a whole year away, elections and when we get there all of this is forgotten; because there would be some other immediate exercise. Please we have toiled hard, a lot of people have worked honestly on this and this is an excellent document. I urge that it be given your full support. Thank you and May Almighty God bless us. [Applause]

**HONOURABLE MR. SPEAKER:** Honourable Leader of the Opposition.

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, I rise to make my contribution to the debate on the Constitution Bill 2009, you can look at it, it is a big document, it is heavy and sometimes therein one would find elegant compilations. The Prime Minister indicated in his presentation that today has we discuss in this House we have a moment that is pregnant with history. What is more important for me, Mr. Speaker is whether the baby is still born that is what is more important for me. I have listened very carefully not only today, Mr. Speaker; but over the last six years. You know the normal gestation period we know is about nine months; this one has had a gestation period of 6 years. We started off with much vim, we started off together guided by our simple and noble objectives to be a Republic, to limit the powers of the Prime Minister, to safeguard rights and deepened democracy. Each of those goals spoke to evolution that is to improvement. We have a weighty contrivance before us, Mr. Speaker and I intend in my presentation to give clearly our position on a number of the issues and recommendations that have been made in the document. Let us all be conscious however of those noble goals which I just spoke about. That is to become a Republic; I repeat it to limit the powers of the Prime Minister, to safeguard rights and deepened democracy.

Our desires, Mr. Speaker, as nationals are not just to go into a polling booth and tick one box or the other. What we have here in some ways is an abject compromise in saying 'no'; therefore St Vincent and the Grenadines they are not turning down those inspired goals. In saying 'no' St Vincent and the Grenadines they are saying this document has not done justice to; has not seamlessly enshrined, has not fully realised these noble goals. In saying 'no' we are saying come again. Mr. Speaker, I want to reinforce the issue in my presentation in relation

to a number of these goals and I believe it is absolutely important that we go back to the beginning that all of us in fact have a clear understanding of how we started. I did not simply getting up in this Parliament as Leader of the Opposition and second the Motion made by the Prime Minister. I did so with the understanding that we were trying to achieve something noble. Something that will bring to the people of this country what they desired and I want to go back because the Prime Minister himself at the beginning of this exercise, in his presentation and in certain statements that he had made previously and during his presentation at the opening of this exercise years ago had a number of things to say. I agreed with those things; I spoke to the Members of my Party on those things, those goals that we believe were critically important to achieve. The Prime Minister quoted at one time from his address which he delivered to the OAS in Barbados in 2002 and I want to quote some particular sections of the revised report dated I think September, 2006 from the Commission and it says here and I quote:-

**“In the course of the same address the Prime Minister identified no fewer than 14 areas of weakness or limitations in the Constitution of St Vincent and the Grenadines; but he stressed that those weaknesses or limitations do have corrections, alterations or innovative answers available.**

Commission went on;-

**Among those 14 weak areas highlighted by Dr. Gonsalves were the following:-**

**The Control which the House of Assembly exercises over the Executives: that is Cabinet is highly inadequate and ineffective including the House control on matters relating to public finance. The unicameral legislator; which is our legislator here; role as a veritable rubber stamp of the decisions or actions of the Executives and the third one;**

**-the excessive powers ...**

And this is Prime Minister Gonsalves speaking.

**The excessive powers of the Prime Minister in the Constitutional and political apparatus; to such an extent that Parliamentary Government is reduced not merely to Cabinet Government; but to Prime Ministerial Government”.**

Those are quotations.

Mr. Speaker, I have looked at a lot of the proposed changes and I have my own opinion as to the effectiveness of those changes and I know that is normal that persons will have their own views on a number of those changes. We have some, we have discussed them; but I want to go forward and quote a little more from the Commissioners. This document says:-

**“Your Commissioners**

That is the CRSC,

**... have earnestly striven via the corrections; the alterations and innovative answers; on the general issue of governance.**

And this is the important one: paragraph 22;

**Our seminal challenge ...**

This is the Commission headed by, Mr. Campbell.

**Our seminal challenge therefore, has been to make recommendations which would result in the achievement of an alive constitutionalism resting on the twin pillars of a deepening of democracy and a reduction in the excessive powers of the Head of Government.**

They went on indicating that they were mindful that they cannot come with two strong recommendations but the recommendations will be fundamental and innovative. Mr. Speaker, I want to look at some of the recommendations. We have a small team on this side and those that I do not deal with other members on this side will deal with them when they make their own contributions to this exercise. First of all, Mr. Speaker, I wish to address an issue which the Prime Minister addressed, right at the very beginning and which has been the subject of much debate in St Vincent and the Grenadines and that relates to the Preamble.

The Prime Minister in his own presentation a while ago pointed to the amendment in paragraph (b) of the Preamble in which the people of St Vincent and the Grenadines known as Vincentians desired that their Constitution should enshrine the abovementioned: "Inalienable rights, freedom, principles and ideals". From the very beginning of the discussion we felt and I know that many other people in this country feel that way - that inalienable right was an issue that needed to be clarified. I know that there are those who say, "Well, you can still hang a man if he kills somebody and therefore one should not be pushing that too hard". But there was a draft that had been prepared by the Commission which had what I considered a more comprehensive description that should be in the Preamble, in relation to inalienable rights. And I want to read it; I want to quote from it. It was there it was taken out before we got it inside the Parliament and it relates to the amendment of what you see now as section (c) in the Preamble. Section (c) reads:-

**"Realise that the maintenance of human dignity presupposes safeguarding the rights of privacy, of family life, of property and the fostering of the pursuit of just economic rewards for labour".**

After much discussion, we simply in dealing with this matter inserted in (d) the words '*inalienable rights*'. I am still of the view, Mr. Speaker that given the fact and it is recognised in the Constitution in the very first part of the Preamble that this nation is founded on the belief in the Supremacy of God. I wish to read what the revised (3) said and this is the one that we support.

**"Realise that the maintenance of human dignity requires solemn appreciation that man is endowed by God with certain inalienable rights and functions including the right to life,**

**liberty and privacy. The right to have and raise a family, the right to own property and the right to the pursuit of just economic reward for labour which said inalienable rights are to be safeguarded”.**

We are not simply satisfied with the insertion of ‘inalienable rights’ in (d). Those who wish to disagree are free to do so; that is the position of those on this side of the House. Another area, Mr. Speaker, on which we had much discussion and those who want to stupe their teeth can stupe it until tomorrow morning in this Parliament. I am speaking here on behalf of the Parliamentary Opposition; you know [interjections] because we are supposed to have some standards and codes of behaviour.

**HONOURABLE MR. SPEAKER:** Just a moment. [Applause] I would ask if any Member of this Parliament stuped his teeth as it were please desist from doing so. It is not good Parliamentary courtesy, please desist and I will equally ask strangers in the Gallery that you are not to participate in these debates whether to applause or any action, please desist from doing so. Right Honourable Members.

**HONOURABLE ARNHIM EUSTACE:** Thank you Mr. Speaker. Mr. Speaker, while we are talking about these kinds of rights you know, one of the rights that was very emotionally and frequently discussed in the Select Committee comprised of the whole House was the question of acquisition of property. It was a very contentious issue for us in the community and in this Parliament and I want to, Mr. Speaker, turn to page 25, and for those in the Public Gallery who have copies, I do not believe the document you have is the same document that I have. I want to turn to page 25; because there is a word in there now which deals with the acquisition of property and it says; “Protection” the sub-note or the side note says; “Protection from deprivation of property”. Mr. Speaker, over the last years there were many instances in which people in this country complained about the way property is acquisitioned by the State was effected; and this is why this issue had become so contentious. And we sought to come to a wording, Mr. Speaker, which we feel will be acceptable by all sides to ensure that people in fact, get what is due to them.

The Prime Minister consistently made the statement in these debates that in relation to this matter one has to take into consideration the fact that the State provided infrastructure and therefore that has to be a factor in determining what is offered by way of compensation for property acquired. Of course that ignores those persons or institutions that put in their own infrastructure; because there was reluctance and there is still reluctance to include anywhere in this document a wording that reflected ‘market value’. It is still not here, what we have Mr. Speaker is: “That compensation, which is in all its circumstances fair and reasonable to the person entitled to compensation and also to the State”. But we know when persons go up against the State what happens.

Mr. Speaker, we do not accept that wording; any wording that excludes a reference to “Not less than the Market value of the Property” is not acceptable to us on this side of the House. We went into arguments on this in the Parliament [applause] because if you are going to take that kind of position in relation to acquisition then the issue is not whether the State put in the infrastructure. If the feel is that you are making Capital Gain on such land then the way to deal with it and I repeat, the way to deal with that Mr. Speaker is to impose Capital Gains taxes, not reduce the amount of money that you feel you should pay to persons. And therefore, even this wording here, which is a slight improvement than the one we had before is unacceptable to us on this side of the

House given the history of the last few years and particular in relation to acquisition of property. [Knocking of desk]

Mr. Speaker, I want to go to a particular issue because I still feel that in the public domain there is a situation, which people still have not grasped: the system that is being proposed for elections; for general elections where we have a combination of First Pass the Post and Proportional Representation. The questions that I am asked all the time by citizens of this country tells me that that concept is not yet fully understood. The Prime Minister is right; Sir James both in writing and in his speeches has always put forward the proposal over many years in relation to having that mixed system. And that arose because of two different incidents relating to elections in St Vincent and the Grenadines in the past including what happened in 1998, when the New Democratic Party won the Election with eight seats to seven for the ULP. But the ULP had 54.15% or what were the figures of the vote and it was felt that it was unfair that a Party will get a majority of the popular votes as is possible in the First Pass the Post System; but yet lose the Election. So, the idea was to come up with a mechanism which we support. To come up with a mechanism that could mitigate or ease some of the concerns on matters of this sort and on that basis proposals were drafted by the Commission, which set out how that should be done.

But in these proposals we must know - because when you meet in the Committee of the whole, the public does not know what our position is or the Government's position for that matter on any item. So, we have discussions in here and if an item comes up and there is disagreement then the Government's position will go forward and that is the reality. So, not everything you see in the document here is something that we agreed to or disagreed with. We have had positions on a number of these issues which are at variance with the Government of the day. But in the Committee of the whole which is chaired by the Speaker of the House when you came to that position the position of the Government held sway that is the reality and we must understand that is how a lot of these proposals that you see here today arose. I am not saying this is not a democracy; we are trying to correct something. So, Mr. Speaker, what happened in effect is that we have a situation in the Constitution now where it is affected by two decisions that have been taken.

So, while in fact we support the concept of the Mixed System, I want to point out two things. The first of these, Mr. Speaker is that the Government proposed that the number of seats be increased to twenty-seven with seventeen of those seats on the First Pass the Post System and the other 10 will come under the PR System; not PR Campbell, Proportional Representation. So, Mr. Speaker, we did not agree with that breakdown of seats, we did not agree with it at all and we made our position very clear. Our position was the size of the Parliament should remain as it was. The argument for the increase is that it would mean that you would have a backbench of persons who are likely now to take a more independent stance in parliamentary debate, as you have in many of the more developed countries, which are much larger Parliaments. But the reality of this System as is proposed since the Senators come from Party List means that all members of the Parliament will come from either of the Parties. And to see them - you are going to tell me that a Senator who is a backbencher is going to come forward independently and oppose the Prime Minister or a Minister in the Parliament of St Vincent and the Grenadines? Let us deal with practicalities; I am not here to deal with any theory. I am here to deal with how this thing is applied. So, you are going to tell me the justification is that you are going to have a backbench? Well, I reject that entirely, people will vote in relation to the Party that put them on the Party List that is reality.

So, I do not see that as any big issue to be talking about on such a major change. The second issue in relation to that Mr. Speaker has to do with how the PR vote is allocated; we discussed this too in the Committee, you remember? And I want to use the 1998 example because I want people to understand what it is we are talking about. In 1998 we had fifteen seats all by the First Past the Post System and the ULP as I said got fifty five-point something percent of the votes and the NDP forty four point something percent; a big difference: ten percent point. So, you have to have a mechanism now in this Constitution as to how you deal with the allocation of the PR votes; because the constituencies' votes are clear, you vote for the person you want. So, for the first ten percent of the vote you get one PR seat; (Proportional Representation); if you get twenty percent you get two; if you get thirty percent of the PR vote, you get three; if forty percent you get four; but when it comes to the next figure fifty percent and I want to give an example to make the point. Let us assume for argument sake as happened in 1998 that the NDP had won nine and the ULP eight in the Election under this Constitution: the proposed Constitution, and both Parties the only difference between them was one vote. In other words, if the NDP had gotten 30,000 votes and nine seats and ULP had gotten 30,001 votes that is one more vote than the NDP, they will get an additional two seats and form the Government. Who is going to go with that crap? Excuse my language Mr. Speaker.

So, with a difference of one single vote the Party that got eight seats instead of nine will get two additional proportional seats and form the Government against the Party that got nine in the constituency on the bases of one vote? And people tell me that is reality? That is what people will accept in this country? Well I do not accept it; will never accept it [interjections] Mr. Speaker, I cannot see; I couldn't see for instance why you cannot say if you get two percent more popular vote you get one seat; another two percent another seat so you come down 54%-46%. I cannot see why that cannot be done. [Interjections] You better forget all of us you know [interjection] [laughter]. What I am saying Mr. Speaker is that is not an acceptable resolution in relation to this particular issue and we will vote against it [knocking on desk]. Mr. Speaker, I move on.

I want to, Mr. Speaker deal with the President and how the President comes to office. The Prime Minister is right: under our present Constitution one can - the Prime Minister can tell Her Majesty who he wants as Governor General and that person be appointed. Under the new Constitution what is there is that in order to appoint the President, the Prime Minister will consult with the Minority Leader as they call it and if he does not agree then the matter has to be decided by the majority of parliamentarians. Now, that is one of the things that have been touted as a major change in this Constitution. As a matter of fact, I have seen a document recently where some of the changes had been referred to by the Chairman of the Commission in his address to WINFA as dramatic. That is one that is a dramatic change? For me there is no drama in that. The Prime Minister and I disagree and the name goes forward, how do you expect the parliamentarians to vote? They will vote again in accordance with their Party, it is no big thing about that; what is so revolutionary about that change? What is so dramatic about it? Mr. Speaker, there are a number of areas like that in this Constitution and I described a number of changes as merely cosmetic; because in practical application they will amount to the same thing.

I want to turn Mr. Speaker, to the PSC (Public Service Commission) I think it is on page 137.

**DR. THE HONOURABLE RALPH GONSALVES:** What about the one with the Presidency?

**HONOURABLE ARNHIM EUSTACE:** I am coming to that I am not finished yet.

**DR. THE HONOURABLE RALPH GONSALVES:** Oh!

**HONOURABLE ARNHIM EUSTACE:** I am coming back to the President.

**DR. THE HONOURABLE RALPH GONSALVES:** I thought you had demitted.

**HONOURABLE ARNHIM EUSTACE:** No, I am coming back to them.

**DR. THE HONOURABLE RALPH GONSALVES:** Okay.

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, I listened to the Prime Minister's presentation earlier today, the Chairman of the Public Service Commission under this new Constitution may be appointed by the President acting in consultation with the Prime Minister and the Minority Leader and that is supposed to be a major and significant change from the past. Then one member will be appointed by the President acting in accordance with the advice of the Prime Minister. Another member appointed by the President acting in accordance with the advice of the Prime Minister; but before the Prime Minister's advice he must talk with the Minority Leader. I must be an idiot as Minority Leader to believe that that has some meaning. I know how it is done; the Prime Minister gave the example of Sir James and how he did it; but this Prime Minister has called me on matters relating to people in the PSC and he says, "Well, I have such and such"; what you want me to do tell him no he cannot do that? He is going to put who he wants so none of his consultation process that we are talking about has any meaning. So, when these things are presented to the Public of St Vincent and the Grenadines as fundamental change as weakening Prime Ministerial power it means nothing.

You go to the Police Service Commission is the same thing. You heard the Prime Minister this morning talking about all of them; it means the same thing in terms of practical application it does nothing to remove or reduce Prime Ministerial power; all it does is it may take him a few days longer to get what he wants. And our objection, Mr. Speaker, to a number of things in this Constitution is based on that very fact that the proposals that have been made do not when you talk about applying them make any fundamental difference to Prime Ministerial power in this country. They talked about, what is the other one they talked about the other day? Oh! We are limiting the Cabinet to thirteen; so that reduces the Prime Minister's power well, that has to be a real joke; to have twelve, thirteen including the Prime Minister. What power that reduces? So, you can have a backbench which is Party lead? What does it do? What difference does it make in terms of Prime Ministerial power? None; it makes no difference in terms of practical application. It sounds nice on paper, very nice on paper; *boy dem fellas gave up a lot of things de give up*. Give up what? Nothing is given up in these areas and there are a number of them, I do not want to go into all of them today; because some of our people will have to deal with some. But I have looked at a lot of them and when I try to see how you apply it in the real world: nothing. There is no real difference, there is no fundamental difference and that is one of our noble goals to reduce the powers of the Prime Minister.

So, the Prime Minister says that if anybody votes 'no' they must be living in a different world than he lives in. Well, we certainly live in different worlds; because I am going to vote 'no' on this Constitution. Mr. Speaker, another proposal that we have been hearing a lot about, Mr. Speaker - how much time I have?

**HONOURABLE MR. SPEAKER:** You have completed 38 minutes.

**HONOURABLE ARNHIM EUSTACE:** Thirty eight minutes. Mr. Speaker, there are a number of proposals in this document in this Constitution you know, which will find favour with me and the rest of my Party and I could name some of them. I like the idea of the Ombudsman. I like the idea of the Integrity Commission and matters of that sort. As a matter of fact, we are on record in this Parliament, this side of the House of bringing a Motion supported by the Prime Minister on the whole question of Integrity Legislation; but the public is being told, Mr. Speaker that if you do not vote; if you vote 'no' then you are throwing away these things. When we were putting forward our Motion to deal with Integrity Legislation and Integrity Commission no Constitution talk was around, you know why; because you can do it by separate legislation. So, giving the false impression to the public that if you vote 'no' on matters like that you are throwing them away, the same Parliament could come around and pass a Bill in this Assembly here to do the same thing.

