

No. 6

Thursday

Fourth Session

28th May, 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 SIXTH 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.

ELEVENTH SITTING

28th May, 2009

HOUSE OF ASSEMBLY

The Honourable House of Assembly met at 10:10a.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 North Central Windward

Attorney General
Honourable Judith Jones-Morgan

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

Government Senator

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

Honourable Terrence Ollivierre

Member for Southern Grenadines

Honourable Major St. Claire Leacock

Opposition Senator

Honourable Daniel Cummings

Opposition Senator

ABSENT

Deputy Prime Minister, Minister of Foreign
Affairs, Commerce and Trade

Honourable Louis Straker

Member for Central Leeward

SAINT VINCENT AND THE GRENADINES

HOUSE OF ASSEMBLY

THURSDAY 28TH MAY, 2009

PRAYERS

Honourable Speaker, Hendrick Alexander read the Prayers of the House.

ANNOUNCEMENTS BY SPEAKER

HONOURABLE MR. SPEAKER: Honourable Members on this very historic occasion for many of us I am sure to borrow a word, Joyous day we want to welcome you to our Parliament this morning as we very shortly shall be moving the first reading and the introduction of the new Reviewed Constitutional Bill. We recognized that in our Parliament today that there are many, many in their own way distinguished persons and it would certainly take a very long time to name or mention all of you, but I want you to know that you are all welcome here this morning and we do hope that you would enjoy the proceedings here today and if I should be a bit specific, I noticed that we have royalty in our midst in our carnival queen and that is indeed [applause] lovely and we also apart from Members of the Diplomatic Core, we have also other personnel like persons from..., representing the OAS who are here in St. Vincent on a particular assignment in relation to electoral matters and we want you to know that you as well are welcome and we trust that you would find today's proceeding very interesting.

At some point in our programme, after the first reading of the Bill, we would have a suspension to the regular Parliament and on that occasion we would make way for those persons who have been involved intricately in the drafting of our new Constitution and Constitutional Bill. We will have a suspension and we would receive some speeches from those persons and then we would resume after that our meeting of the House.

I am duty bound to keep this session tight so we are going to move along as swiftly as we can. I would prefer when it comes to the Obituaries and the Congratulatory Remarks as I have indicated do not do yours..., I would want to entertain just only those persons who have indicated to me that they will like to make such remarks during this session.

Specifically very specifically let me ask you please to turn off or put on silent or vibration all cellular phones. So if you have your cell phone with you, you either turn it off or if you understand the technology well enough you can put it on vibration or on silent. Thank you very much.

OBITUARIES

HONOURABLE ARNHIM EUSTACE: Mr. Speaker, I wish to offer condolences on the death of three persons, George Francis, Devon Nicky and Brezen Frederick. Mr. Speaker, George Francis who I believe most of us know quite well passed on last Friday and was buried last Tuesday at the St. Georges Cathedral. George Francis was a good person, a good human being who made a significant contribution to St. Vincent and the Grenadines particularly in the area of air transport him being prior to his retirement the head of the LIAT organisation here in St. Vincent and the Grenadines. He was a very humble human being, very likable, not given to gossip or rumor but always seem to be able to keep a very cool head.

In all the years I have known him; I have never really seen him angry as he sought to give advice to comfort and to generally to look after the well being of his fellowman. He is gone from us now to a better place and those of you who may have attended his funeral would recognize the esteem in which he was in fact held. We even have tributes there from persons who came from overseas for the funeral. I want to say to his wife Elsa a brave and faithful woman and I mean faith in the sense of her believes in Almighty God and that carried her through the trials of his illness over the last 18 months or so. I want to say to his family that we offer them our deepest condolences and we wish them well as they adjust to life without George, uncle George as so many have called him, may his soul rest in peace.

Mr. Speaker, I also want to offer condolences to the families of Devon Nicky and Brezen Frederick, both of whom along with a felon from Barbados lost their lives in an altercation with the police a few days ago. They are young people whose lives have been cut short but their death Mr. Speaker has raised a number of questions in our society and a number of people have in fact been calling on radio and generally speaking on the street and this matter has had an impact on our society. It is therefore in our view Mr. Speaker, important that this matter be cleared up as quickly as possible in the interest of the maintenance of our confidence in our police forces and generally to avoid our society simply rushing to judgment and I will like to see Mr. Speaker, an investigation take place as quickly as possible by an independent body. I know we have a Coroner's Inquest but I believe given the impact from the society, urgent action needs to be taken. Again Mr. Speaker, my condolences to the families.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I would like to join the Honourable Leader of the Opposition in offering condolences to the family of my relative George Francis who died recently after a long illness. Unfortunately I was not able to go to the funeral because of some important state business, but my own family was represented by my sister and by my first cousin Julian Francis and the Government represented by the Honourable Mike Browne.