So, do not give the public that kind of impression at all. Do not do that and we will make sure that we point out in our campaign; our 'no campaign' against this document. We will point out to the public these things that we are talking about today. Everything comes down to the application, not what you write down say that you have dramatic reductions; dramatic my eye. [Laughter] We have a situation in which there are ideas there and nobody is willing to flush them out at this stage; but when we look at it in practical terms I have a problem. Mr. Speaker, I have a problem, a serious problem indeed, and therefore, when I hear persons trying to fool the public in this manner by indicating well, you throwing out all these things if you vote no. It is not true; it is not true. We have been six years on this exercise: six years is a long time indeed, but if we are changing the Constitution of our country, we have to try and get it right. And what we do must find strength in the way it is applied and how therefore, it impacts and whether it is dealing with the deepening of democracy or Prime Ministerial power. It has to do it right through, not when it suit you to say something and when you are trying to read it through you cannot see what difference it makes.

And I cannot see, Mr. Speaker, in any of these things what the difference is and I want to repeat, I take strong objection to things which I cannot understand how they are going to apply and have benefit in terms of the noble objectives that we say that we have set ourselves over these last six years. I cannot see it. So, when I listened to the Prime Minister today, I knew that is what he was going to say; but we have our own concerns about what these things really mean effectively for the people of St Vincent and the Grenadines. Mr. Speaker, I hear a lot of talk about powers that the Minority Leader has you know, well, I do not know who will be the Minority Leader; but I hear a lot of talk about that. But I will say this if that individual is able to bring Bills or Motions in relation to Government expenditure; I want to see which one of those Bills is going to pass. I will wait to see that Mr. Speaker. I will wait to see which Bill like that will pass in this Honourable House; because when you are Minority you have the least of the votes; so here again we are back now to application again, you know [interjection]. So, if it is an application you apply it and see what happens. So, I am not getting carried away by all this talk about dramatic changes at all; not getting carried away by it at all. We have our position on some of these matters and we maintain our position and we will vote no in relation to this piece of legislation in the Parliament of St Vincent and the Grenadines here today.

Mr. Speaker, there are a number of things which are wrong or need addressing in St Vincent and the Grenadines and I believe that every Member of this Honourable House would like to see everything on a better footing. I do not believe that everybody is in here for their personal aggrandizement. I believe there is a genuine interest in improving St Vincent and the Grenadines on the parts of all Members of this Parliament and while from time to time one has to compromise on various issues, I believe that the fundamental integrity is there. But sometimes it

is very hard, Mr. Speaker, to remove the blinkers of party affiliation; very hard to remove them and therefore, a lot of these proposals which are to change so dramatically the political scene and the Constitution of St Vincent and the Grenadines will go no way in terms of their applicability. I want to say Mr. Speaker that we are told that we are going to have ... well both Parties I believe will have their own campaigns in relation to the Referendum that I understand is schedule for November. Up to now I do not know what time in November whether it is the 3<sup>rd</sup> or the 31<sup>st</sup> or whatever day, I do not know; but I am looking forward to the Referendum. I am looking forward to it [laughter] because I do not think there is any change that we could make in this Parliament in these debates that will affect materially at this stage the stance of both side of this House.

It is true that one has the option of getting up on the floor and trying to move an amendment; but all of that is a waste of time at this stage: the die is cast. Mr. Speaker, the New Democratic Party will vote 'no' and encourage the people of this country to vote 'no'. And we are challenging the Prime Minister now in this session of the Parliament to tell us what time in November the Referendum will take place; so we can get our house in order. Much obliged, Mr. Speaker. [Applause] Mr. Speaker, time is up; it is just one point I want to raise.

**HONOURABLE MR. SPEAKER:** Hello.

**HONOURABLE ARNHIM EUSTACE:** One point I wanted to raise, Mr. Speaker, with your indulgence.

**HONOURABLE MR. SPEAKER:** Just a minute please.

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, I sat down too quick. [Laughter] There is one ... the Prime Minister raised something which I think, I need to answer in one of his asides a while ago that relates, Mr. Speaker, to the President and how he is to be chosen. Well, we had our own proposals on how the President is to be chosen and I will just give a brief description of that. Mr. Speaker, our concern is that if you are going to deal at all with reduction of Prime Ministerial power as long as the Prime Minister has a lot of say on who is elected as President or chosen as President, it raises a fuse of affiliation. We propose that the President be elected by the general public and that a Presidential caucus, you can choose another word to describe it; a Presidential caucus comprising of the following members should be established and that caucus should include a member of the Religious bodies in the country; the President of the St Vincent and Grenadines Bar Association; the President of St Vincent and the Grenadines Chamber of Commerce; a member of the Trade Unions who must be a President of one of the Unions; the President of the National Youth Council; a member of the Ruling Party; a member of the Opposition Party and somebody representing the Media.

We are saying that we will invite nominations for the post of President and they can have three but not more than five such nominees and that those persons will face the polls. Face the public of St Vincent and the Grenadines and whoever the public chooses to be President that person would in due course assume the office of President in St Vincent and the Grenadines. But what we add to that Mr. Speaker is having a President chosen by the people; we are now saying that you can give him some of the powers that you are afraid to take away from the Prime Minister, where he can act in certain circumstances in his own, on his own. You know we have a situation, I did not read out the thing about appointments of Permanent Secretaries and all those things; but there are certain decisions which an elected President can take which could place a barrier and reduce the extent of Party political involvement in the whole process, including appointments and Heads of bodies and so forth under this Constitution. And that was our proposal and I thought it important that I state that. Much obliged, Mr. Speaker. [Applause]

**HONOURABLE DR. JERROL THOMPSON:** Mr. Speaker, the Constitutional Bill is the single most important piece of legislation of our time, it has been the most consulted, most debated and the most participatory process that this Nation and I have ever been involved in. The Constitution can serve to make each individual of this Nation a better person and this Nation a better Nation. The Constitution is not a panacea for every blot upon the Public Welfare, nor should it be ordained as a judicial body or thought of as the only haven for reform, we currently have eight volumes of books about laws and numerous statutes and regulations that provide the details of how our laws are to be implemented. Many of these still need amendments; but Mr. Speaker, Constitution Reform is not a joke, it is not a game, it cannot be steeped in what the Political Parties want: it is for the people.

The Leader of the Opposition in his presentation indicated that our deliberations today and over these last days have been steeped in the belief that blinkers are there from a point of view of political parties and that these blinkers cannot be removed. He asserts that Government and Opposition can never agree on anything and I have listened to him very carefully. I believe that the people want in cases where they agree for them to agree, in cases where they disagree; that there is not disagreement for disagreement sake and a vote 'no' for political reasons. Mr. Speaker, I have listened very carefully to the Leader of the Opposition as well as I have listened to him

on Radio, I listened to other persons in the Press, on Talk Radio and so forth. This Constitution cannot be just a simple short booklet as some people would like to see or become a simplified document, just to make it easy to read. Constitutions are serious documents often steeped in law jargon and so by nature some sections maybe difficult for some people to understand. I want to say that there will be as announced a simplified summary as promised for those who either may not have the time or those who may be challenged in some way.

Mr. Speaker, inspite of the recommendations from the people, a few persons are now calling for a complete scrapping of the Constitution and installing some sort of simplified document. Inspite of the people's recommendation for a Non Executive President a few are calling for us to go against the people's wishes and install an all and mighty overpowering Executive President. They talk about the Guyana's Constitution at times, Mr. Speaker, I have a copy of the Guyanese Constitution and the President is elected but the President appoints the Prime Minister. And even though the Leader of the Opposition had to stand back up after missing to deliberate and he really did not go into detail, he gave some sort of short summary of what a Presidential System and Election is going to be like. We know that an Executive President holds far greater power than that of a Prime Minister, one man people will vote for and clearly I am sure that many of my colleagues would be talking about this; because this is something that the people have expressed in their consultations that they do not want. Mr. Speaker, the people have requested greater participation from civil society in Parliament; but at the same time they do not want to see significant cost increase in paying for Parliamentarians and they want those two sorts of things combined. They have requested reportage every six months from Representatives; because they want to see and know that the work is being done that is here in this Constitution.

They have requested the Clergy; dual citizens; the youth from the age of 18 can stand for elections and electoral office and the new Constitution provides this. Mr. Speaker, it should be noted that this is a process of change and that all change is not necessarily growth, as all movement we know is not always in a forward direction. Some ideas conserve to take us backward. Changes do not necessarily assure progress; but progress implacably requires change. We know too that education is now accepted here in this country and recognised as such an important and essential element for change, for education creates both new wants and the ability and skills to

satisfy them. In some instances, the reforms which are proposed will be viewed as not having gone far enough and should be more radical and deep rather than a gentler cautious and a most sensitive approach which is sometimes prescribed. With Human Rights and Integrity Commissions, and the Ombudsman some may say more details may be necessary in the Constitution; but this is being put forward for the legislation. However in this era of change, I say there is only one corner in the universe you can be certain of improving and that is your own self.

It is also said that time changes things but in effect you actually have to change them yourself. We have to change them. We should also be conscious that every reform however necessary can by weak minds be carried to an extreme an excess and this may require revision and reversal of those same reforms. Reforms have to be measured less the scalpel cuts too deep; for every reform movement also has a lunatic fringe Mr. Speaker, and thank God our process is blessed by not having too many of these. Reform as a process is never pleasant or easy and invariably it is grievous and contentious. Reform has never began so much as to eradicate poverty or to train the noble to desire more or the greedy to desire less; but more so to ensure a greater sense of fairness. The fight for reform comes down to a simple goal; giving our citizens the confidence that government serves the people first and the people only. However, no person can change and reform themselves without suffering enduring work: hard work much less our nation.

Our Constitution cannot be cut and paste or transplant from other countries whether United States, UK or Trinidad or Guyana: it must be geared to St Vincent and the Grenadines and our unique circumstances: we must repatriate our Constitution. Mr. Speaker, when this Constitution is passed by the people most people will look back over the years and identify a time and place at which their lives changed significantly. Whether by accident or designed, there are moments when because of a readiness within us and a collaboration with events occurring around us we are forced to seriously reappraise ourselves and the conditions under which we live and so make certain choices that will affect the rest of our lives. This is the call we make today and there is no other fitting time than our thirtieth anniversary of independence to call on our people to vote for reform on this new Constitution less the windows of opportunities are lost. [Applause] [Ringing of bell]

The past six years, Mr. Speaker, have been an engaging lesson for many of those who have been involved and participated closely following the Constitution Reform process but the upcoming 2<sup>1/2</sup> months will witness an unprecedented process of further dialogue and education for all. Our current Constitution was built on the Westminster System, it has its strengths and has served us fairly okay; but we have also discovered some critical weaknesses and limitations. Our current Constitution can be likened if I may but someone described it as a young lad going into Secondary School and having used school uniform and by the time he would have reached Form 5 his pants now is too short, the zip has spoiled, the buttons have popped and the shirt is too tight [laughter]. Mr. Speaker, after 30 long years our Constitution has outlived its time [applause]. There has not been a single change or amendment to our Constitution that I know of in 30 years. This nation has evolved and is still undergoing significant and unprecedented modernisation; but the Constitution has not changed or evolved and kept a pace with our changing circumstances. It is no longer geared for this modern era of tumultuous change, in education, ICT technological advances, regional integration and modern and fundamental freedoms.

Mr. Speaker, I am proud as Minister of Telecommunications that in this historic debate it is being streamed live over the Internet [applause] and I certainly want to thank Minister Baptiste who would have initially written to LIME on this particular subject. But Mr. Speaker, in this room we now have wireless internet coming soon to

our clerks: we are going to be digitally recording these debates; right now it is being recorded on analog and tapes. We are going to be introducing voice recognition software that will transfer this voice into digital text language early. We are going to have this, we are going to help so that the corrections are made quickly and support the Minutes and everything can be produced within a matter of days. Mr. Speaker, it is being broadcasted as we said on Carib Cable and so forth and so forth. Mr. Speaker, such is the level of advancement in this area. The current Constitution dictates how we should process this Constitution and the question is how do you get the perfect Constitution? This is a similar type of question that we ask ourselves: how do we get a perfect life? How do we get a perfect marriage, a perfect job, perfect children or perfect health? I can only hope for perfection on the other side of eternity or less so perfection based on my own views and beliefs and try and fight for them. But you cannot always in a collective process get every single idea that you want other persons to agree with.

Vincentians are still varied people, they are people of different ideas, different ages, and different experiences and at times my views will differ from some of my colleagues. My views will differ from some of you and I understand these things. Like fingerprints everyone views will be different and they could never be exactly the same. You know I was in hospital some months ago visiting somebody and a patient in the bed there relative brought in a big bowl of fruits with apples, oranges, grapes and all sort of things and then the patient said to the relative; “But you know I do not like bananas” and he started to eat an English apple and offered the patient I was visiting another English apple; and the person said; “But I do not have any false teeth right now; I want the bananas”. The issue here is that all these were nice fresh nutritious fruits but some persons would like one thing and not another.

Further, Mr. Speaker, next year is an election year, this new Constitution will introduce fixed terms of Parliament rather than snap elections. Some others have said to postpone it for 6 months. Postpone it for 6 months; but would not that be closer to an election? Postponing the Bill will not provide more time for discussion. In fact, what it will do, Mr. Speaker, it will let this process grind to a halt or significantly slow as minds shift towards thinking about elections and so this whole process of Constitution Reform and all the good work that is being done will get put off, and less the window of opportunity is lost it may never again arise in our life time. Mr. Speaker, people have been told that the Constitution has no value that only some minor insignificant changes have been made and there is nothing in it for the people, so over the next 3 months the Constitution will be fully illuminated, explained, comparisons made with what was there before and what is there now. And Mr. Speaker, even if the two thirds majority fails people would be asking that searching question why; why were they hoodwink, why were they denied something that was beneficial for this nation?

I recalled in North Leeward when estate workers were asked to come in and sign up to get their severance payment for work done; many thought it was a joke, they were told it was a joke. When there was low income houses people told them they were match boxes. When you had the equipment coming for the Airport they were told that the equipment was rusty or that a golf course is being built. After a while people found out exactly what was being said and eventually asked that question why were they being hoodwinked? Time reveals the true benefit we will and we should pursue and proceed now; not later and we will pass this Constitution and people will support it [ringing of bell]. Mr. Speaker, I put to you that those who say vote no their conscience will bear a great weight, as for the perfectionist or those who propose that for flimsy and political reasons or those who would want to drive a stake through the heart of this Constitution this is a great Constitution; a repatriated Vincentian Constitution and one that I am proud to support.

The Constitution protects and gives people the right to pursue happiness, to engage responsibly and to be patriotic. The Constitution is not an instrument for the Government to restrain people; it is now an instrument for the people to restrain the Government lest it comes to dominate our lives. No provision in our Constitution ought to be dearer to man than that which protects the right of conscience against other enterprises. However, Mr. Speaker, there have been other complex issues and I would just really gloss through them. The whole thought, the interpretation of section 38 which is clear, Mr. Speaker, in the United States whole movements have developed for and against gun control and for and against death penalty and abortion. Great divides such as these exist in many cultures and there will be an element of this in ours; but it does not necessarily have to be so.

The very fact that there are an additional 168 sections of this Constitution with hundredths of changes shows that our current Constitution was deficient and outmoded. In our current Constitution there were 105 clauses, in this new Constitution there are 273, some sections have 13 subsections and more; clearly the original drafters could not have intended that when there were alterations that you would bring separate Bills for these and I think that these issues would have been elaborated. Mr. Speaker, as a result of the 6 years of the consultary process there were over 70 recommendations from the people through the CRSC. As I have counted them, over 90% of these recommendations were adopted and are included in this Constitution. We do have in that 10% suggestions such as the nays, which may have been rejected by both Opposition and Government; but out of that we have been able to fashion the Parliamentary Commission, the whole concept of the Party List and I believe that this is a good system.

Since the final draft in May there have been numerous suggestions and testimonies from groups and individuals and a large portion of these have also been accepted and included. The process has catered for submissions from religious movements, from unions, from Rastas and from other civil society members. No one can say that these suggestions have been ignored, if the Teachers vote 'no' there will be no Teaching Service Commission; if the Public Service Union votes 'no' there is no Rep on the advice of these bodies; if the Rastas vote 'no' the provision for preventing cutting of hair and special dietary measures they would not be put in place. A 'no' vote leaves us with the same excessive powers of the Prime Minister; a 'yes' vote decreases that; a 'no' vote leaves us with no improved rights of freedoms, no inalienable right and the continuation of the Privy Council to determine that if as the Prime Minister said, a murderer cuts off a man's head that that is no big deal to them by their standard.

Mr. Speaker, we have over nine new chapters, sorry eight new chapters and nine which have undergone significant ... there is this window of change and I would not follow President Barack Obama, he has a window to institute health reform and that window to us seemed to be closing; because people do not necessarily disagree with health reform they just want to from a political point to just vote no, and he is facing those particular challenges. Mr. Speaker on occasions there is an irrational nonsensical opposition that does not add up; there is simply the strategy to say, 'no'. I heard Ads on Radio to say, 'no' before we knew what was going to be in this document [knocking of desk] The window of opportunity is now due to the existence - yes of an ULP majority in the House and it is likely that at the end of this particular process that we will have that two thirds majority voting 'yes'. Make no doubt, Mr. Speaker, there are different views that over time had being filtered, jelled and are now harmonised; people come around to things; however leadership and will power as a essential ingredient is necessary to push and drive the process through and overcome attempts at major road blocks.

Two years ago the Opposition tried to derail this process; if Constitution Reform was not pushed as a priority, it would not have happened. The Opposition has always felt and had been lukewarm on Constitutional Reform, and over the past 6 years there was a good feel and a positive perception that there was something real and genuine. I felt on one hand there was this good feeling; but like deep down I felt this lukewarm thinking. Then about a year ago, something happened, it is unclear what happened; but something happened that forced the Opposition just to take a different strategy. Anyway, Mr. Speaker, we have had a broad dedicated team from the CRSC that has worked tirelessly for very little and I want to applaud them today, Mr. Speaker ... [applause] [knocking of desk]; Mr. Speaker, the people have now become much more engaged. I remember sometime I was travelling, somebody told me that there was a consultation in Petite Bordel; I did not know about it; where there were four persons; but there have been consultations where there were a lot of persons and I think that over these next 2<sup>1/2</sup> months you would see people fully engage. They will have their final say. Mr. Speaker, there is also a perception as I said that in the Select Committee that we have listened I have been part of this process, suggestions that have come from the other side - say maybe okay - let us go with that. It has been a process; but that process now seemed to be a little disingenuous. We are coming here to say 'no' but - and I just do not understand that.

Mr. Speaker, inspite of their stated and opened plan to say 'no' the NDP has paradoxically participated in this process and I said made numerous and useful contributions. We have the Leacock: Senator Leacock's amendment; we have the Leader of the Opposition's insertion; we have the Representative Friday's proposal and so forth. Mr. Speaker, finally, you know this process will go back to the people who will be given an opportunity in a Referendum to put their stamp of ownership and approval on the process, even today there may be some minor adjustments and things made; but I believe that this is certainly going to go through. However, I want to say I just do not know where the Leadership lost its nerve. Instead of taking the lead in the Reform movement, they pulled the plug on it, they succumbed to uncertainty and insecurities and persons telling them: do not do anything with them; when they know that that is what the people want: the people want us to come together for this process to go forward.

The inability of any leadership to still the voices of their own consciences is the great force leading to change. It takes a lot of courage to release the familiar and seemingly secure, such as the old Constitution, if you want to call it secure to embrace the new and this new Constitution; but there is no real security in what is no longer meaningful. There is more security in the adventure, excitement and the correctness of reform; for in movement there is life and in change there is power true power and too often new insights fail to get into practice; because the conflict of deeply held internal backward and negative images of how the world works. The world does not work, Mr. Speaker, with Opposition and Government disagreeing on everything that is not the way the world works. Images that limit us to familiar ways of thinking and acting that is why there is a discipline in marriage, in mental models, visioning, foresighting and improving our internal picture of how the world works and how this nation should look. Mr. Speaker, I repeat there is only one corner of the Universe you can be certain of improving and that is your own self.

Mr. Speaker, I must congratulate the Prime Minister on his remarkable show of statesmanship and what amounts to unilateral relinquishment of some of the powers held by a Prime Minister. This is something that most leaders around the world would not have contemplated, they would have scorn and this shows his level of commitment, confidence and dedication to democracy and a participatory consultation reform process which is unrivaled by any other leader or government. As with JFK "some men see things as they are and say, why; other

dream of things that never were and say: why not"? It shows that he gets it. The Prime Minister really gets it; he understands that our current Constitution and especially in the context of the West Minister System has served us in most respect; but has done its time and must now evolve as the nation has modernised and evolved. He and many others have stated that the current old Constitution and those of other Caribbean countries that there are excessive powers conferred to the Prime Minister. This is what he has stated and speech after speech he has pointed this out and in the proposed new Constitution some of the Prime Minister's powers have been shifted to that of the new President-102. Some powers shifted to the Parliamentary Commission-130, where the new 10-member commission will comprise a number of things including three distinguished members of NGO's and civil society, must include the Clergy and the Medical practitioner. I am not still a medical practitioner; I do not qualify for that. There will be greater autonomy of the DPP and now the ability of the Attorney General to speak in the National Assembly. Remarkably, there has also been significant increase in the powers of the Leader of the Opposition: Minority Leader and a real and substantial decrease in the powers of the Prime Minister.

The Prime Minister is not a late comer to this process of Constitutional Reform; he has been an advocate, a driver and a catalyst who submitted his own views and we are now ready for this Republican style system. In the current Constitution the PM alone advises the Governor General on the dissolution of Parliament, in the proposed new Constitution there will now be the fixed term and I think that as I say things that have been said before; this is how ideally it must be done because people must really get that message. Mr. Speaker, no longer will the PM be able to dissolve Parliament at a whim or snap election to catch the Opposition off guard. The nation will therefore be better prepared for fixed term elections. Currently, the PM appoints and then advises the Governor General on the appointment and removal of four Senators in the House of Assembly, Ministers, Parliamentary Secretaries and Ambassadors and so forth.

The PM will no longer have the powers to select the new post of the Head of State by himself; but Mr. Speaker, any suggestion that we go into an electoral process for the Parties and then a electoral process for the President clearly cannot work; we will be establishing an Executive President like in Guyana and speaking to and listening to the Radio that is what they say the Guyanese model; that is what they have been looking at. And in the Guyanese model the President appoints the Prime Minister from the List of the elected officials. It may not be said here in Parliament but you listen very carefully to the other sections, the debate is not just in Parliament, it is also outside to have a deeper understanding of where people are thinking and where they are not thinking. Mr. Speaker ...

**HONOURABLE MR. SPEAKER:** You have 5 minutes to conclude.

**HONOURABLE DR. JERROL THOMPSON:** Mr. Speaker, additionally, any sort of Presidential System clearly is going to put far greater power into the hands of one man than we have existing today. Mr. Speaker, the Prime Minister currently advises the Governor General on the appointment of Chairman or at least two of the Members of the Public Service Commission. There is a whole new process involved in this. With the Teachers' Service Commission they are going to have their own Chairman somebody who is better geared towards understanding the Teaching Service. Those unions would also have consultation with the appointment of another individual who will basically be there on those Commissions and so forth. Mr. Speaker, the general oversight, monitoring of integrity and the checks and balances of elected persons are going to be seen through the Integrity Commission: in chapter 10; the Human Rights Commission: in chapter 4; the Parliamentary

Commission in: chapter 9; the Ombudsman: in chapter 11. These bodies will be fleshed out in subsequent Acts; however, it is clear that the combined powers of these Commissions would significantly reduce the excessive authority of the Prime Minister. [Applause] But the Leader of the Opposition glossed over it and I hope one of my other colleagues would go into greater detail. It is the powers of the Minority Leader that is significant; but that is if he does his work. For 4 years I am on the Public Accounts Committee, for 4 years we have not met. We have not met in the Public Accounts Committee for 4 years; because the Leader of the Opposition will not call a meeting. Mr. Speaker, I only say this to say that if the Leader or the Minority Leader does his work where he is able to call persons, such as a Rudy Mathias, such as whomever else to testify, to give testimony, you will start to see that the transparency of this Government opens up.

Mr. Speaker, we should not expect that the post of Prime Minister be watered down to the extent that he is in effect a political eunuch that he is a bystander. I have even heard which has not been presented here; suggestions that when elected Representatives are sworn in that they should have their own elections to see who the person is to become Prime Minister. I do not know where that suggestion is coming from if it is relating to some internal issues; but Mr. Speaker, let us be rational, let us do things right. In some cases we can use a scalpel to cut too deep and in other cases we may be a little too gentle; but we need a combination of these things to make it work. These issues are tumultuous, emotional, passionate issues in other nations as I stated and citizens must belief in their Constitution but place differences and emphasis on different sections. There are interest groups like the Rastas, the Teachers Union, Public Service Commission, other Unions, the Christian Council and the Churches and they have varied opinions. Our Constitution is not supposed to divide us; but by opposing it can be used to achieve that division and other personal and political objectives.

I remember in the G20 Meeting there were some people who had placards that they want to abolish money.

**HONOURABLE MR. SPEAKER:** We will ask the Member to wind up please.

**HONOURABLE DR. JERROL THOMPSON:** Yes. There are some issues put in here, Mr. Speaker that I am very passionate about, which I may have liked to see formulated in a stronger way; but we have looked to avoid conflict and we have looked to get things right. The majority must prevail and, Mr. Speaker, I want to hearken back to 1960's and 1979 when I was living in England briefly at the time of both Statehood and Constitution. I followed this process but; Mr. Speaker, I want to say that I will support this Constitutional Bill, I urge the people of St Vincent and the Grenadines to support it. I belief that this is a good excellent Constitution, Mr. Speaker, once again, I commend it and recommend it to the people of St Vincent and the Grenadines. Thank you very much. [Applause]

**HONOURABLE MR. SPEAKER:** Honourable Minister for Tourism, we think we will take the lunch break now so we will take you right after.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I beg to move that this Honourable House do stand suspended in the luncheon period until 3:30.

**HONOURABLE MR. SPEAKER:** This Honourable House does stand suspended until 3:30 p.m. for lunch. House stand suspended.

**House suspended at 1:35**

**House resumed at 3:40**

**HONOURABLE MR. SPEAKER:** Pray be seated.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, if I may crave your indulgence, I ought to have mentioned this morning that the Honourable Senator Francis is absent because he is in Trinidad, his sister is gravely ill and he had to fly out last night. I am not so sure whether he will join us at all for this debate. I am hoping that he will be able to; but his sister Barbara who had to be flown out sometime, a little earlier, couple days ago and matters are at a critical stage. I want to apologise also for the absence of the Honourable Deputy Prime Minister who has a funeral to attend in Layou. The problem is we cannot choose when people die, we can have some choices when they are getting buried; but not a great deal, so that is the situation. Mr. Speaker, I am obliged.

**HONOURABLE MR. SPEAKER:** Honourable Minister for Tourism.

**HONOURABLE GLEN BEACHE:** Thank you very much, Mr. Speaker. Mr. Speaker, I had already prepared for this debate. I think, since I have been sitting in this Honourable House, it is arguably the most important debate that has taken place and probably within my life time in this Honourable House, it will be the most important debate that takes place. I had prepared, Mr. Speaker, in a sense to basically speak about what was new in the proposed Constitution and basically give my views on what I think of it and where I think it is going, and how much it benefits the people of St Vincent and the Grenadines. But on listening to the debate this morning, Mr. Speaker, I have changed up quite a bit of my presentation. Mr. Speaker, I am in complete agreement with the Honourable Prime Minister and with the Honourable Minister of Telecommunications that anybody who goes against this proposed new Constitution, they are not looking after the well being of St Vincent and the Grenadines and the well being of Vincentians.

I want to start off from page 1 and just read something Mr. Speaker:-

**Whereas the peoples of the islands of St Vincent and the Grenadines who are known as Vincentians:**

- a. **have affirmed that their nation is founded on the belief in the Supremacy of God and the freedom and dignity of man;**
- b. **desire that their society to be so ordered as to express their recognition of the principles of democracy, free institutions, social justice and equality before the law;**
- c. **realise that the maintenance of human dignity presupposes safe guarding the rights of privacy, of family life, of property and the fostering of the pursuit of just economic rewards for labour;**

and

- d. **desire that their Constitution should enshrine the above mentioned inalienable rights, freedoms, principles and ideals.**

And it goes on and it speaks some other things, Mr. Speaker. The one thing that I have to ask that I would ask the Opposition and that I will ask every Vincentian from reading that and looking at the proposed new Constitution is: will we be better off with it? And the answer, Mr. Speaker, is an outright yes. Hands down we will be better off; and we go through it, we see it and as the Honourable Minister for Telecommunication said this morning, we have enhanced this so much. Mr. Speaker, I listened to the Honourable Leader of the Opposition this morning on the issues that the Opposition has with this new Constitution and I was sorry; I was sorry because it has gone down a political line which it should not have gone down. And when we look at what is being proposed, when we look at what is being said, Mr. Speaker, we are heading in the right direction. This new Constitution as the Prime Minister has said is better by far, not meaning to take something from the last Election; but we are better by far once this new Constitution passes and it will pass.

I know that when I listened this morning I thought the Opposition was very ill prepared for this debate, I know that when I listened this morning there was not one point made that I could have agreed with listening to the Honourable Leader of the Opposition. He gave some indications in terms of other suggestions in terms of what he thinks we should have put in, for example in terms of dealing with the President, Mr. Speaker, we all sat in this room for days on end; days on end in Select Committee discussing certain issues, discussing certain points and never once did I hear that suggestion; never once did I hear that suggestion. This morning was the very first time I was hearing that. We sat in here and we discussed things, some things we did not agree on, some things we did. I mean if we look at the Leacock's amendment as we are so calling it ...

**HONOURABLE MR. SPEAKER:** Just a minute. Standing on a point of order?

**DR. THE HONOURABLE GODWIN FRIDAY:** Point of order, Mr. Speaker. Just for the information of the Honourable Member; because maybe he was not present at the meeting of the Select Committee and we have said publicly that we have made the recommendation in Select Committee. I raised it myself when the Leader of the Opposition was absent about the elected Presidency.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Yes please.

**DR. THE HONOURABLE RALPH GONSALVES:** I am very pleased that the Honourable Member for the Northern Grenadines raised the issue that he in fact had put forward the idea of an elected President and upon questioning from me had conceded that it was not an Executive Presidency he was thinking about. But other than the affirmation that the President should be popularly elected and the denial that it was not an Executive Presidency and a half way suggestion that it may take away some of the powers, which are ascribed to the Prime Minister that is what was presented. So, it is fair that the public knows the full extent of what this proposal was. And the Opposition was specifically asked to submit the proposal since it was coming so late in the day in writing and the record will show that no such proposal was put in writing.

**HONOURABLE MR. SPEAKER:** You may continue.

**HONOURABLE GLEN BEACHE:** Thank you very much Mr. Speaker, let me thank the Prime Minister for taking the words out of my mouth on that issue. So, Mr. Speaker, we continue. You know there are many of us in this Honourable House, Mr. Speaker, who have studied in one field or the other; gone through it whether it is Law, Political Science, and Medicine whatever it may be. Fortunate in this instance, I am one of those; who have tended to dip my hands in some political science so to speak over the years. Mr. Speaker, I have not come across one political system in my studies or outside of my studies where a political system is considered perfect. You will hear the debates about the American and the British and all of them have their faults and all of them have their positives. I was telling somebody I think it was yesterday that it is an amazing thing; as far back as I can remember Mr. Speaker, the Americans have been debating in every election Health Reform and to this day there has been no new Health Reform in the United States of America; because everything is caught up in the bureaucracy of the United States.

The Honourable Leader of the Opposition spoke about winning an election by one vote and that is part of the reason he will not support the new Constitution. Mr. Speaker, in the present system we have now, you can win an election by one vote; you can win an election by one vote right now [interjection] but you said that was one of the points you made.

**HONOURABLE ARNHIM EUSTACE:** [Inaudible] Proportional Representation [inaudible] in this new Constitution.

**HONOURABLE GLEN BEACHE:** And it goes back that no system would be perfect; but Mr. Speaker, from what we have in this new Constitution, I can tell you that it is better than what we have now. But not only that Mr. Speaker, when one listened to what the Honourable Leader of the Opposition had to say, and when one took into account all that he had to say; the Honourable Leader of the Opposition in my opinion basically implied that we are in a two Party System and that there would always be a two Party System; because if one listened to exactly what he had to say that was the only way to a certain extent that that could make sense. And Mr. Speaker, what was said was unfair and if we as Vincentians go through this new Constitution, we will see that we will be better off in the future because of it.

Mr. Speaker, I am so proud to be a part of this debate and be a part of this Honourable House to discuss this; but I am so disappointed in what I heard this morning in terms of support and this is not an issue to go down political lines. This is for the betterment and development of St Vincent and the Grenadines whether Vincentians are here or overseas wherever in the world they are: there is no denying that. One of the issues also had to deal with the powers of the Prime Minister and maybe going back to the election of a President. Mr. Speaker, we have to be students of history, also that wherever there have been two leaders there has always been confusion; no matter at what level you go to. And, Mr. Speaker, the Prime Minister; no matter who is the Prime Minister and the Honourable Prime Minister made it clear in his opening remarks this morning. This is not a Constitution for the Honourable Ralph Gonsalves, if you want me to just ... this is not a Constitution for Ralph Gonsalves Mr. Speaker; he will not always be Prime Minister. They will always be in the Opposition, but he will not always be Prime Minister.

Powers have been taken away from the Prime Minister's office and you noticed what I said, Mr. Speaker: from the Prime Minister's office. They have been taken and it is clear as day in the document. We went into Select Committee time and time again some of these days long. The staff here knows it people on both sides of this

Honourable House know it and the CRSC: members of the CRSC know it. I guess why I have been so fooled and you can call me ignorant for what I thought would be taking place this morning, Mr. Speaker; because we were so cordial to each other. I mean we went through this document, the Leacock's amendment and let me say this you know, Mr. Speaker, I know the Honourable Senator Leacock wants to support this you know; because I know he wants to go down in history. I know him, he wants to go down in history and he would not go down in history on this side of the House and we have so named this amendment the Leacock's amendment. And to show you how it was done, Mr. Speaker, and I want people to understand what took place in the Select Committee, you know. I mean there is a part in the Constitution which deals with representation; section 87:-

**“Every Representative shall meet formally with his constituents in relation to his representation of his constituency, not less than once every six months, and within that same period, in relation to such representation, he shall submit a report in writing to the National Assembly on behalf of his constituents”.**

Now, why I compared this and I used this against the Leacock's amendment, Mr. Speaker, which is section 8 of the proposed Constitution is simply this: no matter what and no matter how good we are Mr. Speaker, Government has its bureaucracy, it does and sometimes things take a bit longer to pass than we would like and to that extent Mr. Speaker, in section 8 where it (sorry Mr. Speaker, let me just find section 8 here) where the Leacock's amendment is:-

**“The Constitutional administrative and political systems ought to strive for national sustainable economic development based on a combination of privately owned and publicly owned economic enterprises and the pursuit of full employment.**

And this is where the Leacock's amendment really comes in.