Mr. Speaker, I also would offer condolences to all the families who have lost their loved ones since we last met including the families of the three persons who died in the altercation with the police as the Honourable Leader of the Opposition so delicately puts it.

Mr. Speaker, every life lost is one for human sadness. There is however circumstances in which people lose their lives that require the intervention by the judicial authorities of this country. From time immemorial in all civilized countries in which the British Common Law has been accepted as the basis for jurisprudence and enquiry that a system of investigation and adjudication by a coroner's court are the modalities by which the investigations and adjudication flow. In this country, the Coroner's Act Chapter 15 of the Revised Edition of the Laws of St. Vincent and the Grenadines sets out the provisions with clarity in circumstances where there are sudden and unnatural deaths.

Mr. Speaker, this is a country of laws, not of men and for decades in this country whenever there has been any such sudden or unnatural death the procedure is through the independent processes of a Coroner's Inquest. Indeed, if the Government were to order administratively any enquiry other than that laid down in the Coroner's Inquest those who have an interest would successfully move the High Court to have the proceedings stayed in that it may prejudice their interest. So the Coroner is not official of the Police Force, the Coroner is a Magistrate for the district or someone appointed by the Chief Magistrate to have a Coroner's Inquest with five jurors chosen independently in the same manner in which the jury are chosen in the Criminal High Court trial. Indeed, when I was in Opposition, I was responsible for pushing vigourously the amendment of the law in relation to the manner in which the Coroner's Jury were chosen and the then Attorney General Parnell Campbell QC saw the wisdom of the submission and brought the relevant law to this Parliament. So this is an entity which is insulated as the record has shown from any outside interference. Indeed, a hand picked inquiry can be tainted with partiality and therefore its outcome becomes jaundiced.

Mr. Speaker, there must be no rush to judgment. The law as always grinds slowly, but finely. As I said at a Press Conference earlier this week, statements can be submitted to the police for passage to the Director of Public Prosecution or to the Coroner himself or herself. Indeed, you do not have to go to the police; you can go straight to the Coroner's Office. This is one case where the Coroner is permitted also to be a taker of statements and circulate them to all the relevant parties. I think all that is required is for those who are calling for an independent inquiry to read the law and understand the history of Coroner's Inquest in the Commonwealth including here in St. Vincent and the Grenadines.

Mr. Speaker, I have participated in several Coroner's Inquests when I was in the Opposition on allegations relating to the alleged misconduct of the police. In some cases, the Coroner's Jury have indicated that there are persons who are criminally culpable in other cases they have returned verdicts in the language of the Coroner's Jury of misadventure. So let us just await the process. The right thinking people of this country who are by far the vast majority are in agreement with what I am saying; Government cannot be run by hysteria or talk show radio where certain pre-programme voices are heard. It depends on which station you listen to. I listen to the station of the law, my conscience and my God. I am obliged.

CONGRATULATORY REMARKS

HONOURABLE CLAYTON BURGIN: Thank you very much Mr. Speaker. Mr. Speaker, I want to congratulate Mrs. Beatrice Caine of Fair Hall who is celebrating her 105 birthday today [applause] and Mr. Speaker, she attributes that to hard work, eating right, having fun, sleeping well, and praising her God. So we notice that hard work do not kill anyone [laughter] and Mr. Speaker, these colleagues of mine are always teasing me in East St. George, but I have five persons who are presently alive beyond 100 years. There is another young lady, the speaker of the Opposition knows her well, if she lives to see early next..., I think is the 7th there about in June I think she will be 105 as well, then there is one if she lives to see the 10th July she would be 107 and the sister of the one that I spoke about Mrs. Caine if she live to see November she would be 103 and then there is Mrs. Archia in Prospect who would be 102 sometime in October, so I am hoping that they would be alive to those dates so that I can come and talk about them again and say that all those persons who want to live long they got to come to East St. George [laughter]. Thank you very much Mr. Speaker.

CONFIRMATION OF MINUTES

The Minutes of the sitting held on Thursday 28th May 2009, copies of which had been previously circulated were taken as read and confirmed with few amendments.

REPORTS FROM SELECT COMMITTEES

HONOURABLE SELMON WALTERS: Mr. Speaker, Honourable Members, I wish to lay on the table the report from the Select Committee which met to examine the Seventh-day Adventist Church as a Region (Incorporation) Bill, 2009. The Committee met on Tuesday 19th May. We examined the Bill and found that it is in order and I wish this morning to lay on the House the report from the meeting of that Select Committee.