**This development must pay due regard to the existence of constituencies whenever the Annual Estimates of Revenues and Expenditures are prepared”.**

And it goes on with some other things, Mr. Speaker. And why this is important to the part I read before is simply this: that if you have to make these reports to the National Assembly, naturally Mr. Speaker, we are hoping that the Representatives will have some sort of direct say so to speak in terms of spending; to do certain things in their constituencies. And obviously, like any other government system you will have your checks and balances; obviously, and so, Mr. Speaker that is just a perfect example of how cordial we were in the Select Committee and how far we went. So, I was shocked this morning to listen to the presentation by the Opposition on how out of focus our debate, it had no substance, so much so that he had to jump up a second time to finish an issue.

Mr. Speaker, I go back and say this again and I want to hammer home this point: this is for the betterment and the development of St Vincent and the Grenadines and Vincentians on a whole. Right now, you listen to the News; you hear about St Kitts and the Nevis the Deputy Prime Minister making his comments about St Kitts and Nevis needing a new Constitution and dealing with the some of the same issues that we have addressed in this proposed Constitution of St Vincent and the Grenadines. And like with so many other things, Mr. Speaker, the eyes of the Region, the eyes of Caricom are on St Vincent and the Grenadines; because since this Party took

office, since this ULP took office we tend to lead and not follow [knocking of desk] and this is another way and probably the biggest way in which we have led: everybody is looking at us.

We have dealt with a lot of the issues that many of the other countries either do not want to deal with or too scare to deal with or for political reasons feel it will be too much of a headache for some of the Governments to deal with. But not this ULP administration, Mr. Speaker, we made a promise to the people in our manifesto in 2001 and we spoke about it again in the Elections of 2005 and if you noticed, Mr. Speaker; because I know our Manifestos are public record in this Honourable House: we follow it because we take seriously the promises we have made to Vincentians and this was one of the promises we made that there would be a new Constitution. Mr. Speaker, I am not going to sit up here, stand up here and say that this is a perfect document you know; but like so many other things in life, Mr. Speaker, we have our children when they are sleeping in their own room you probably start them off with a single bed, eventually you have to move to double, queen and hopefully they are not that big that they go to king [laughter]; but you understand the point I am making, Mr. Speaker that we grow.

The Honourable Minister of Telecommunications spoke about it; it has been 30 years, you cannot come with a better gift to the people of St Vincent and the Grenadines than this new Constitution [applause] and we have it here, Mr. Speaker, we have worked with it for 6 years and I pray that the CRC has not worked in vain and I know they have not worked in vain. And I know come ... well, the Leader of the Opposition said he did not know if the Referendum was going to take place on the 3<sup>rd</sup> or the 31<sup>st</sup> of November but I will go a bit further, I know come November 32<sup>nd</sup> [laughter] we will be passing a new Constitution. I know come November 32<sup>nd</sup> we will be passing a new Constitution.

Mr. Speaker, when we go through this document we had presentations here in the Select Committee about different issues; capital punishment was a big one a very big one. Reverend Job came here and he made his presentation and it was a good presentation and we had the discussions back and forth about it. The Honourable Leader of the Opposition even made the point that Reverend Job is his spiritual leader; but he does not agree with him and even when I was leaving I told the Honourable Leader of the Opposition that I agree with him on that. I am all for capital punishment and we agreed on that, but it is funny that everything the Opposition is against so far has something to do with, (how should I put it Mr. Speaker) his deep political roots. And when I listened to it and when I listened to what they have to say and where they are going and their debate on it; I realised something: Mr. Speaker that the Opposition is against certain parts of this new Constitution; because the Opposition knows that they will be in opposition for a number of years to come. But Mr. Speaker, this new Constitution has given more powers to the Opposition than they have ever had. The Minority Leader has powers beyond belief and it takes Mr. Speaker, a big man especially sitting in the Prime Ministerial Chair to give up some of these powers.

The Minister of Telecommunications spoke about the Public Accounts Committee. Mr. Speaker, we know that come parliament, come budget not budget so much; come parliament during the question time that some of the questions - I am not going to say we waste time answering some of the questions; because if the Opposition asks them we should answer and we should answer truthfully. But some of the questions, most of the questions dealing with finance and dealing with the economy can be answered directly from the horse's mouth by simply calling in the Public Accounts Committee. Most of them that are led by the Leader of the Opposition soon to be

the Minority Leader after November 32<sup>nd</sup>; and the Public Accounts Committee the majority of members will be members of the Opposition. Mr. Speaker, you want more power than that?

**HONOURABLE MR. SPEAKER:** There is no November 32<sup>nd</sup>.

**HONOURABLE GLEN BEACHE:** Yes, I know Mr. Speaker, I am just jabbing a bit; after November 31<sup>st</sup>. You do not need more power than that Mr. Speaker, how can we be serious about this and have questions to be asked when you are not even calling a meeting of the Public Accounts Committee something as important as that? I know when we were in Opposition, Mr. Speaker, we used to do it all the time because guess what even when we were in Opposition, Mr. Speaker, we have to do the job that the people have put us there to do. And part of that in the Opposition is heading the Public Accounts Committee, which I am sorry to say has not been meeting. I think the Honourable Minister said for something like four years. Four years Mr. Speaker and all of these things are what we are speaking about.

Now, Mr. Speaker, I also heard the Leader of the Opposition speak about Property Rights and when he was speaking it reminded me of something that used to take place in Parliament before, especially soon after 2001 and after 2005. Once in a while, we hear the Opposition bring it up again when they speak about victimisation and I know, this ULP administration, Mr. Speaker, does not victimise anybody. If it did I would not be sitting over here, but it made me remember that because I said, you know, when I listened to it I said ... and I have spoken about it a few times here. Mr. Speaker, victimisation, the New Democratic Party has the nerve to speak about victimization? And when they started speaking about Property Rights, I said but wait, this cannot be the same Political Party that is speaking about Property Rights; because I have firsthand experience with Property Rights when the NDP was in office. But Mr. Speaker, what is in the new Constitution does not put Vincentians at a disadvantage when it comes to Property Rights. Let me read section 30; Mr. Speaker:-

**“No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except for a public purpose and except where provision is made by a law applicable to that taking of possession or acquisition for the payment, within a reasonable time, of adequate compensation.**

And this is the new part, Mr. Speaker.

**That is, compensation which in all the circumstances is fair and reasonable to the person entitled to compensation and also to the State, without limitation as to the date at which compensation should be assessed”.**

Mr. Speaker, what do you want more than that when it comes to Property Rights? I am guessing the only thing that the Opposition can speak of when it comes to this is that they expect the Government to pay 50% above what the property is valued and that can be the only thing because I do not know what is clearer than that. And then correct me if I am wrong, within the new Constitution it speaks that in acquisition that the owners must be paid within 12 months, Mr. Speaker. We know in the past from the ‘80s come up through the ‘90s; people have been taking years to get their money. We know it from the Leeward Highway when land was acquired for the Leeward Highway. Well, I do not know even how many years that was but I know those people were not paid

for their land until this ULP administration came to office. So, now that we are righting some of the wrongs, we are against it; against what Mr. Speaker; because I am still not seeing it?

Mr. Speaker, this is a special time in the world when nearly every time we turn on the news it is something negative. We hardly hear of anything positive especially with the financial crisis internationally and nearly every day in the news we hear something whether it is with Human Rights. Many countries are still debating the Capital Punishment and we have a chance to do something special here. We have the chance to lead and set by example in the region; we have a chance now to share our expertise with many other countries within the region who had been scared to tackle this issue within their own countries.

And what makes St Vincent and the Grenadines unique is exactly that we are a multi-island country. I think the only country within the region that comes sort of close to us well, more than us is Bahamas, which is several hundred islands and Keyes none of the others. It makes it even more difficult for a country like St Vincent and the Grenadines to do something like this; but we have done it. I think we have come with a very good document here for Vincentians, I think, Mr. Speaker, when we look at what is being proposed and when we look at the new sections, I think all Vincentians should be happy and I am going to repeat this, this is not a political issue this is a vote 'yes' no matter what. No matter which side of the fence you are on this is for the betterment of St Vincent and the Grenadines as the Honourable Prime Minister said this is for the betterment of our children and our children's children.

[Interjection] May he rest in peace: Michael Jackson: but you understand what I mean. And Mr. Speaker, this will be a grave mistake and I think it is a grave mistake on the Opposition's part and I am asking that they rethink their position. Let us not politicized something like this, go back to what I said at the beginning and what I read: are we better off yes or no? And we are better off by far, Mr. Speaker, by far. When we go through this new Constitution, Mr. Speaker, and we look and I think the best part of it is simply this; when we look at the new Constitution and we look at how responsible Representatives have to be now to their constituents, where the Speaker of the National Assembly if somebody has not performed can actually shame them, I think it is a good thing because it keeps people on their toes.

Is the Opposition going to tell me that they do not agree with that Mr. Speaker that proper representation should not be made, that you do not have to account to anybody, that you can go and even though you win your seat and even though you are in the Opposition you still decide not to show up to Parliament five times on a straight, and the only reason you come the sixth time is because you know that will be the end of you if you do not come the sixth time? Is that what this is about: say 'no'? Mr. Speaker, I was disgusted this morning, I really was because I cannot understand it. This, when this passes this will be my proudest moment in this Honourable House and this Constitution will not pass because of the Unity Labour Party and when I say will not pass because of the Unity Labour Party; this proposed new Constitution has not been written or debated to benefit the Unity Labour Party and the Unity Labour Party only, it has been written to benefit all of us whether you are in Government or Opposition.

And the thing about it, Mr. Speaker, as I said before, it is not a perfect document but if you need to change it you change it over time. As your child grows you buy different clothes and same thing here as St Vincent and the Grenadines continues to develop we develop the Constitution with it, it is as simple as that. Mr. Speaker, I know many of my other colleagues on this side would speak on different parts and there is a lot to be said on the

Constitution but I think to vote 'no' on this will be a grave mistake, I think to vote 'no' on this will be of detriment to St Vincent and the Grenadines. I repeat myself again, we have the chance to do something very special here in St Vincent and the Grenadines. We have the chance to do something that we have always been doing since 2001, leading by example. We have a chance to move forward and we have a chance to share our expertise with others. Let us not play politics with everything, for once, Mr. Speaker, I would like the Opposition to look at the development and benefits for St Vincent and the Grenadines: the benefits for St Vincent and the Grenadines and so on.

I mean it almost comes to me Mr. Speaker, as the Education Revolution, how could you look at something like that and say that you do not support it? How can anybody look at something like that and say that you do not support it and this is the same thing how can you look at this and say that you do not support it? I must apologise Mr. Speaker, because it was not my intention to make this sort of presentation here today. My intention was to make a simple presentation on new parts that have been added to the Constitution or that we would like to see added to the Constitution and speak about some of it in detail. But you can understand, Mr. Speaker, my disappointment this morning my anger that it comes to this. You can understand my disappointment that when I listen to the Radio, I hear people speaking about they are going to put an injunction against the Government; against spending any money to say vote 'yes'. Is that what we have reached to with something as important as this? Mr. Speaker, I support this wholeheartedly and I know on November 32<sup>nd</sup> we will be jumping for joy and saying, yes we the people of St Vincent and the Grenadines have a new Constitution. Much obliged, Mr. Speaker. Thank you. [Applause]

**HONOURABLE MR. SPEAKER:** Further debate; further debate. Honourable Minister of Health, you know your time right, 45 minutes.

**HONOURABLE DR. DOUGLAS SLATER:** Thank you very much, Mr. Speaker, Honourable Members.

**HONOURABLE MR. SPEAKER:** Just a minute, I will give you the ... thank you. You may begin now.

**HONOURABLE DR. DOUGLAS SLATER:** Yes, Mr. Speaker, Honourable Members and I also wish to greet members listening or viewing. Today is indeed, a historic day and it is with a sense of pride and humility that I rise to make my contribution to this debate. I myself also am a bit challenged now as to how to debate this Motion; this Bill because I am an optimist and despite the chattering that I have been hearing throughout the past few months or years that there might be a proposition of a 'no' vote by the Opposition, I really thought and expected and hoped that that would have changed. I was a bit confused during the Committee of the whole House after observing the participation of the Opposition, I would say very constructive participation therefore, how can an average citizen of this country who can read, who has ... well, I consider myself average at least; of average intellect and I think all of us here at least are average. And you have a decision to make and this Bill has been debated intensively and I think we ought to help to educate our brothers and sisters, our comrades, our friends and our relatives who probably do not have the benefit or the ability to really understand every clause of this document. But at the end of the day I think it comes down to a fairly, to me a fairly simple decision.

In the Referendum we are going to be asked a few basic questions really, or to make one decision, which is based on fairly simple assessment of what is happening. Over the past 30 years we had a Constitution which I think all have agreed has served us but we have moved on. We have changed over 30 years and with changes there are new demands; new expectations. Six years ago I found it to be a very proud moment when the

Opposition Leader seconded the Bill that was proposed: seconded the Motion for the Bill and I really felt good. Over the years we hear arguments in our community of the divisiveness of partisan politics and I have on several occasions raised that argument here. I think we as leaders have too often been misleading our citizens down the road of divisiveness; because of partisan politics. Not just politics because politics is much more than the Parties and thing.

What we are doing here is politics, if ever there was an opportunity for us to heal that divisiveness it was for all of us in this House: Honourable House to realise the importance of all of us saying 'yes' to progress. Voting and promoting yes to this Referendum, to move on, to move our citizenry forward. It is with deep disappointment that I am hearing otherwise from persons I considered my colleagues, persons I considered my friends and even sometimes family. But I am still optimistic; because I am still not certain. I know that there is no genuine feeling of a 'no' vote over there except for this little partisan politics reason and we need to think what we are doing.

We are in a position, Mr. Speaker, Honourable Members, a position which, I think all of us here as Members of this Honourable House should realise is historical for all us, if we do not succeed in getting a 'yes' vote in this, we would have missed out on the opportunity to be the framers and the lawmakers that created this Constitution. Mr. Speaker, Honourable Members we need to remember the words of our National Anthem; I think if we just do some introspection and internalisation of the first few words we will realise that we will be doing this nation a disservice by proposing a 'no' vote. Because when our citizens go to vote on this Referendum, they should be asking themselves a few questions: is there anything in this new proposed Constitution that significantly if at all diminish or makes less favourable the position of the citizens of this country? And as I said before, I am of average intelligence at least and I believe the answer to that would be no. I have not heard along all the arguments any significant point or clause in the new proposed Constitution that will bring any negative or decrease the rights, the freedoms et cetera of Vincentians.

So that is one question you ask yourself then you ask a follow up question: is there anything in this new proposed Constitution that enhances, that improves the life, the freedoms, the rights and the practices that will make us a more progressive nation? And the answer to that is a resounding: yes! Many! Mr. Speaker, Honourable Members, I still cannot countenance that my friends on the other side who I have known for many years as Vincentians that there is a big issue: historical issue about us pledging allegiance to the Queen. To somebody who is indirectly obliquely connected to our people. Now, we have an opportunity, we have an opportunity now for us to say let us cut the umbilical cord of colonialism [knocking of desk] especially from a foetus as so said by the Honourable Member of the Opposition that took an unusual long gestational period of six years or more. That means we took time; we took time to ensure that it was properly created and you are going to say 'no' to that? So, you still want to swear to her Majesty in preference to allegiance to your State and to a local President? I want our citizens out there if there is one reason why you must vote resoundingly 'yes' to this Constitution [knocking of desk] is that ... and I will be voting 'yes' if even it is just for that [applause] and that is only one of them.

Mr. Speaker, we have to understand how solemn this exercise is. We have to understand that we are a poor developing country with very limited resources; nevertheless, significant amount of that scarce resource was put into this exercise over the past six plus years. A lot of money has been spent; a lot of intellectual time by the Members of the CRSC, by the Members of this House was spent. We made extra effort, Mr. Speaker,

Honourable Members to include our citizens in the Diaspora: overseas. Several missions were sent because we believed that we were in the process of widening the democracy of our country. We sincerely believed that and the Opposition also sincerely believed that. How could they honestly then go out there and tell our citizens to vote 'no'? It will be an attempt to fool our people and I and the rest and the majority of this country, we will not allow it, and should not allow it because it will be dishonesty. It is intellectual dishonesty on the part of anybody who proposes a 'no' vote to this Constitution [knocking of desk].

Mr. Speaker, Honourable Members, I noted a tendency of the Opposition and it seems as if their main grouse with this is that they are not satisfied about the decrease in powers of the Prime Minister. Well, you vote 'no' and is that going to do it? In fact, at least we attempted, even if their argument were true; if even it were true at least there are some attempts and certainly the attempts to decrease the power of the Prime Minister were made in this Constitution; in the proposal. If you vote 'no', at least those that are perceived as not significant would not be there and will remain with the status quo; so how could it be sensible to vote 'no' for something that is obviously worse than what we are proposing? It does not make any sense. I do not know if I am getting it wrong, I have a scientific mind as a student of science I believe in logic and all my logic has directed me to the argument that it cannot; it does not it would never make any sense to ask our citizens to vote no. We must resoundingly say, 'yes'. We must say, 'yes'. I feel very emotional about this Mr. Speaker, because I am so disappointed that people who I know, I believe and I am almost certain I know in their hearts they know that this Constitution as it is: is a significant improvement on what we had in the 1979 Constitution and if they go out there and really tell people otherwise they will be committing a shameful act against the citizens of this country and against themselves. History will never forgive you for passing up an opportunity that we have now and I am speaking this with a lot of emotion because I sincerely believe it and I know that you know that what you are doing is with other ulterior motives and genuinely because you do not believe that there is an improvement in this Constitution on what we have in 1979. Mr. Speaker, how ...

**HONOURABLE MR. SPEAKER:** Were you standing Senator?

**HONOURABLE ST CLAIR LEACOCK:** Speaker, I just would prefer that the Honourable Member not insinuate ulterior motives, which genuinely speaking is interpreted to be other than objective, principled and lawful to Members of this side. It is not the language of Parliamentarians, Mr. Speaker. [Interjection]

**HONOURABLE DR. DOUGLAS SLATER:** Well, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Honourable Member, if you are so doing, I ask that you desist.

**HONOURABLE DR. DOUGLAS SLATER:** Much obliged, Mr. Speaker. Well, Mr. Speaker, as I did say I am very emotional about this. I do sincerely apologise if that is what you ... That is why I am trying not to have this divisiveness [interjection] well, you know there are times in the affairs of men when the emotional outburst is quite in order and I believe this is historical enough a time for me to be given that leeway; because of how I feel about it. It is for you when you go and debate to probably correct some wrongs.

Mr. Speaker, Honourable Members the proposal, I am going through some things that are new, an Ombudsman: from time to time we hear on the call in programmes of people complaining so much about incidents in administrative mix up and problems and really there is no proper way of sorting it out. We are proposing that we do that now; that is an improvement, are you going to say, 'no' to that? The establishment of a

Parliamentary Commission which changes a lot of ... affects the ... as we had heard in some of the previous debates it is going to be taking some of the powers of the Prime Minister and making governance much more transparent and democratic. Mr. Speaker, the establishment of a Teaching Service Commission; the whole question of the Trade Unions having now a constitutional protection of their rights; how could all this result in a no vote? It does not make any sense. The argument thus far for a vote against this or a no vote is not convincing. As has been said and will be said, it is difficult to reach perfection and I am certain there are things in this Constitution that some people are not fully in agreement with and things, other things not there that people would have liked to be there. But it does not mean that if we did not get it all our way, we should not support it.

Let me say Mr. Speaker, Honourable Members on my own behalf, unfortunately I was absent, not really absent but due to a lack of proper communication, I did not really express ... the whole question of the death penalty for example, as an individual I do not have a very strong position on it. Members on both sides are strongly in support of it, I am not; but I am a member of a Society and I believe in the democratic process. I really do believe that there are times and I am glad the way we ended up with what we ended up about capital and non-capital; because it is difficult. Even though I do not really like the idea of the death penalty, it is difficult for me to explain to anybody that a farmer will be in the mountains working hard, some punk (excuse the language) passes robs him chops off his neck, kills him or for that matter somebody breaks into your house rapes your daughter or your wife and then kill them and you are telling me that there ... it is difficult to argue that that person should not meet the ultimate penalty. But as I said I will vote yes; because that is just one part of the Constitution and I also do not have a strong objection towards the Capital Punishment for those acts.

So, when Reverend Job presented, I thought it was an excellent presentation. The fact that I did not say that I ... I mean that I may not or other individuals may not and does not say we cannot say, 'yes' to the Constitution on that. For the same reason the section in the Constitution about the Parliamentarians responsibility to report twice a year, I do not particularly think that it is that important; but that does not mean I am going to vote no because of that. Because I do not know how effective it might be; what if a Representative does not, what is the ultimate ... for the Speaker to shame me is that anything big? But I am saying that is not enough to vote no. Are some of the reasons given this morning by the Honourable Leader of the Opposition ... oh yes you may not be comfortable with everything; but we have to look at it in a holistic way and that is why Mr. Speaker, I am saying, look the average citizens out there let us understand this. The average citizen is not going to be either able or willing to read through this document. In fact, even some of us who have the responsibility to may not even do it. So, it is our responsibility to distil the very important points and as I say it, I believe we ought to take out basically what are the differences between what we had versus what we are going to get and ask the simple question: are there any improvements in any way? If anybody can stand up and tell me no and justify and convince me or any other person that there are none, I will vote no.

Unfortunately, for that set of people, I do not think for all of us who have listened to the discussions and debates and have read what is here: that cannot be the answer. And on the contrary there is little if any at all. Some little issues, I know there were some play of words, semantics about whether inalienable should have been at a place or not; but the context remains basically the same. The context is the same why do we have to go into [inaudible] little trivia sometimes just to make a point? To say, 'no' to a document that is so important cannot be right; cannot be right. Mr. Speaker. Honourable Members we have a historic responsibility and we have an

obligation to help to teach those of our citizens who may not be able to understand it easily or may not be even willing to take the time to read and listen; it is our obligation to educate them.

It is our obligation to let them know and understand the changes and if we do that we also have an obligation to probably help them decide. But I am optimistic and confident that if we take that minimum obligation and leave our citizens to make an objective, honest decision, I am optimistic that they will vote yes. Because I know that our people ... and that is why we are putting so much emphasis on the Education Revolution. Probably it is prophetic that we anticipated and we know that there is a tendency to divide and rule from the [inaudible]; and really exploiting the ignorance and lack of knowledge of some of our citizens. And that is why we have to continue to educate our people so that they can make independent objective decisions. And I hope that the last five to seven years or closer to nine years of the Education Revolution would have helped our citizens to make that right decision when they are going to the Polls to vote on this Referendum.

You know, Mr. Speaker, Honourable Members to say, 'yes' is inherently easier than to say, 'no' in most cases [interjection] [laughs] yes, oh yes. It is more positive it is like thinking positively. You know they say you must always think positively, as regards negatively. I am a positive thinker and I am hoping and I will do my utmost to convince our citizens. And really you note, Mr. Speaker, as I think my colleagues Minister Beache, Honourable Member of South Windward was saying, we really have to try to get this thing out of the NDP, ULP and whatever P mode you know. And we know that that is possible because we started like that and Members let us all remember that all of us were on board. But if we were to review the reasons why people start falling off boat is not that the boat was rocking, no it is because people start looking for all other reasons because they kept changing. The goal post start changing the width one time it is this reason, when you resolve that reason is another, so it is showing that there is no fundamentally principled reason why we cannot go together on this. And remember Honourable Speaker, Members and citizens; voting no is not going to achieve even some of the things that those proposing it are arguing about, we will remain in the status quo; the status quo will remain [knocking the desk]. This is very important, there is absolute nothing to gain by voting no; because it is not going to achieve or resolve the problems of those proposing no are saying; and not involved, and not included in the new Constitution.

So, it is not logical, it is totally illogical to make an argument to vote no for it. If it is not perfect, if it is not where you would like it to be then take the opportunity to vote yes, and with time as we are doing now you change it in the future: that makes sense. Why lose the opportunity, why be untrue to even yourselves because as I said, the people will hold those who say, 'no' guilty of a historical crime and in politics that is suicidal, remember what I said.

**HONOURABLE ARNHIM EUSTACE:** You better define politics.

**HONOURABLE DR. DOUGLAS SLATER:** Well, I said, I defined politics just now, that is what I am saying; partisan politics; but if you want to use that to your detriment it is up to you. Mr. Speaker, Honourable Members on this first day of September, 2009, I Douglas Slater, Member of South Leeward and citizen; but more so citizen of St Vincent and the Grenadines make a strong commitment to do his utmost to encourage every single citizen of this country despite their political allegiances; to help them to understand, to help them to really appreciate the historical importance of this moment, and to help them if possible to think about what they

are actually doing when they go to vote that they are making a decision that improves democracy and the rights of citizens.

It is not to feather the cap of any political party but to make life a better one for all of us as citizens and I urge you, I beg you to do what is right, what is proper, what is logical to vote a resounding yes or not just to vote yes; to go out in your numbers and encourage all citizens to vote yes, even if this is one way of breaking down the barriers that have been dividing us. Let us remember that St Vincent is more important as a nation than any political party or any political leader or any politician. I am obliged. [Applause]

**HONOURABLE MR. SPEAKER:** Honourable Member for the Northern Grenadines; give me a minute please. You may begin.

**DR. THE HONOURABLE GODWIN FRIDAY:** Thank you very much, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Just a minute, I need to make some adjustments here.

**DR. THE HONOURABLE GODWIN FRIDAY:** Prime Minister smiled. You look like you are falling asleep. [Laughs]

**DR. THE HONOURABLE RALPH GONSALVES:** No, I am actually watching you; I have my eyes on you [inaudible]

**DR. THE HONOURABLE GODWIN FRIDAY:** Mr. Speaker, [laughs] well, I agree to a certain extent. We both have our eyes and we have a nose and so on and so forth [laughs]. Mr. Speaker, let me begin with a point of agreement with the Honourable Members on the other side that we all agreed that the exercise that we are engaged in is of historic proportion. That it is something that all the Members of this Honourable House, I believe have taken very seriously over the years and we have all brought our blood sweat and tears to this process in the various forums in this Honourable House and outside. We have acknowledged the important work, the diligence that has been shown by the Committee who drafted the original proposals and by the Steering Committee and the Drafters. Understanding the work which the Drafters did in the past couple of weeks, really it must have been a tremendous effort on their part and we acknowledge it.

I am a nice person [laughs]. But Mr. Speaker, we have to set aside our own feelings about the efforts that have been put in and try and get the job done in the best way we know how. I speak, Mr. Speaker, with all sincerity on this matter and I am sure that the Members on this side of the House all speak from a matter of principle in terms of our position on the issues that we have taken here. It does not endear me to the cause of the Members on the other side to try and insinuate when they try to insinuate improper motives or to use terms that rather than try to bridge the gulf or the gap between our sides on the issues we resort to name calling; and to veiled threats as to what the people would do and to what they would not do. Specific example, Mr. Speaker, is the Honourable Minister of Health referring to anyone who opposes the proposals here in the Draft Constitution would be guilty of intellectual dishonesty or to vote or to recommend a no vote is a shameful act.

How can you take ... and at the same time remarking about the seriousness and the constructive approach that we have brought to this process in the Select Committee? We have worked very hard to try and bring this Bill as close as possible to what we would like to see for St Vincent and the Grenadines and even when there were things that we did not agree with we still worked, we went on and we worked on those areas that we had

agreement. [Knocking on the desk] So, I really do not ... and it is one of the things that get me most upset in this House when members on the other side or any member would question the motive of another member of the House simply because we disagree. And the disagreements we have Mr. Speaker are fundamental. We have agreements as well, the proposals on the mixed system of First Past the Post and Proportional Representation is one that we on this side of the House supports and it is one of the innovations of this proposal. We do not agree on the number of members of the House; we prefer and we will insist on this to keep the membership to the current level of 21 with 15 members being in the Constituencies and 6 being from the Party List.

We also have disagreements. I have expressed this in my submissions in the Select Committee about the reversion to the old name of Senator for persons who are selected or elected on the Party List. Because I believe that it is a throwback to the old Constitution and it will bring with it all that historical baggage that is out there in the history of this Honourable House. And in people's perception about Senators in our Parliament as being unelected members who served basically at the wishes of either the Prime Minister or the Leader of the Opposition: but that for me is not a deal breaker. I know I argued very strenuously for us to adopt a new term; perhaps the one that was suggested by the Leader of the Opposition to use the term of People's Representatives for the one that is now being used as Senators, as reflecting something new, and being persons who are elected on a general vote rather than a constituency vote. I would have prefer to see that; but as I said that is not a deal breaker for me if that was the only thing that I disagreed with then I would not be opposing this Draft Constitution.

One of the things that we must acknowledge, Mr. Speaker, and we must be humble about it too is that in crafting a Constitution it is not just a matter of government policy or it is not about when we talk about the office of the Leader of the Opposition of the Prime Minister. We are not talking about Arnhim Eustace and Ralph Gonsalves; we are talking here about the institutions of government which we hope will guide us to a brighter and better future. And when we past from this scene that people who come to this House will say, when the Drafters of our new Constitution had it to do, they took their time and they did it right. I am not persuaded by arguments that we have wasted a lot of time and money and simply to say on that basis you ought to support the Bill. I have seen in other jurisdictions where Constitutions have failed; I mean in Europe they had a difficult time passing the European Constitution. In Canada they had similar experiences with Meech Lake Accord and the Charlottetown Accord; but the point is when people disagree in principle we have to try and resolve them and deal with the issues and not with the motives of the Parties involved.

And I want to give this solemn commitment to the people outside of this Honourable House listening to us, and I am sure some of them very earnestly because they are very concerned about what we are doing here. Some of them want to know more about what the process involves. What a Referendum is? How is it going to affect our lives? Would it make it easier for me to make a living? Will it make it more secure for my children in the future of St Vincent and the Grenadines? And these are all concerns that I know every member of this Honourable House shares. And so, Mr. Speaker, we have to ensure that what we do, we are guided here simply by what is beneficial, what is best for our people.

If we have to take this Constitution to another stage, well so be it. But we ... the Honourable Leader of the Opposition mentioned this morning one of our fundamental disagreements with respect to the powers of the office of Prime Minister. You know in a sense I was looking at the revised final report recently and although I knew when the Committee brought it to the House they had a rough time and a lot of it was replaced by new

provisions; but as I was reflecting on it I thought at least, they tried to do something innovative, different and bold. Maybe it went in the wrong direction and we did not approve of it in this Honourable House; but what we have now is a shrinking back into the old Constitution, into the old way of thinking even the language in the drafting.

I spent the last couple of days looking at various Constitutions around the world and looking at how they are presented, the simplicity in the way they deal with the issues. They are drafted in a way Mr. Speaker that appeals directly to the issue that the citizen might be or concerned about and in a sense the losing of that initial burst of enthusiasm may have done some harm to the process going forward. So, we stop thinking in radical and innovative ways so that when at last at one of the Sittings of the Select Committee I raised the question of an alternate proposal for the election of a President by direct vote rather than in the House of Assembly; the idea was ridiculed. The Prime Minister referred to the reference by ... I think it was Mr. Campbell or Dr. Alexis; the proposal as being novel. It was novel; but you can take novel to mean something positive or not. I got the idea that it was being regarded as somewhat of a less than serious proposal. Senator Francis regarded it as NDP time wasting. The Prime Minister referred to it as a hit and run approach. But you know this is something that is a proposal worthy of study and it will address the seminal issue that we said we set out to do in the drafting of this Constitution. So, I am not afraid to rethink that issue, Mr. Speaker. And I did in that Meeting of the Select Committee speak of some of the powers that were to be given to the President; because I read here from the Minutes of that Committee and just to set the record in this Honourable House straight, Mr. Speaker, it says:-

**“That Dr. the Honourable Godwin Friday indicated that Opposition Members were of the view that in relation to section 50**

That is the section that deals with the election of the President.

**HONOURABLE MR. SPEAKER:** Which page are you reading?

**DR. THE HONOURABLE GODWIN FRIDAY:** This is on page, it says 68. Yes, on the minutes from the Select Committee.

**HONOURABLE MR. SPEAKER:** Sixty eight, okay.

**DR. THE HONOURABLE GODWIN FRIDAY:**

**“Dr. the Honourable Godwin Friday indicated that Opposition Members were of the view that in relation to section 50, where it states that the President shall be elected by the National Assembly that a direct election of a President would be ideal. Certain functions such as the appointment of Permanent Secretaries and heads of department, the President would be given a role in selecting those positions.**

**The Committee asked the Member to submit the proposal in writing so that drafters and members could look at the basis for the proposal as its nature seemed to be quite novel. It was agreed that Friday 7<sup>th</sup> August at midday would be the deadline for its submission to the Clerk’s office”.**

It was agreed by the Committee not by the Members on our side.

## “The Committee ...”

I think that is all we need to read. But Mr. Speaker, we are very concerned about this issue of the distribution of power; in a small country like ours we hardly have a press that is prepared to do Investigative Journalism some of it for very good reasons. The civil society as we know it is largely theoretical. The notion about civil society as being neutral is often questionable and so you have a democracy that really depends on the work we do in this Honourable House. How vigilant the Opposition is and how what checks and balances there are constitutionally to keep the powers of the organs of government in a reasonable balance so that the system can function effectively. That is what we are trying to get: the right balance.

Mr. Speaker, on that issue we had also proposed and still do that we adopt term limits for the office of Prime Minister. We had proposed two terms as a maximum, (somebody stuning his teeth again?) We had proposed two term limits, the issue was discussed with some seriousness; but ultimately it was decided and the Prime Minister took the position that term limits was not a good idea. I think one of the arguments was that would make the Prime Minister a lame duck; but I believe, Mr. Speaker that when you govern knowing when the end, where the end of the road is then you are much more careful on how you tread. And if you know you have two terms, you govern by trying to build consensus; because, you know no matter what happens at the end of those two terms you will be sitting as another member of Cabinet or maybe even outside of the House. And you have to get along with your colleagues; you have to get along with the other side. So, it is not that radical an idea people say; oh, well, this has never been done in a parliamentary democracy; this is a matter for the United States where you have an Executive Presidency and so on.