PETITIONS

HONOURABLE SELMON WALTERS: Mr. Speaker, I also wish to bring before the House the petition of the Community Baptist Church seeking incorporation as a body. The Petition is signed here by

THE HUMBLE PETITION OF:

James Jackson Arnos Vale	Pastor/Trustee
Alford Collis	Campden Park Business Administrator/Trustee
Tambour Clarke	Campden Park Treasurer/Trustee
Shan Bowens	Largo Height Officer/Trustee
Theron Providence	Campden Park Officer/Trustee

SHOWETH THAT:-

1. Your petitioners are LEADERS of a church called, "COMMUNITY BAPTIST CHURCH", Campden Park in the State of St. Vincent and the Grenadines, (hereinafter referred to as the "CHURCH").
2. In 1990, a church called "COMMUNITY BAPTIST CHURCH" was started at Campden Park in the State of St. Vincent and the Grenadines.
3. The said church continues as established in Campden Park in the State of St. Vincent and the Grenadines.
4. It is the intention of the church to exist for the spiritual edification of its congregants according to the principles of the Holy Bible, and to seek the evangelism of all peoples according to the gospel of Jesus Christ.
5. There existing legislation in the State of Saint Vincent and the Grenadines for upholding religion and perpetuating the rights and interests of like bodies, it is the desire of the CHURCH that a private bill, the objects and reasons for which are to provide for the incorporation of the said :COMMUNITY BAPTISTE CHURCH" as a corporate aggregate and to effect the above purposes, should be introduced in the House of Assembly.

JAMES JACKSON
ALFORD COLLIS
TAMBOUR CLARKE
SHAN BOWENS
THERON PROVIDENCE

Dated at Campden Park this tenth day of May in the year of our Lord, Two Thousand and Nine.

.....
JAMES JACKSON
PASTOR

Endorsed as being in accordance with the rules with respect to petitions:

.....
CLERK OF THE HOUSE OF ASSEMBLY
SAINT VINCENT AND THE GRENADINES

The petition is in order Mr. Speaker, and I want to lay it before the House for examination towards incorporation.

HONOURABLE MR. SPEAKER: Yes, I wish to announce to, to this Parliament that the Honourable Louis Straker, Member for Central Leeward and Minister for Foreign Affairs is not present here today, because he is out of state on Government business as well as the Honourable Glen Beache, Minister of Tourism, he is also out of state on Government business. I think those are the persons who I have been informed of.

ORDERS OF THE DAY

1. ST. VINCENT AND THE GRENADINES CONSTITUTION BILL, 2009

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members...

HONOURABLE MR. SPEAKER: Just before you do that, you do not anticipate that we are going beyond...

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, as the lawyers would say, *ex abundante cautela*, out of an abundance of caution, I ought to move the relevant motion regarding the hours.

Mr. Speaker, Honourable Members, I beg to move under Standing Order 12(5) that the proceedings of today's sitting be exempted from the provisions of Standing Orders hours of sitting.

Question put and agreed to.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I beg to move that a Bill for an Act to provide a new Constitution for St. Vincent and the Grenadines be read a first time.

The object of this Bill Mr. Speaker, Honourable Members, is as stated in the Title to provide a new Constitution for St. Vincent and the Grenadines.

Question put and agreed to.

Bill read a first time.

HONOURABLE MR. SPEAKER: I would invite a Motion for the suspension. I specifically invite a Motion for the suspension of the sitting to receive addresses from persons which includes the Honourable Prime Minister, the Honourable Leader of the Opposition and the drafters of the new Constitution as well as the Chairman of the CRSC. So I will invite a Motion at this time for the suspension.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I beg to move that this Honourable House do stand suspended for the purpose of receiving addresses from named persons whom you have just indicated. I beg to so move.

Question put and agreed to.
House suspended for the purpose as outlined.
At 1:50 p.m.

HONOURABLE MR. SPEAKER: Okay, Honourable Members, Ladies and Gentlemen at this point we are going to invite the first person on our agenda today to address us. We are expecting that these addresses as I was informed they are going to be brief addresses, so I am going to call on Mr. Parnell Campbell QC, Chairman of the Constitution Review Steering Committee to address us this morning. He would be followed by Dr. Ghany, member of the drafting committee, Dr. Francis Alexis QC also Chairman of the Constitution Drafting Committee, the Leader of the Opposition and followed up there by the Honourable Prime Minister.

MR. PARNELL CAMPBELL S.C, Q.C: Mr. Chairman, Honourable Members, Your Lordship, distinguished members of the diplomatic core, senior public officers, my fellow commissioners past and present of the Constitution Reform Process, ladies and gentlemen and for those in the listening and viewing audiences good morning.