Well, we have an example and it was timely; I was looking at this copy of the Parliamentarian, which is the Journal of the Parliaments of the Commonwealth and I noted that Belize has proposed term limits for the Prime Minister. They had chosen three terms as a limit for the Prime Minister and this is a new Prime Minister. He was elected about a year and a half ago and they can change it because they have a majority in the House and they do not need a Referendum; but he is a sitting Prime Minister and he is agreeing to change the Constitution to limit the Prime Minister's power to three terms. And Mr. speaker, the words that he choose to express the basis of his support or the underlying philosophy behind the approach bears quoting and I will read them to this Honourable House. And if you wish we could make this document a copy of this House. This is Prime Minister Barrow, Dean Barrow of Belize. He says:-

**“The underlying objective is to deepened democracy and to prevent the development of a personality cult or a monolithic state where one person may hold sway for life with its attended risks of arbitrariness and authoritarianism. Political parties must remain in a state of constant evolution in order to meet the needs of the people. No one person should have a stronger hold on any position; we must zealously guard against the tendency towards the creation of plutocratic elite that engenders complacency and arrogance”.**

And I adopt every single word in that passage [knocking on desk], so it is not that outlandish, another of our Caribbean countries is proposing to go that route. We believe two terms is suitable and Mr. Speaker, when we talk about the talent pool being shallow, I mean that is ridiculous. If you think two terms for a Prime Minister in 50 years we will have five Prime Ministers. St Vincent can't produce five quality people to lead this country in 50 years? So that is another issue Mr. Prime Minister, I believe that that will have a fundamental effect, I think

it would be something that would limit the powers of the Prime Minister, the office of the Prime Minister; and when we talk about the office of the Prime Minister, we mean the office of the Prime Minister, whoever is sitting there and that it would lead to better governance in our country.

Mr. Speaker, we also have very strong reservations, in fact, we go further than that; we oppose the amending of the Amending Provisions of the Constitution. What I mean, currently in order to amend the Constitution we have to have two thirds vote in this Honourable House and the support after the Bill is passed: the support of the populace in a Referendum where two thirds majority vote in favour of the Constitution amendment. We do not support the lowering of the threshold to 60% of a vote in a Referendum. You see we talk about the difficulty of getting 60% in a vote in a Referendum; but 60% is easy if both political parties as we are now in our context support the Referendum going forward as we did at the beginning of this process. If we were debating this proposal here now jointly that both parties were in agreement we would all be planning probably the party for November the 3<sup>rd</sup> or the 31<sup>st</sup> or whatever [laughs] the Referendum would be. Because we would be able to go to the people and convince them; but at least we explain to them and hopefully convince them of the right thing to do with respect to the Referendum.

So, I am not afraid of the threshold of 66.6% as an amending formula and Mr. Speaker, we have to be careful too because as I said somewhere else in a society like ours where you have a fairly homogenous population, and we are basically distilled into a two Party System. Now it is not that difficult for a Party to get two thirds majority in the House as we do now and 60% of the votes. So, you could have a unilateral referendum or a unilateral amendment of the Constitution which is something we ought to guard against. A Constitution when it is framed ought to be something that there is broad consensus on. If we do not agree on something then it is not constitutional, leave it out. When we have achieved that level of consensus; that level of agreement broadly on it then it is something you can include in your Constitution that is why it is a growing and living document.

So, Mr. Speaker, we must be aware of the nature of the process that we are engaged in and rather than treating this thing as either some game or winner takes all or loser ... or as a doomsday scenario it does not scare us and I am sure that once we explain it to the people it would not either. So it is better to shed light rather than create fear in respect of what is in the Constitution. And you know the thing too in some jurisdictions when you have a Referendum they set a quorum, they will say you have to have a turnout of say 65% in order for the Referendum to be valid. In our case we do not even have that and a Referendum to change the Constitution passes if two thirds of the Electorate who vote in that Referendum votes in favour of it. So, if you have a low voter turnout and you lower the threshold you basically could have a Referendum being passed by a minority of the population. This is something Mr. Speaker that we ought to guard against. There is no quorum, very many of our people as the Honourable Minister Slater said they will not read the entire document; it is drafted and it is 200 pages long as it is. Some of it is very difficult legal language and as much as we try to explain it to them they will not get everything; because I mean I do not get everything; because I have read it several times. So, these are not trivial concern they go to the heart of what we are doing and these are issues that we will stand ground on. So, ultimately the point that I wish to make is that we ought to make it difficult for there to be unilateralism in changing a Constitution. And that whenever we go forward that it is something that is no longer an issue of contention in our country; it is one that we have general agreement on.

I mean this is why in many jurisdiction the Constitutions are very short sometimes 30, 40 pages long and they set out general principles and as time goes by you make the domestic legislation, the ordinary legislation to fill

in the gaps. This is what we have done to a certain extent with the proposal regarding the Ombudsman and the proposals regarding the Human Rights Commission; both of which are useful additions to the Constitution and both we support. While we prefer that they are in the draft of the Constitution, we acknowledge, we understand, we know that these can be done through ordinary legislation. In many jurisdictions that is how it is done. Antigua has an Ombudsman; there are others in the Constitution; but in other places they are very effective and well developed Human Rights, Commissions and Tribunals which are created by ordinary legislation. I like it in the Constitution; but I do not think that if the Constitution fails that that is the end of that process. Human Rights Legislation has been accorded by courts as being somewhere between constitutional and ordinary functional legislation; because they use them to interpret what Parliament intends when it makes other laws.

So, even if you do not have a Human Rights Tribunal under Constitution you could still create one through ordinary legislation and it will have considerable teeth if it is properly drafted; but we would wish to see it in the Constitution.

**DR. THE HONOURBLE RALPH GONSALVES:** But you would not vote for it.

**DR. THE HONOURABLE GODWIN FRIDAY:** But I am telling you why Mr. Prime Minister. Mr. Speaker, I have also spoke about the system of Proportional Representation, what I want and the Leader of the Opposition mentioned it in his presentation this morning. It is something we would have to explain to the people during the debate on the Referendum; but the thing that I want to note here is the increase in the number of Representatives in Parliament that is something which we do not think is warranted at this time and we will not support that aspect of the reform with respect to the composition of the House. We would wish to see it remain at the level that it is and that all the Members of the House are regarded as elected Members. Mr. Speaker, there are other issues that are important to me but I am not sure they are deal breakers; but I will deal with them here in any event. By deal breaker I mean that it is an issue that I will stand ground on and we would not give away because it is a matter of principle that is important to the process.

The question of the reporting by Members of this Honourable House to the House and of the Speaker having powers to as the Prime Minister puts it; “name and shame” if a member is laxed by not reporting. As a student of politics, Mr. Speaker, one of the things that I have learnt overtime and have noticed in terms of the progression of societies as we go forward; the democratisation of societies is that we try to get rid of all the sort of formalisation of structures that seemed to have no practical function. And we also try to make there be more accountability: meaning that persons who serve they are either elected or there are supervision under an elected person. In America they are taking this to extremes. That is one of the things that guided my approach to what was coming out from the initial proposals, with the [inaudible] or civil society representatives that was proposed in the first report and still in this Honourable House.

This is why I have a concern about having members of any particular group who are not elected coming to Parliament under the rubric of either civil society or any other name to be given privilege in this Honourable House and you have a Standing Committee of such persons in a sense who have that right to speak in Parliament without having been elected. I would prefer and I think the Prime Minister in his own comments in the Select Committee suggested that there is no exclusive club as to who civil society is; there is no legislation that is going to be framed and say that civil society are these five groups. Rather you will give Parliament the authority to invite persons who have expertise that could inform a debate whoever they are. That I could accept

because that helps the work of Parliament. It is not any special position that is given because of somebody's ... you know it smacks too much of inherited positions that we know very much under the Parliamentary system in Britain.

But the issue about reporting to the Speaker what I find objectionable about it is this reference to naming and shaming of Members. I believe that the Members are accountable to their constituents and the Speaker's role is in this House and you gave the Speaker a role to intercede between an elected Member and his constituents that is taking the Speaker outside into the political frame. And a Speaker, who does not take his job as seriously as the present Speaker of this Honourable House in terms of impartiality might be more tempted to name and shame certain members of the Honourable House than others. I had proposed ...

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] subject to whether you report or not.

**DR. THE HONOURABLE GODWIN FRIDAY:** You said name and shame.

**DR. THE HONOURABLE RALPH GONSALVES:** Yes, but that is what it will amount to.

**DR. THE HONOURABLE GODWIN FRIDAY:** The suggestion I had made and one I think is superior is simply that you have a day or two set aside and you have Members of Parliament report on their constituency work. Everybody listens to it; as they are listening to my voice now and they make a judgement as to whether I am telling the truth or not and I have to account to my constituents.

**HONOURABLE MR. SPEAKER:** Prime Minister [inaudible] - give way?

**DR. THE HONOURABLE RALPH GONSALVES:** Yes, if my Honourable friend would give way in the context. Mr. Speaker, the provision which is made in the Constitution is this that Parliament will be empowered to make standing orders to do among other things, make two sets of proposals in relation to the reportage: (1) the Speaker, may name someone and informed the House as to whether a person had submitted the report, a Representative. Obviously, if someone does not submit the report once or twice it is a terrible shame that is not interfering with the constituents. That is the first point. (2) Is this: what my Honourable friend is saying that he prefers that it is for a time to be set aside; Parliament may make standard orders in that regard too. And we had agreed on that; that Parliament may make standing order to set aside whether it is a day or two days or whatever the case may be so they are not alternatives. And I think it is important whether the people agree with either of them. It is important, Mr. Speaker that they simply know what we had agreed upon.

**DR. THE HONOURABLE GODWIN FRIDAY:** Yes, Mr. Speaker, there are two other points I wish to address and my other colleagues will deal with other issues of course and in the course of the public debate on this matter they will address other issues. The issue raised by the Leader of the Opposition and I think, Minister Beache about the Property Rights; section 30 of the draft Constitution makes provisions for protection from deprivation of property, and we have stated that we prefer the first report and in a sense this confirms what I said about the revised final report as being more bolder and innovative. In that report it said:-

**“That when compensation...**

This is when somebody's property is compulsorily acquired by the State, understand this; the Law basically what it does is that it gives the State the right to buy your property even if you do not want to sell it that is

basically what the law intended to do. If we are negotiating between private citizens and I do not want to sell my property, you cannot force me to sell it, you may wish to raise the price and so make me an offer that I cannot refuse, well so be it; but the law is intended to allow the State to acquire the property for a public purpose and to compensate the property owner for his or her property. It does not give the State any additional right. So, all we are saying here and what was stated in the revised final report on the Constitution which was submitted on September 28<sup>th</sup>, 2006, (my birthday incidentally)

### **When compensation is assessed**

This is I am quoting from the report.

**for compulsorily acquired property, such compensation should be assessed on the basis of the open market value of the property as at the date of the compulsorily acquisition; such compensation should carry interest at the commercial rate calculated from the date of the acquisition of the property to the date of the payment.**

The idea is that if the State has at least the benefit of depriving you of property you do not want to sell then they should compensate you properly for it. There should not be any additional advantage to the State and that is fair, the Constitution protects a person right to property, there are some Constitutions that do not. And this is something that we will also stand ground on because we believe that this is a concern that is broadly felt publicly, it was something that came forward in the reports of the Constitutional Review Commission and that is one that we have consistently said that we wish to maintain.

And finally, Mr. Speaker, I wish to say something briefly on the proposal with respect to Local Government. Mr. Speaker, section 148 of the draft Constitution deals with ... chapter 12; Local Government. I know my colleagues will have something more to say about it because it has particular reference to the Grenadines and the Honourable Terrance Ollivierre being the Member from the Southern Grenadines and myself; as the Member of the Northern Grenadines we take particular interest in this particular proposal. The way it is written however, it is somewhat - it leaves a lot of it up to ordinary legislation. And I have a concern about this because one of the things that we had proposed when the Local Government Commission was set up some time ago, we had suggested that the matter be dealt with at this stage actually in the Constitution. But the Local Government Committee went around it and its reports and so on. But it had as part of its mandate that it could not recommend that it be an elected government, and that they could not raise essentially their own funding or other guaranteed funding in that respect: something to that regard.

And in the current proposal here for local government in the Constitution, it leaves those important provisions as to whether it is elected, or simply appointed, or whether it has some secured funding because if you do not have money then you really do not have any power. Those things are left up to ordinary legislation, so the thinking of this administration which informs the work of the Committee, the Commission; the Local Government Commission will be carried forward in that ordinary legislation.

So, while I embrace certain aspects of the proposals particularly in taking as the Prime Minister mentioned in his presentation earlier, taking cognizant of the special relation of the Grenadines to the mainland and so on all of that hinges on how the Local Government is elected, how it is constituted, I should say, whether it is appointed or elected and whether it has money to do its business and those are not dealt with, so I reserve my

final decision on that. In fact, as it is now, while I like the aspects that are there, I would prefer to see more assurance in the Constitution that it would be elected and that it would have secure funding. Mr. Speaker, I appreciate ...

**DR. THE HONOURABLE RALPH GONSALVES:** May I?

**DR. THE HONOURABLE GODWIN FRIDAY:** Prime Minister I am just winding up now.

**DR. THE HONOURABLE RALPH GONSALVES:** No. if you ... it may help you if you make a comment additionally on it; because I think we want this debate to be very informed. Mr. Speaker, may I draw the attention of my Honourable friend to section 19 of the Land Acquisition Act chapter 241 and perhaps, if it is reflected upon and by other Members they would see the import of the formulation which is stated in the Constitution as it is. I just want to also make the point, Mr. Speaker, in relation to the Local Government; I just want to remind my Honourable friend that the Opposition had requested that nothing be done on the Local Government in terms of any legislative work until after the Constitution [interjection] I just want to make that point.

**HONOURABLE MR. SPEAKER:** Okay Honourable...

**DR. THE HONOURABLE GODWIN FRIDAY:** Yes. So, Mr. Speaker, I trust that from the tenor and the content of what I have said here today that no one will question the motives and the commitment of the Members on this side of this House; that everybody in this Honourable House who is listening outside in our fair and blessed land, and beyond over the seas will understand that we take this process very seriously. We have been committed to it, we have put a lot of work into it and it is a process which has come to this point where we too are disappointed and we will recommend based on what I have said here and what the Leader of the Opposition said and what the other Members of this side would say.

And as we go forward that the better vote is to vote no on this Constitution. We will be campaigning vigorously on that, and we believe that the people share many of the concerns that we raised here and that we are addressing this matter for them in this Honourable House. I feel that Mr. Speaker, to the core of my being and when I say it here, what I have said here is not political posturing it is a matter of principle and one that we will stand on. We will take it to the people and I am sure they will give us a fair hearing and then hopefully they will take our advice. Thank you, Mr. Speaker. [Knocking of desk]

**HONOURABLE MR. SPEAKER:** Further debate Honourable Member for North Central, South Central, sorry, when you are ready.

**HONOURABLE SELMON WALTERS:** Mr. Speaker, Honourable Members, I rise in support of the Bill for the passage of the Constitution proposed for St Vincent and the Grenadines. I wish Mr. Speaker, to point out from the document why it is a good document, why it should be supported and to show also the inconsistency at best of our friends on the other side. Mr. Speaker, we are all witnessing history and all the speakers agreed that this is indeed a historic occasion for many of us. It is a once in a life time occasion to be part of the formulation of a document that is a charter between the government and the citizens. This document Mr. Speaker, unlike the 1979 document which was sort of given to us by the colonial powers, this one is derived from popular

participation of all the citizens both at home and in the Diaspora. It means that we can describe it as a people's Constitution.

The very consultations Mr. Speaker, were themselves historic where citizens of all walks of life and all dispositions had the chance to put their views together to formulate the document, so that 50 years down the road somebody can say that part of the Constitution was my idea, it was my father's idea, it was the idea of my professional organisation we made it, we fashioned it, therefore it is ours. The proposed document Mr. Speaker far exceeds the existing one of 1979, both in terms of the length of it and the size. The proposed document has many more sections; the existing document when we look at it is limited to about 80 pages and we have heard that this new proposed Constitution has about 200 pages, 29 sections in comparison to about 10 or so sections in the existing one.

It means, Mr. Speaker that we are fashioning a Constitution that would take us maybe up to the next 50 or so years or perhaps more if it is not sometime amended. But Mr. Speaker, before I go further into it I was very eager to listen to the Honourable friends on the other side because what they were saying within the Select Committee is not what they were saying on Radio; because within the Select Committee Mr. Speaker, their participation although lukewarm at best gave a hint that maybe they were on board. Maybe, the participation would go beyond political partisanship; but on the Radio you were hearing vote no, even before the document was completed; they were saying vote "no"! So, that is why I said, Mr. Speaker, at best their participation was inconsistent, and I will take you back a little bit, Mr. Speaker, because one of the Speakers before began to do that.

On the 8<sup>th</sup> October, 2002 when the Motion for the review of the Constitution came to the Parliament for the first time moved by the Honourable Prime Minister, it was seconded with gusto by the Leader of the Opposition. He was glad, he said, "Mr. Speaker, I second it, let us go for it let us review". He seconded it and I said, "Wow! We are on to something good, let us go St Vincent, the Parliament is at one". A few years later, Mr. Speaker, on the 7<sup>th</sup> June, 2007 when the first draft came before the Honourable House again the Leader of the Opposition said, "Second it" – "good, let us go and second it" and he was with us. On the 17<sup>th</sup> July, 2007, again he gave his support and he seconded the Motion. Ten days later, Mr. Speaker that same month on the 27<sup>th</sup> he changed his mind, he is not supporting again and I wondered what would have gone wrong all those times that made him change his mind it got to be politics.

And between that time, Mr. Speaker, and early 2009 we did not see them giving full support or any support at all to the process. They boycotted all the meetings of the Select Committees and they did not come; but something happened and in early 2009 they appeared again, they came back early 2009. They participated in two joint sessions of the whole House and then, Mr. Speaker, they disappeared again for the next 12 meetings that is what I mean when I said that for the most part they were inconsistent. They disappeared again for the next 12 sittings and then in early August '09 to the present time they appeared again. You see, what I am talking about, Mr. Speaker; I am talking about the lukewarmness and the inconsistency.