This is for me a very special occasion, not only to have lived to see the first reading of a bill to change the Constitution of this country, but to have been part of the process, a process which in a real sense for me started almost exactly forty years ago when we formed the educational forum of the people which took place in April 1969 and set about deliberating on matters of governance among other things. When I entered the faculty of law at the University of the West Indies in October 1970 I fell in love with Constitutional Law, not only because of the nature of the subject but mainly because of the inspiring teaching of Professor Ralph Carnegie who filled us with the enthusiasm for things constitutional. In course of time I came to teach Constitutional Law at the same institution and then fortune enabled me in 1985 to serve on a Constitutional Review Committee set up by the then Prime Minister Sir James Mitchell under the asperses of the chairmanship of Sir Rupert John.

That Commission examined the Constitution of St. Vincent and the Grenadines made certain recommendations to the Government of the day. Those recommendations were not acted upon and then again in 1987 we embarked on a series of discussions aimed at achieving Windwards unity, those discussions culminating in the preparation and presentation to the Governments of the four Windward Islands of a Draft Report containing elaborate constitutional provisions for a political unification of the four Windward Islands. Some of the islands adopted their report in their Parliaments; some did not, so I found myself for the second time in my life having been involved in intensive discussions on Constitutional Reform which came to nothing.

In January 1998 when I was then a private member in this House, I forwarded to the Speaker a Resolution proposed by myself for the setting up of a Commission to investigate and report on the possibilities of amending the Constitution of this country. Events overtook that resolution, there were elections and I seized to have been a member of Parliament through the will of the people of my constituency who thanked me for my services, but sent me home [laughter] so that when in 2001 a change of Government led to a renewal of interest in Constitutional Reform, the Prime Minister spoke to me, we dusted off my old resolution and a new resolution

was drafted based on the one I had submitted in 1998 which found favour with this Honourable House in October 2002.

I was fortunate to have been named as Deputy Chairman of the new Constitution Review Commission then headed by the present President of Dominica His Excellency Nicholas Liverpool. Mr. Chairman you would recalled that when the CRC was launched in these hallowed halls in February 2003, we had a gathering very much like the one we have here today extremely distinguished persons, we made a number of brave speeches and we officially launched a process which has culminated in the first reading of the Bill today.

I must express once again, my profound joy at the dedicated service given in that early process by the members of the Constitution Review Commission. We were initially a band of 24 persons with one station outside, then we organised a system of alternates and we became a larger body, but you would recall Mr. Chairman the enthusiasm with which we tackled our mandate. We organised consultations throughout the length and breath of this country, in every constituency we spared no effort, we then sent delegations to speak with our nationals in Trinidad and Tobago, Barbados, the British Virgin Islands, Jamaica and Cuba. We did it not just once, we did it twice. We sent delegations of commissioners to the Dominion of Canada, to the United States of America and to the United Kingdom. We did once in August 2003 and then we did it a second time in August 2004. Based on these extensive consultations, we produced various reports. When we tabled our final report to you in this House, we saw the wisdom of further consultations with you the Members of this Honourable House so that we could gage your reaction to the proposals we had made. Of course you would vividly recalled that not all of the recommendations we made found favour with the Honourable House and in rejecting two of them, Members of the House spoke in fairly caving terms which disappointed some of us but did not deflate us. We went and we retooled those recommendations in the light of your comments and we returned with revised recommendations subsequently refined until they were submitted to the drafting committee.

I want to commend a service given in that process by my fellow commissioners and even when the CRC was disbanded and the new CRSC (the Constitutional Review Steering Committee) emerged nine of us we set about continuing the process. So that if some of us appeared this morning to look somewhat emotional, it is because we realise that after six years of toiled and endeavour, after six years of sacrifice, after six years of patriotic fervor we have arrived at the point where a Bill has been introduced into this House for its first reading [applause].

Mr. Chairman Constitutional Review Processes throughout the world are never without controversy, but as Members would tell you, the controversies we anticipated did not really erupt or have not erupted so far. We have encountered some turbulence of course, some of the turbulent events have to do with matters with which we are thoroughly familiar since they involve some of your membership but it is not for me to comment on those matters that are for you to sort out as actors on the political stage. Our job has been to serve and we would like to think we have served faithfully and well.

I would like to commend the expertise of our two draftspersons from whom you would shortly hear. Dr. Francis Alexis has been a colleague of mine since the year 1970 when I went to Cave Hill and met him there. We graduated together from the faculty of law, we went in our different directions, in time we both came to

give service in our respective countries as Attorney General, I had the honour and distinct pleasure to have been the best man at his wedding when he took to wife a lass of Chateaubelair [applause]. Dr. Lexis has gone on to distinguished himself as a statesman in Grenada and as a lawyer. He has written two enormous books and countless articles and papers. One book he wrote has been a standard text for students of constitutional law, changing Caribbean Constitutions and he has recently written the definitive history of the Eastern Caribbean Supreme Court. It has been my pleasure to have been working along with him in this exercise and benefiting intellectually from his enormous expertise in the area of Constitutional Drafting.

Dr. Hamid Ghany from whom you will also hear, hails from Trinidad and Tobago. He is currently the Dean of the Faculty of Social Sciences at UWI at St. Augustine. His CV spans 14 closely printed pages. There seems to be no topic he has not written or spoken about in the area of law, constitutionalism, political development and you will hear from him. It is only a pity that your time would not permit him to launch into his full flow and he will find it extremely difficult to truncate the remarks he would have like to have made within the short time span we have been allowed, but he will try his best.

There are a number of persons and institutions we wish to thank and since I would not have the opportunity to give a Vote of Thanks, permit me to thank in a very special way the members of my own legal staff who have been the secretariat for the CRSC and even though all members of staff have contributed, let me indicate and I hope they are here, let me ask Ms. Shevern Richards to stand [applause] Ms. Juliana Marksman [applause] and Ms. Alpha Campbell [applause].

I have taken the liberty of singling them out Mr. Chairman because we of the CRSC apart from the stipend we have received have not cost the Government anything. We decided at an early time that we could function without asking the Government to hire extra persons by simply using the members of my staff. So the Government has not have to pay for a clerical or indeed administrative staff at the CRSC and then the premises the CRSC has occupied we have occupied by the good grace of the persons who rented the space which we formerly occupied as CRC and who have graciously allowed the Government the use of the facilities of the office. So that CRSC has functioned at very little cost to the Government.

I was told that remarks we made recently on radio about sums of money alleged to have been paid and received by me and other members of the CRSC, I will only say in response that not only do I wish that those statements were true [laughter] but it is not too late for the Honourable Minister of Finance to make them come through [laughter] [applause] so that I will encourage the speculation and that indeed the sums mentioned that I would very much encouraged their continuation until somebody should whisper to the Ministry of Finance that perhaps he should take them seriously.

Mr. Chairman the document before you has gone through numerous commutations and combinations and alterations and one thing you would learn if you rub shoulders closely with draftspersons, they are never satisfied with perfection. You would read the document and you would think it is perfect and the next day they will find something that they could express in a better and different way and they will asked that it be changed and we have been responding to the clue perfect approach by Dr. Alexis and Dr. Ghany and indeed as recently as 8:15 this morning the good Dr. Alexis discovered a rather serious typographical error in the document and if

you notice on page 96 of your books at section 131 subsection 1 paragraph (a) you will discover the word 10 has been superimposed over the word 11 and that is a reflection of the obscur perfectionist approach of the persons who have had to work on this document.

Members of the public would be able to obtain a copy of the Bill at the end of this sitting as they leave these premises. Now we decided consciously that there should be a charge for the document but we thought we would ask that the charge be kept as modest as possible and therefore a copy of the Bill will cost \$5.00 but when you look at the document you would realize the \$5.00 is a mere token. But for those who would find the \$5.00 onerous and who have access to the internet, I am assured by the Government IT department and Minister Thompson has given me his personal assurance that the document will be available on the Government Website from as early as tomorrow morning [applause] so you would be able to download the document those who have internet or have access to the internet and read it for yourselves. If you decide to print it however, you will find that in paper and toner it will cost you more than the \$5.00 you are saving by not buying one at the outlet downstairs [laughter]. After today, the document would be available at the Government's Printing Office Outlet and we will endeavour to do what we did for our previous publications, we would put a few copies at the various Post Offices and the history of that in the past has not been very encouraging because our previous booklets were sold for \$2.00 and some Post Offices where we had lodged 20 copies in time returned as many as 15 to us unsold. This document however is different from all the other reports. As we have said that on the occasion of which Dr. Alexis and Dr. Garney were introduced this is it.