**DR. THE HONOURABLE MR. RALPH GONSALVES:** Hit and run.

**HONOURABLE SELMON WALTERS:** To me it seems as if though they have come up against a rock and a hard place: what must they do? The document looks like a good document; let us go to the House and say, 'yes' make amendments and they gave some worthwhile contributions. You hear about the Leacock's Amendment

and that amendment. They came in and they say, “Ye! Ye”! And I liked what Senator Leacock said that he is not going to contest any elections under the old Constitution because he wants to see allocation for the Constituencies. I do not know if he had the Capital Card thing in mind; but he wanted to see an allocation. So, if he votes no, he is caught between a rock and a hard place: so, Mr. Speaker, when we listened to the presentation this morning from the Leader of the Opposition all this came through that they were caught between a rock and a hard place.

Primarily, it seemed to me as he introduced a political angle into it when he was saying well, the mixed proposal to have the extension on the First Pass the Post and the PR System; the Party that gets one vote more has two seats more and so on that seems to be his fear; that seems to be the fear. So, while yes it looks good, some areas are good that seems to be a fearful thing and maybe it will work against us; so, maybe we should vote against it. So, he says we are going out there to say, ‘no’. But, Mr. Speaker, I believe the Vincentian people want this new Constitution, we have to bring an end to the last vestige of our colonial past; we have gone past that. We have gone past that; we are a developing people, we are a conscientious people, we are a people of the future, the past; the colonial past is behind us: this is our document and we are going forward with it. [Applause]

Mr. Speaker, I like the way the debate is going in the House because unlike other meetings of the Parliament when issues are contentious you get fire across the floor somebody shots back, and somebody shots back, and somebody jumps on a point of order; but today we are all sitting and listening quietly as people speak. We are smiling and people are making their notes and smile. And there are a lot of smiles across the floor and it is good partisanship; but the inconsistency of our friends on the other side will be exposed and the people would see no! No! We cannot vote no, this is a good document and no political partisanship will prevent the people of St Vincent and the Grenadines to go forward with a good document. [Knocking of the desk]

Mr. Speaker, the Leader of the Opposition said earlier on this morning that the document had a gestation period of six years and normally to give birth the gestation period should be about nine months and he said, this is six years, it shows Honourable Sir that you missed the fact that the consultation at home and abroad could not take nine months. If you are going to involved all the people, if it is going to be true democratic and embracing it cannot be done in nine months. So, the gestation period of six years is not a waste of time, this is a serious document it could not be done in nine months. [Interjections] You are my partner man, behave yourself *nah*. [Laughter] Mr. Speaker, he said again that the document has not realised its noble goals; listen to him, he said:

**The document has not realised its noble goals.**

But, yet, Mr. Speaker, for some time he sat in the Committee.

**HONOURABLE ARNHIM EUSTACE:** So?

**HONOURABLE SELMON WALTERS:** You sat there.

**HONOURABLE ARNHIM EUSTACE:** [Inaudible comment]

**HONOURABLE SELMON WALTERS:** Therefore, you should have put them in there.

**HONOURABLE ARNHIM EUSTACE:** [Inaudible comment]

**HONOURABLE SELMON WALTERS:** It is not true; because some of the amendments that were proposed by your side were put in, they were adopted. They were adopted and then you were told to bring in writing your proposal for the Presidency and you never did it; you never did; you never did. You think I was sleeping eh! When you see I sit down here with my eyes close, I am not sleeping; I am hearing everything you say. I tricked you [laughter], I am hearing everything you are saying and I am making my notes. You think I am sleeping [laughter] I am making my notes. Mr. Speaker, so he sat there and he did not propose; because I believe in the back of his mind he was saying: *alyuh* could put all you want to put, I am voting no.

Mr. Speaker, he said again that he would not move an amendment on the floor because it is a waste of time the die is cast; but it is not true because at the final Select Committee Meeting the question was asked, “Is this the final document is there more amendments?” And the answer was given “No, amendment could be moved on the floor of the House” that was said categorically.

**HONOURABLE ARNHIM EUSTACE:** I did not doubt that.

**HONOURABLE SELMON WALTERS:** You did not doubt that?

**HONOURABLE ARNHIM EUSTACE:** I did not doubt that, I think it is only a waste of time.

**HONOURABLE SELMON WALTERS:** So why is it a waste of time?

**HONOURABLE ARNHIM EUSTACE:** It is not going anyway.

**HONOURABLE SELMON WALTERS:** How you know that did you move it to prove it?

**HONOURABLE ARNHIM EUSTACE:** I have to explain to the ...

**HONOURABLE SELMON WALTERS:** Man no, [laughter] you got to move it to prove it. Move it and prove it. So, it is not a waste of time the die is not cast the document can still be amended and if you take it seriously and you are a good patriotic citizen and you want to see the thing go forward, move the amendment. Move it and see [interjection] Move it and see, eh! [Laughter] Mr. Speaker that shows to us that he was not leveling with us on the process, he was not leveling with us with the process and then at the end of his presentation he is trying now to present his views on the Presidency asking for what seems to me to be an Executive Presidency, but we have gone passed that

**HONOURABLE ARNHIM EUSTACE:** Look at the Minutes [inaudible]

**HONOURABLE SELMON WALTERS:** He was wrong he was corrected by the Prime Minister.

**HONOURABLE ARNHIM EUSTACE:** The Minutes is not correct. [Inaudible]

**HONOURABLE SELMON WALTERS:** He was wrong, the proposal was wrong he was corrected by the Prime Minister [interjection]

**HONOURABLE MR. SPEAKER:** Could we ... [interjection] please concentrate addressing the Chair on these issues.

**HONOURABLE SELMON WALTERS:** Mr. Speaker, so he had a chance to make his presentations and he did not and when we listened to his presentation in total I got the impression Mr. Speaker that he was presenting the document as though it is the Government that is presenting the document. It is presented by the Government, so you got to oppose it. It is the people's document; it is the people's document, it came from the bowels of the people through all the consultations. It was not put together by the Prime Minister

**HONOURABLE ARNHIM EUSTACE:** The Prime Minister said it is his gift. [Interjection]

**HONOURABLE SELMON WALTERS:** So what he is the Leader, it is the Leader of government business, so, it is not a government document.

**HONOURABLE ARNHIM EUSTACE:** If it is his gift, it is his gift.

**HONOURABLE SELMON WALTERS:** So, why can't you say so too, you got people you represent, and you can say the same thing? [Laughter]

**HONOURABLE MR. SPEAKER:** Could we have ...

**HONOURABLE SELMON WALTERS:** Mr. Speaker, [laughter]

**HONOURABLE MR. SPEAKER:** Could we get back on track and stop the dialogue and dialoguing please.

**HONOURABLE SELMON WALTERS:** The document was put together by consultations and I feel, Mr. Speaker, as I present that it is a good document and we are going forward with the document putting it forward to all the people of St Vincent and the Grenadines. Mr. Speaker, the document is extensive; earlier on mention was made of the new innovations that were put into the Constitution proposed and I think the idea of an Ombudsman as was mentioned by many on both sides is indeed a good innovation to put in. Because in the Westminster model of governance the Ombudsman is one of those democratic institutions that embraces and widens the process of good governance, it gives to the citizen an avenue for redress should they meet hurdles as they seek to do business with the bureaucracy.

I would say, Mr. Speaker that I believe every Parliamentary Representative may be himself or herself acting as Ombudsman; because people will come to you for redress when they do business with the bureaucracy and they come to hurdles. Somebody comes to your office and they say, "Well, I went to the Treasury to get some money and the woman cuss me out; she there filing her fingernail and not looking at me" or they go up to some other department and somebody says, "Come back tomorrow" and the thing is right there. Or there is some injustice done to the person and they come to their Rep to have it redressed, this would be the work of the Ombudsman. This strengthens democracy, this strengthens good governance when people can know where to go, they know who to speak to and this is bringing governance to the people in all its fullness.

Mr. Speaker, there is also the Teaching Service Commission and this is one of the things that the Teachers were asking for a governing body for teachers, a governing body to assist in the service of education, a governing body to embrace the whole drive of the Education Revolution down the road, many, many years down the road. A structure that will help the Ministry of Education to design for the Teachers the way forward and we have and it is being propounded in chapter 11 of the document. And then, Mr. Speaker, you noticed that we are doing away with the Privy Council, this is another of those last colonial vestiges that we have to abandon. I believe the legal system in the Caribbean, Mr. Speaker is competent and capable and sufficiently developed to look after the legal affairs of the Caribbean people, we can well do without the Privy Council because as far as I am concerned, Mr. Speaker, those landlords in England are so far removed from us; yes, they may be more objective; but they stand askance to Caribbean culture, Caribbean oneness and Caribbean concerns. We are capable of looking at our own legal issues. So doing away with the Privy Council, Mr. Speaker, in the Constitution is a very good innovation [knocking of the desk]

Mr. Speaker, many of the Vincentian people or most of the Vincentian people are in favour of maintaining on the books the death penalty. I like in the Select Committee when my good friend Reverend Job came here and I read the Minutes and I smiled because I indeed came in late when he was speaking and as I challenged him on other issues he said, "You came in late", I said yes, I came in late; but I was hearing you coming in [laughs] Mr. Speaker, these small developing countries come under immense pressure to follow the large metropolitan countries and abandon certain ideals and values that are dear to us as Caribbean people and one of them that people want us to take off of our books is the idea of hanging and the idea of the death penalty; but Mr. Speaker, we are saying that this Constitution has as its core values the belief in Almighty God as Sustainer and Creator and God in His wisdom has said to society that if people are desirous of being murderous willfully then they by doing so they have forfeited their right to life.

And I told Reverend Job in the Committee that in the Bible there were many, many wrongs for which people were put to death but for murder, when there is an accidental murder, the murderer was given the option of going to live in what was called then a city of refuge. Aren't I right, Mr. Campbell, you are a Chancellor? The murderer went to the City of Refuge and as long as he is there he is safe; because the crime was not something that he meditated, it was an accident. But when he was willful, when he planned it and the Bible said when he willfully did it the City of Refuge was not for him: an eye for an eye and a tooth for a tooth. And if our society stands on those Christian values we cannot get away from them.

We cannot therefore copy what many of the more developed countries do; they took the Bibles from the Schools, they do not want to pray in public, no pray in schools and they do not even want the Ten Commandments in the Courthouse. Those values are not for us; we are a people standing firmly on the belief of Almighty God. [Applause] [Knocking of desk] And that is why, Mr. Speaker, we would maintain on the books hanging for willful murder. And I like the way it is coined in the Constitution, it is so coined, Mr. Speaker that the Judges cannot make law around it. There is no Judge made law here now, once it is willful murder and the Jury says guilty, willful murder, the Judge has no choice but to say well, sorry you have forfeited your life: capital. Mr. Speaker, it says to the people of St Vincent of the Grenadines that if you are prepared to take life prepare to forfeit your life. "Whosoever sheddeth man's blood; by man his blood be shed". But there are a lot of

people who were very glad that the Privy Council was there because they know when you go to the Privy Council; because in England hanging is not on the books you will get away with it. But the hypocrisy, Mr. Speaker is that while in England they would not want to execute capital punishment they would execute you if you threaten to kill the Queen. You do not even have to stone the Queen all you got to say: ‘*ah goin kill the Queen*’ and that is Capital Punishment. That is the hypocrisy of the whole situation and that is why we have to design for ourselves a Constitution to fit the Caribbean people, fit the Vincentian people to take us into the future. We are a people independent and prosperous and we can do it. [Knocking on the desk] We can do it, we will do it, and we must do it.

And I am not saying that our friends who are sitting, and are voting no are unpatriotic, I am going to say they are putting political partisanship over national interest and that is why at best they are inconsistent and lukewarm. You like the lyrics eh! [Interjection] [Laughter] Mr. Speaker, so, we are going forward, we have to do something for the generation coming up; something that we can all be proud of, something we can go forward with. Within the document also proposed, Mr. Speaker, there is support for the family and I would turn to the document because I want to point something out here where the family is particularly singled out for support and for mentioning; because the family is the basic healer of the society, the stronger the family is the stronger the society and the more stable they are the easier for us in government to distribute the services and keep order. Mr. Speaker, on page 14 that deals with: The family and marriage 17 (1):-

**“The State acknowledges the family as the natural basic unit of society. Consequently, the State accords the family recognition, respect, protection and support; and is asserting that men and women of the age of civil, legal and societal responsibility have the right to establish a family.**

Listen to this (2) of 17

**The State shall recognise and protect marriage, which shall be a legal union only between two persons each of the opposite sex.**

Is this what you want to vote against? So, when you are saying ‘no’, you are not supporting the family, you are not supporting marriage between a man and a woman? Which one you one to support man and man, woman and woman? [Interjection] We cannot go that way [laughter].

**HONOURABLE ST CLAIR LEACOCK:** What you think?

**HONOURABLE SELMON WALTER:** Keep quite *nah* man. [Laughter] Mr. Speaker, so, the family is given the recognition and support as well as marriage is given its recognition and support and the marriage that we are putting here in the Constitution is between two persons each of the opposite sex. And I come back to the point that I was making earlier on that where as in many developing countries or developed countries people shift their values, you hear about same sex marriages and all those kinds of things. Well, in a society where God is our core center the State would not condone that. It does not mean that people would not do it if they want but the State God’s Ministers in government we would not condone that: we are not going to condone that. So, let

them put pressure on us to take it off the books we would rather obey God than men on this issue. It is not going to happen and I am very, very proud, Mr. Speaker, to be part of this historic occasion when such a document is passed that cements our Christian values, that cements the values of a Caribbean civilization and that takes us well into the future. And when we are gone we can look back and say, 'yes' that was our work and we think it was well done, we are on our way to something good.

Mr. Speaker, we have also in our final document guaranteed freedom of many different kinds and I would not go into all of them simply to mention that the Freedom of Expression is again there guaranteed; Freedom of Expression and Freedom of the Press. I believe Mr. Speaker that St Vincent is easily one of the first countries in the Caribbean when it comes to freedom of speech. As Minister of Information a few years ago, I attended a meeting in Guyana where we were acknowledged as one of the countries in the Caribbean that is exemplary in terms of freedom of speech and expression, people could say anything they want in St Vincent and they write anything they want; but if they libel you or defame you and you take them to court; oh there is no freedom of speech! There is no freedom of speech! Speak! Write! But do not defame me and do not libel me; because if you do that I have a right to go to the court. So, within the Constitution this is guaranteed and I must say to all our people that yes we have the freedom of speech and expression; but you have the responsibility to be truthful and fair otherwise I would have to seek redress if you defame me or libel me.

Mr. Speaker, within the Parliament as in the proposed document we noticed that the Ministers of Religion can participate fully in politics if they so desired; the old Constitution debarred them from doing so, and I know many gentlemen and women of the Cloth who want to participate but they were debarred by that original document. But this document is saying, well, if you are so led and you think you can make a contribution go right ahead. Albeit, there are some people within the Christian circle who believe that once you are of the church you have no part in politics and for my own part, Mr. Speaker, I came in for severe criticism when I decided to participate in active politics. People are saying, well, if you are from the church you really have no part in it, stay out of it but I reminded my opponents that the Bible says to me and to us that "You are the salt and you are the light". And if you are the salt and the light, Mr. Speaker, you cannot sit down in some corner and say; I am the salt, I am the light and I am doing nothing, you have to get involved in the darkness and you have to get involved in the need to preserve it. You got to get involved in it and then we are commissioned in there also to pray for all men, so if [interjection] behave yourself *nah* man. [Laughter]

So, if all our friends of the cloth want to be involved in it this document it is now giving them the chance to do so. So, we may well have in St Vincent as we have in Haiti a Bertrand Aristide who came from the church and participated and other people who may one to do so; because indeed, Christians have a contribution to make, they have a contribution to make. There are some things you can say and there are some things you can do; but we need to get pass this notion that you cannot be involved in it. You cannot say anything because you are heavenly citizens or you cannot talk to people, no! No! No! I do not think God designed us to be that exclusive and evasive; we have to engage it and do it.

Mr. Speaker, the Attorney General who is a public servant in the present arrangement is voiceless in the Assembly and in the Parliament; but in the proposed document [interjections] she is still voiceless: still voiceless? Okay, I made a mistake I thought it was changed. Mr. Speaker, when you look at the whole

document and when you explain to all the people of St Vincent and the Grenadines, it means that we have to go forward with it. One of the areas of contention too, Mr. Speaker, is whether or not the Prime Minister's powers have been significantly curtailed and I heard this morning from the other side that it has not. And during the process, Mr. Speaker, when we sat in the Committees the Prime Minister himself was saying that we need to revisit the Prime Minister's powers and I am not talking about Ralph Gonsalves powers, I am talking about the powers of the Prime Minister as stipulated under the Westminster Model of governance.

The Prime Minister is a powerful man under that model of governance. There are many things he can do and somebody described these small democracies as Prime Ministerial democracies and somebody was saying well, in the new arrangement we have to significantly reduce the Prime Minister's powers and we could see within there, indeed the Prime Minister's powers in the document were not enhanced. There is nothing there that gave him more powers; nothing at all, on the contrary there are areas where his powers were significantly reduced. [Ringing of bell] Mr. Speaker, the person who got some more powers you know is the Minority Leader. The Minority Leader got some more powers; but I wonder if he would use them; because when the document is passed at the Referendum ...

**HONOURABLE ST CLAIR LEACOCK:** The office of the Minority Leader.

**HONOURABLE SELMON WALTERS:** But who sits in the office would have to use up those powers.

**HONOURABLE ARNHIM EUSTACE:** It will be the incoming Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** Dream on. Dream on.

**HONOURABLE SELMON WALTERS:** [Laughter] who sits there would have to use up those powers. Mr. Speaker, the Minority Leader can bring to the Parliament or to the Assembly a Motion that calls for expenditure from the consolidated fund [interjection] eh! Initially that was not so, so you must bring back the redemption charter [laughs] and let us see what the expenditure will be. Mr. Speaker, you will have also that in the Public Accounts Committee the Minority Leader would have a majority on that Committee so it is not that he would not be able to get his thing through he would have the majority on that Committee, so then he can do what he wants to do. And somebody said earlier on this morning, Mr. Speaker, some of the questions asked in the Parliament they really can get them from that Public Accounts Committee. When last you called one?