I simply want to make one final comment by way of further explanation; the present Constitution dictates how we have to go about amending the old Constitution or introducing a new one. We are not at liberty to change the present Constitution in the way we feel like; we are bound to follow the dictates of the existing Constitution. Under the existing Constitution it is not possible to achieve what some people have advocated in recent times namely that you put a series of propositions to the people for them to vote on one by one. Some people have suggested that the referendum should take the form of a questionnaire where people are asked to indicate choices. The present Constitution does not permit that. The present Constitution said that if you have a Bill which purports to amend the existing Constitution that Bill has to be passed in here first with a 2/3s majority and then it is submitted to the referendum so that the only question in the referendum (which the Prime Minister has indicated he wants to have in November), would be whether or not the populist supports the Bill that would have been passed in the House with the requisite 2/3s majority and I take it for granted that the Government would manage to get the 2/3s majority on the second reading in the House unless the good doctor is confronted with a revolt by some of his elected Members before that time.

So all being well, the period between now and 90 days from now would be a period of intense debate and for persons to indicate their reaction to the proposals we have made. Any proposal in the existing document, a Bill before you can be amended at the second reading, (I want to make that point and I hope the public will understand that very clearly) there is still room for change. Our job as the CRSC will be firstly to publish within a month an explanatory booklet guiding persons as to the contents of the new Constitution and to spearhead the process of further consultations and education among the members of the public so that when you come for your second reading, hopefully early in September or there about, you would have taken on board the

various responses of the people and you as a Parliament would have decided what do you want to change in the Bill and on the occasion of the second reading you would then have the opportunity to do that, but after the second and third readings which would of course take place on the same occasion, no further amendments would be possible. The public will simply have to vote on what you would have decided here. You would therefore hear much more about us and from us and about the Bill as time goes on. But I really want to express my own personal sense of joy and satisfaction. I have to apologies to many of my clients who have seen very little of me in the last few months, but I wish to assure them that I was engaged in what I will consider a worthy enterprise. To the aforementioned members of staff I wish to apologise for the many sleepless nights that I cause them, but I do not know whether their service and their willingness to work late hours and through the night was because of the love of what they were doing or simply if it was because of the circumstance that one member is a member of my youth group at my church, the other one is my niece and the third one is my daughter [laughter] so I thank them for their kind cooperation and hope that it was always voluntary.

Mr. Chairman, Honourable Members, Vincentians all, I stand here a proud man to know that 30 years after I started thinking and meditating on these matters we are now on the verge of getting something we can truly call “home grown” something that has come from the bowels of the people as Renrick Rose likes to put, something that will take St. Vincent and the Grenadines further along the democratic trajectory so that we could proudly join other nations which have achieved true sovereignty, true liberation and can truly say, we as a people are going forward with something we have crafted. I thank you [applause].

HONOURABLE MR. SPEAKER: Thank you very much Mr. Campbell and I will now invite Dr. Hamid Ghany to address us.

DR. HAMID GARNEY: Thank you very much. Mr. Chairman, Honourable Prime Minister, Honourable Members of Cabinet, Parliamentary Secretaries, Honourable Leader of the Opposition, Honourable Members of Parliament, Members of the Diplomatic Core, Members of the Constitution Reform Steering Committee, distinguished guest, ladies and gentlemen, it is indeed a pleasure and a special privilege for me to be given this opportunity to address you on this historic occasion today. The change of a country’s Constitution is always a major political event in the life of any nation. The fact that you have arrived at this stage today through national consultation and dialogue is testimony to the existence of a culture of democracy and freedom under which the widest possible range of articulation of use has taken place.

The political scientist Samuel Huntington in his famous work the third wave, democratisation in the late twentieth century published by University of Oklahoma Press Norman and London in 1991 has argued that democracy can be measured globally in terms of waves. He demarcates these waves of democratisation as follows: 1828 to 1926 the first long wave of democratisation; 1922 to 1942 the first reverse wave; 1943 to 1962 the second short wave of democratisation; 1958 to 1975 the second reverse wave and since 1974 the third wave of democratisation.

Huntington places Jamaica and Trinidad and Tobago in the period starting in the second wave owing to their attainment of independence in 1962. He places Guyana in the second wave and also in the second reverse wave which he reserves for those countries that enter nondemocratic phases after initially being democratic. However

the applicability of Huntington's theory about waves of democratisation excludes many countries in this region. He recognises what he calls decolonisation pattern as a central piece of his theory, but he uses the argument of size to eliminate many island nations from his analysis. According to him and I quote "a democratic country imposes democratic institutions on its colonies, the colony becomes independent and unlike most former colonies successfully maintains its democratic institutions. Papua new guinea was one third wave case as Myron Weiner a political scientist has pointed out this pattern pertains primarily to former British Colonies, most of which became independent in the second wave, those left to become independent and democratic in the third wave were mostly small and mostly insular, they included Antigua and Barbuda, Belize, Dominica, Karibas, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, the Solomon Islands, Tuvalu and Vanuatu, with the possible exception of a very few remaining colonies example Hong Kong, Gibraltar the fork lands he wrote in 1991 before Hong Kong gets its independence, these countries are the last legacy of the British Empire to democratisation, because of the their small size they are unless stated to the contrary excluded from analyses of third wave countries in the study that is from page 43 of Huntington book.

This approach by Huntington represents a major deficiency in his methodology as his findings about the third wave of democracy as calls it would have been considerably strengthened. By eliminating Antigua and Barbuda, Belize, Dominica, St. Christopher and Nevis, St. Lucia and St. Vincent and the Grenadines he has left a void in the analysis of democracy separating apart from his own findings in this region that must now be repaired. Additionally, it should be noted that Huntington treats Grenada as if it was a country that had a communist regime in power all along and that it experience democratisation during the third wave of democracy that he identified as having started in 1974. Furthermore, his theory about Grenada is that it only experience democracy as a result of violent external intervention during the third wave according to him and I quote, "violent external intervention produced democracy in several cases in the second wave and in Grenada and Panama in the third wave" end of quote page 207.

Huntington's failure to include the large majority of Commonwealth Caribbean States in his analysis about waves of democratisation in the world does not mean that his theory is not applicable to the region. He also established criteria by which the consolidation of democracy in any country can be measured and for that he offers us a particular tests. I have chosen the work of Samuel Huntington as a theoretical benchmark primarily because of his attempts to establish a social science theory on issues of development and political stability. His renowned work political orders in changing societies published by Yale University Press, New Haven 1968, addressed the issue of political stability and try to develop a general social science theory of the manner in which order was likely or not likely to be achieved in developing societies. The Commonwealth Caribbean has represented a virtual oasis of political stability when compared to other emerging democracies in Africa, Asia, and central and South America. Apart from prior political abuses in Guyana and the overthrow of constitutional Government in Grenada there have not been any other serious challenges to the political order in the region and indeed the region has largely fitted into the waves of democratisation that Huntington discusses in his 1991 book.

However, the need to adjust his lack of theoretical application to the majority of Commonwealth Caribbean Countries does not diminished the value of his theory as much as it represents an affront to the issue small size as being valuable or relevant to political analysis. In spite of this his development of a tests to measure the

consolidation of democracy by means of what he calls, *“the two turnover tests”*, is a useful yardstick by which to test ourselves on emerging democracies. According to him, *“by this tests a democracy may be viewed as consolidated if the party or group that takes power in the initial election at the time of transition loses a subsequent election and turns over power to those election winners and if those election winners then peacefully turns over power to the winners of a later election selecting rulers through elections is the heart of democracy and democracy is real only if rulers are willing to give up powers through result of elections”* pages 266 to 267.

The clear implication of Huntington’s theory is that one party that has power must be able to regain it peacefully after losing it peacefully for democracy to be consolidated. Huntington goes further to say quote, *“a second turnover shows two things, first two major groups of political leaders in the society of sufficiently committed to democracy, to surrender office and power after losing an election. Second both elites and publics are operating within the democratic system when things go wrong you change the rulers, not the regime. Two turnovers is a tough tests of democracy. The United States did not clearly meet it until the Jacksonian democrats’ surrendered office to the wigs in 1840 page 267 of the book.*

In the person dependents era in Commonwealth Caribbean almost all of the independent states have experienced two turnovers of Government based on different political majorities. However, two countries in our region are yet to experience the two turnover tests namely Antigua and Barbuda and the Corporative Republic of Guyana. In both cases there has been political change from one party to another since independence but there has been no political change back or even change to another political force. The democratisation process existed before independence in all of the Commonwealth Caribbean Countries by virtue of the fact that they all evolved as part of a wider trend of British Colonial Constitutional Graduation that resulted in full independence on negotiated or self determined agendas.

What would have discounted the value of this democratisation process was the fact that the levels of representation and responsibility accorded to these former colonies would have varied over time. In essence, what I am saying is that we in the Commonwealth Caribbean had our own waves of democratisation in the 20th century in the form of our own evolution to fully responsible status at independence. Perhaps it is significant that the measurement of that process by Huntington tends to coincide with the waves outlined by him in terms of when independence came to our region. What was not measured by him was the very evolution to independence itself and the stages of democracy that emerged during the last century that kind of approach represents the different form of measurement along a path from crown colonies status to fully responsible status. Along the way we developed representative and responsible Government. An understanding of this is vital for any appreciation of where we are and now as a people. For purposes of applying the two turnover tests to the Commonwealth Caribbean, the last General Election before the attainment of independence would mark the starting point for this analysis as follows. Antigua and Barbuda yet to achieve the two turnover tests, the Bahamas two turnover tests achieved in 2002 with the return to power of the PLP. Barbados two turnover tests achieved in 1986 with the return to power of the DLP, Belize two turnover tests achieved in 1998 with the return to power of the PUP, Dominica two turnover tests achieved in 1995 when the UWP came to power. Grenada two turnover tests achieved in 1990 when the NDC attained power, however, if the measurement is commenced after the resumption of constitutional Government in 1984 following the interruption during the period 1979 to 1983 then it may be argued that the two turnover tests was achieved when the NNP captured