In the document also the Executive would no longer control the Parliament because in the present arrangement the Executive has majority in the Parliament so the Executive comes in and they want to pass whatever Motion, it is passed because you have the majority; but when the document is passed and Cabinet is limited to 12 and the Parliament is 27 then the Executive no longer controls the Parliament.

**HONOURABLE MR. SPEAKER:** Honourable Member you have 10 minutes to conclude your presentation.

**HONOURABLE SELMON WALTERS:** Thank you, Mr. Speaker. The Executive no longer controls the Parliament. [Interjection] You know that is true; you know that is true.

**HONOURABLE ST CLAIR LEACOCK:** Do not push that.

**HONOURABLE SELMON WALTERS:** You know that is true.

**HONOURABLE ST CLAIR LEACOCK:** No [inaudible]

**HONOURABLE SELMON WALTERS:** Mr. Speaker, the Prime Minister in the new arrangement is obliged to consult more with the Minority Leader and other stakeholders in the business of governance. It is not that he says to the Governor General or the President appoints somebody and that is done. The consultations will have to take place to get certain of the appointments through. It means, Mr. Speaker that some of his powers are severely curtailed they are not enhanced in the document. So, when the Opposition says, “Oh it is not true, he ...” No! No! He does not have any power; nothing enhances his power within the document.

Mr. Speaker, I want to commend this document to all our people those who are listening to us at home here in St Vincent, those who are listening to us in the Diaspora or Internet. St Vincent and the Grenadines has created history by the way we have gone about bringing this new Constitution into place and I believe there are many people in the Caribbean and worldwide who are looking to see what would become of this document and how far we will get with it; because it is indeed novel and historic. It is a comprehensive document, Mr. Speaker, it is innovative, it is democratic, it is a people’s Constitution and I want to commend the Committee; the CRC for the hard work on this document [applause]. Dr. Ghany, Dr. Alexis, Chancellor Campbell and all the others of the Committee; I want to commend all of you for the hard work that you have done in bringing this thing to where it is: you have done well.

Mr. Speaker, I am going to vote yes, and I am going to campaign vigorously for a yes vote; because the yes vote is a progressive vote, it is a forward vote, it is a futuristic vote and it is a development vote. Voting no is colonialist, backward and inconsistent: we would not vote no. Yes, I for the Constitution. I would end, Mr. Speaker, with something I put together and maybe we can adopt it all of us who are going to say, ‘yes’. We will say; Constitution Reform in SVG: yes I. Thank you Mr. Speaker. [Applause and bell ringing]

**HONOURABLE MR. SPEAKER:** The debate continues, we can at least take one other person at this point and time. Yes Minister of Education.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, Honourable Members, I rise today to give my wholehearted support to the document that is before us. In my hand Mr. Speaker, I have got a copy that is named ‘A Brief History of St Vincent and the Grenadines with Studies in Citizenship’. And Mr. Speaker, this Constitution is so dear to my heart that as I read I think it important that I could put myself in the place of the slaves on the 1<sup>st</sup> August, 1838, and I would quote from page 34 and it reads:-

**“Blow ye the trumpet blow the gladly solemn sound, let all the nations know to earths remotest bound the year of jubilee is come return you ransom sinners home. The voice of the slaves honoured that day.**

And below it, it says:

**This glorious triumph is a fight for freedom, is an example of what can be accomplished by trusting God and the employment of constitutional methods”.**

Mr. Speaker, in this same book in chapter 7 on page 98, I quote wise:-

**“Wise and just laws are a blessing to a people and to secure them we must have wise and just counsellors. While a law is in force it has to be obeyed but if it is found to be unsuitable the people can through their representatives in the legislature takes steps to have such a law amended or repealed. This is what is called the Constitutional way of dealing with such a matter. Constitutional methods are best and should be used by the citizen when there is anything requiring to be put right”.**

In 1979, I was a young person in the business of education. Mr. Speaker, I can remember working within the school and helping our young people to understand what it was to be an independent country and doing it in a very colourful way. I can remember explaining through poetry what it means not to hold on to England’s apron string. I can remember, Mr. Speaker, explaining to them the meaning of our flag and the meaning of the colours that our flag ha. And telling our people that this was the time when we have our own anthem and we have our own patriotic songs and trying to educate our people. But I cannot remember, Mr. Speaker, of ever having been given a chance to debate as I have had the chance now. [Knocking of desk]

Mr. Speaker, the old document has 8 pages; 80 pages, sorry and I have got it here in my hand. When I came into office one of the passions of our Party when we got into government it was that we wanted to see constitutional reform and Mr. Speaker that reform would have had to be brought about by people who know and people who understand, and our Prime Minister choose to have Chancellor Campbell, the Queens Counsel to come and to head the Commission, so that it can become a discussion. And this discussion was taken throughout the length and breadth of St Vincent and the Grenadines. I had the occasion to be in one of the discussions and I remember a gentleman who supports the NDP, I remember him saying; “Oh! You all done put you all things together and you all just coming to throw it on people”; but I remember the Committee tried to explain to them what we were going to do.

People in the Diaspora they had a chance to look at the document and to add to the proposed changes and today we have a document in our hands of about 200 pages. Mr. Speaker, I am happy to be a part of government now, to have a chance to go through clause by clause as we try to effect the changes. Mr. Speaker, it is wonderful, it is wonderful to know that after 30 years that we are conscious enough to know that we can make a change where it is necessary [applause] I have listened to voices on the radio and some people were saying, “Oh! They gloss over some and they changed some”; well, if they do not need to be changed, well, why do we change? But we changed those that needed to be changed. [Knocking of desk] Mr. Speaker, I came this morning with a different frame of mind but after listening to the Honourable Members on the other side, I wonder what the Vincentian populace and those in the Diaspora are thinking of us Honourable Members in this Honourable House; because we do not seemed to be serious: some of us. You are going to put it that the baby is still born;

what does that have to do with the Constitution something which is so fundamental, so very serious for the well being of our people in this dear land?

Mr. Speaker, I know for a fact that the Opposition had an opportunity to have someone on the Drafting Committee; but they did not choose to do that but now we hear ramblings all about. I wonder if our young people are really listening and I am asking them to listen; because you see the older ones are moving on and whatever we are putting in place now it is for the welfare of the younger people of our country and I am asking the young people of our State to see that the Opposition is not serious about what we are doing here. And I would like them to make sure that this is studied so that they can stand up and speak about the Constitution of St Vincent and the Grenadines. Mr. Speaker, Honourable Members, St Vincent and the Grenadines is one of the two Commonwealth Caribbean countries to have a declaration of guiding principles in the Constitution and Guyana is the only other country. The guiding principles include a clause which calls on political parties to aspire to not less than 30%, I am referring here to clause 21 on page 15, in accordance with section 98 of the Constitution: page 15.

Mr. Speaker, Honourable Members, I stand here as a woman who would have worked at the grassroots level with our people.

**DR. THE HONOURABLE RALPH GONSALVES:** Twenty one (3).

**HONOURABLE MIGUEL GIRLYN:** Twenty one (3). I stand here Mr. Speaker, feeling glad that the women of our country are called upon to get involved. To get involved at every level [knocking on desk] in the Education Revolution we say, "Let no child be left behind", and it includes the girl child. Mr. Speaker, one of my reasons for coming here at this level it is because of many things that I would have seen as I worked with our young people. I remember one morning I arrived at school and there was a woman and her four sons coming to see me, their house was burnt clothing and everything. Mr. Speaker, there was no place for them to live. No clothes for the children to wear, no food for them to eat, I tried knocking on certain doors in government but I was not able to get the help that was necessary. We need the voice of the woman in politics and in parliament so that she can represent the cause of the woman in the constituencies and in the country. [Knocking of desk]

Mr. Speaker, Honourable Members, it pains me to know that our women most of them are the recipients of welfarism. Mr. Speaker, we know how our men behave. We know that they have children here there and everywhere and the woman she is the one who has to be mother and father of those children. We need to help her to hold her dignity, to stand up and fight back and fight for what is right; and in this new proposed Constitution she has a chance. And I am proud to say that in the Education Revolution, we are making sure that our girls are going to be so educated that they will not have to always depend on welfarism. Mr. Speaker, in this proposed document chapter 3 speaks of the Protection of Fundamental Rights and Freedoms; this chapter reproduced all fundamental rights and freedoms that were in the old Constitution. No right was removed [knocking on desk] rather there have been additions that have been strengthened: additions to strengthen these.

Section 29, subsection (2); it prescribed continuation of any description of punishment that was lawful before the enforcement of the new Constitution. In subsection (3) Capital Punishment to be administered 1 year after all appeals have been concluded by the individual sentenced to Capital Punishment. And Mr. Speaker, I am trying here to show to our people that which is new in this proposed new Constitution. Subsection (2) a stipulation of a time limit of within 12 months of the date of compulsory acquisition for government to pay for compulsory acquired property [knocking of desk] Section 34 (1) inclusion of the word “Freedom of press” to ensure the freedoms enjoyed by the Press is guaranteed. [Knocking of the desk] Section 35; Provision for Collective Bargaining [knocking of desk]; Section 38; the Age of Civil Responsibility [knocking on desk] which now exist in the new Constitution was not in the old one.

Mr. Speaker, new in this document is the Human Rights Commission [knocking of desk]. In chapter 5 the President; this is a fundamental change. It is a change that signifies a change to full sovereignty, whereby true allegiance is to the State of St Vincent and the Grenadines and not to her Majesty the Queen, her heirs and her successors [knocking of desk]. Mr. Speaker, the President will replace the Governor General who represents her Majesty the Queen; Queen Elizabeth the second as our Head of State. Mr. Speaker, chapter 8; it speaks of the Minority Leader. It is devoted to the Minority Leader and it is new to the Constitution of St Vincent and the Grenadines. There is increased Constitutional authority to the position of the Minority Leader. [Knocking of the desk] [Interjection]

**DR. THE HONOURABLE RALPH GONSALVES:** They say you have got [inaudible] [laughs].

**HONOURABLE GIRLYN MIGUEL:** Section 85 (2) the Minority Leader as Chairman of the Public Accounts Committee was a Convention, now it is a Constitutional mandate. There are three innovations under section 85 (2) that are not found anywhere else in the Commonwealth Caribbean. Mr. Speaker, the increased responsibility to the Minority Leader is a deliberate effort to reduce the powers of the Prime Minister [knocking of desk]. Mr. Speaker, I am saying this because I am a teacher. Mr. Speaker, there are persons who can read who will not read. There are persons who may not want to read because of the size of what they see and I feel that it is our responsibility here that we can pick out that which is additional [knocking of desk]. Sometimes you can read; but you are turned off; but of course, this is too important a document to be slighted. So, Mr. Speaker, as I speak, I trust that the young people out there would be listening; the people in the Diaspora and you can make some little notes that as you get your document you will be able just to pinpoint and make sure that you study that which we are giving to you.

Chapter 9 speaks of the Parliamentary Commission that is new. Chapter 10 speaks of the Integrity Commission that is also new. Chapter 11 speaks of the Ombudsman and Mr. Speaker, as I looked at the word and I tried to do a little bit of research because it is how I do my work; and a part from the meaning which it says: “is an official appointed to investigate individual complaints against maladministration especially that of public authorities”. I noted that it is a Swedish word: meaning legal representative and it originated in the 1950’s, so, I did that bit of research. Mr. Speaker, ‘Parliament’ in this new document will be called the ‘National Assembly’ a new system; it is a mixture of constituency representation: First Past the Post Party Representation, and Proportional Representation. Mr. Speaker, I can name a few features constituencies increased from 15 to 17; the

National Assembly would be comprised of 17 elected Representatives and 10 Senators elected based on 20 votes cast per Party.

The Party forming government must have received the highest total number of seats made up of constituency's seats plus party seats. [Knocking of desk] Mr. Speaker I move on; in this mixed system all Members of Parliament will have equal status allowing for greater democracy and greater representation of the people. It speaks to dual or multiple citizenships and a Minister of Religion can now stand as a candidate.

**DR. THE HONOURABLE RALPH GONSALVES:** Lyrics girl, lyrics.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I was confronted and some of my students said to me; but they called me Miss as I was at school; "Miss but people say that politics is dirty" ...

**HONOURABLE MR. SPEAKER:** All right Senator why are you standing?

**HONOURABLE ST CLAIR LEACOCK:** To raise a question of my learned Catholic sister, Honourable Minister of Education, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Raise the question.

**HONOURABLE ST CLAIR LEACOCK:** I do not think it is quite true to say that Members in the new Assembly would have equal status, because in fact, there are some limitations on appointments to which a Senator could hold office and that can be found in the Constitution.

**HONOURABLE MR. SPEAKER:** Okay.

**DR. THE HONOURABLE RALPH GONSALVES:** One is separate.

**HONOURABLE ST CLAIR LEACOCK:** The fact is they are not equal status, there are circumstances in which the Senators authority or standing does not hold the extent of that of a Representative; he cannot hold certain office that is a fact: so he is not equal. What are we going to contest?

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, may I just say; because we are here to inform the people who are ... from a narrow standpoint Senator Leacock is correct in that the Prime Minister cannot come from the Senators; but only in that area. But I think the point that was being made is that for instance in a vote of no confidence Senators cannot in the current situation; whereas Senators in the new system can vote in respect to a vote of no confidence to change a Prime Minister and I think that is important. Yes.

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible] in respect to a Senator becoming the Leader of the Opposition Party.

**DR. THE HONOURABLE RALPH GONSALVES:** No! A Senator can become a Leader of the Opposition. Yes, the Senator can become a Leader of the Opposition. In fact, Chair: Mr. Speaker, if you have a situation - if you permit me Mr. Speaker, if you have no representative on the Opposition as in 1989; but you have the System that we have one of the Senators would have been Leader of the Opposition.

**HONOURABLE MR. SPEAKER:** Yes.

**HONOURABLE ST CLAIR LEACOCK:** Only if there is no elected Representative [interjection] and in that regard it does not make the Senator equal to the elected Representative.

**HONOURABLE MR. SPEAKER:** No; but we are saying that ... I think

**HONOURABLE ST CLAIR LEACOCK:** The fact is that it cannot be so, they are not equal.

**HONOURABLE MR. SPEAKER:** We are debating a very small point. I do not think it really necessitates this kind of debate.

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, you are obviously a tired man and on that note I take my seat.

**HONOURABLE MR. SPEAKER:** You know these issues are just not issues that you may want to debate. Continue.

**HONOURABLE GIRLYN MIGUEL:** Thank you, Mr. Speaker and thank you very much Honourable, Prime Minister, I move on. Chapter 7 speaks of the Executive and Mr. Speaker; I just want to reiterate that there is reduction in the Prime Minister's power. The Prime Minister no longer has to write to select the Head of State. The Prime Minister can no longer dissolve Parliament and call snap general elections. The Prime Minister will be able only to call general elections during the last three months of the Government's five-year term in office and he will be able to determine the Election Day. Constitution limits the Prime Minister to no more than 12 Cabinet Members other than himself, and I am referring to section 110. Cabinet will therefore not be the majority in the National Assembly of 27.

The Prime Minister no longer has the right to name the Chairman and 2 other members of the Public Service Commission, the Prime Minister can no longer appoint a majority of members to the Public Accounts Committee and the Prime Minister no longer has control over the tenure of members over the lower judiciary: as in the case of Magistrates and President of the Family Court. Mr. Speaker, Honourable Members, I pray that we in the Ministry of Education will be able to so organise that we can have further discussions with our young people, because in my day as I said when I began, many of us who were young we did not have the privilege of being so close to the then Constitution; but in our own way as teachers within the Schools, we tried to do our bit speaking of patriotism and all of that; but at least I think in this modern age, in this informed age that we in the Ministry of Education, we can try to bring all of this closer to our students.

I want to plead with our Vincentian public; I want to say to our Vincentian public that you have elected us to run this country, you have trusted us that we should work on your behalf and this is exactly what we are doing. I am asking you fellow Vincentians that we vote yes to this Constitution [applause]. We have spent a lot of time, the goodly gentlemen who have travelled from abroad; they have come to give us of their wisdom because many of us we do not know the jargons of the legal mind. But for me personally I have learnt and I am sure that I am much better off now because of the discussions I took part in that I am much better off now, even at my age. [Interjection] Girlyn [laughter] and so, I want to ask us to vote wholeheartedly. I do not want to put any jokes on this Constitution; I do not want to do that. I feel so passionate about it because you see it is what must guide our people into doing that which is right and to evade that which is wrong. Mr. Speaker, Honourable Members, I wish this document, this Bill a safe passage through this Honourable House. [Applause] [Knocking of desk]

**HONOURABLE MR. SPEAKER:** Just about 10 or so minutes to 7 ...

**DR. THE HONOURBLE RALPH GONSALVES:** Mr. Speaker, we have had a full day; we have had a very good day; and tomorrow is another one. Mr. Speaker, in terms of looking at our time schedule we have had eight Honourable Members speak today, it seems as though we would be finished sometime Thursday morning. So, probably we may do another eight or nine tomorrow.

**HONOURABLE MR. SPEAKER:** Nine.

**DR. THE HONOURBLE RALPH GONSALVES:** Nine perhaps, maybe ten depending on how we go, and then we finish before lunch, I take it on Thursday morning. We have twenty persons in the House now because Senator Francis is out, hopefully he would return in time and we wish his sister all the best.

Accordingly, Mr. Speaker, I beg to move that this Honourable House do stand suspended until tomorrow morning at 10:00 o'clock.

**HONOURABLE MR. SPEAKER:** Just to remind Members that you can be refreshed at this point, after this.

**House suspended at 6:50 p.m.  
Until 2nd September, 2009  
At 10:00 a.m.**