power in 1995. Guyana yet to achieve the two turnover tests, Jamaica two turnover tests achieved in 1980 with the return of the JLP to power, St. Kitts Nevis two turnover tests achieved in 1995 with the return of the SKLP to power. St. Lucia two turnover tests achieved in 1982 with the return of the UWP to power, St. Vincent and the Grenadines two turnover tests achieved in 2001 when the ULP captured power, Trinidad and Tobago two turnover tests achieve in 1995 when the UNCNR correlation came to power.

The post independence era in the former British West Indies has witness the creation of three Presidencies namely in Guyana formerly British Guyana, Trinidad and Tobago and Dominica. In two of these three territories Guyana and Trinidad and Tobago there was the transfer from the status of an independent monarchy to an independent republic which involved the removal of the personal authority of Her Majesty Queen Elizabeth the II as Queen of Guyana and Queen of Trinidad and Tobago respectively and the replacement of her authority by Presidencies in which the executive authority of the state is vested. In the case of Dominica there was a direct transfer from associated statehood to that of an independent republic in 1978 so that Queen Elizabeth the II only exercises the personal authority over Dominica as its Queen up to termination of association. Guyana was an independent monarchy between 1966 and 1970 and became a republic with a ceremonial president in 1970; however, in 1980 its presidency was significantly changed from a ceremonial one to an executive one. Trinidad and Tobago was an independent monarchy from 1962 to 1976 and then it became an independent republic in 1976 with a quasi ceremonial president. The creation of independent monarchies changed the relationship between Queen Elizabeth the II as Queen of the Colonies of Trinidad and Tobago and of British Guyana where she acted on the advice of British Ministers to the status where she was Queen of these independent monarchies acting on the advice of her Guyanese or Trinidad and Tobago Ministers. Owing to the fact that Queen Elizabeth the II reside in all of the countries of which she is Queen it is therefore necessary for her to have a personal representative in each independent country of which she is Queen in the person of the Governor General. The authority of the Governor General is grounded in the royal prerogatives of the British Monarchy and it is those powers that are exercised by the Governor General on behalf of Her Majesty on the advice of local Ministers. The reality of that arrangement is that the executive authority of the state is grounded on the royal prerogatives of the British Monarchy. Ministers pledge on Oath of Allegiance to Her Majesty Queen Elizabeth the II her heirs and her successors upon taking office. The transfer from monarchical to republican status in Trinidad and Tobago saw the transfer of the royal prerogative to the new republic as the basis of their state power and the inclusion of transitional provisions in the act of Parliament creating the republic and the new republican constitution. In Guyana provisions was already made in the independence Constitution of 1966 for Guyana to become a republic upon the approval of a resolution to that effect in the National Assembly by simple majority vote. There were no transitional provisions in the Constitution, but rather replacement programmes. In 1980 Guyana enacted a new Constitution to become the corporative republic of Guyana.

In the case of Dominica the island has become a state in three association with United Kingdom an associated state in 1967 under the provisions of West Indies Act 1967 an associated state enjoyed full internals of Government, while citizenship defends an external affairs with the responsibility of the United Kingdom, either party, the United Kingdom or an associated state could withdraw from the arrangement unilaterally under the provisions of the Act. the Independence Constitution of Dominica of 1978 came into force on third November 1978 together with an order made after a resolution was passed in the Dominican House of Assembly on 12th

July, 1978 that led to the termination of Dominica's associated statehood following discussions with the British Government. Transitional provisions relating to the transfer from associated statehood to a sovereign democratic republic were included in the Constitution.

Today St. Vincent and the Grenadines takes that first Parliamentary step to become the fourth republic in the Commonwealth Caribbean on the 33rd sovereign state of the Commonwealth of Nations with a republican form of Government. Republicanism is the dominant form of Government among the 53 member states of the Commonwealth. There are 16 monarchies of which Queen Elizabeth the II is the Head of State and the removal of St. Vincent and the Grenadines from the category will reduce it to 15. There are five indigenous monarchies namely the Sultan of Brunei, the King of Lesotho, the Yang di-Pertuan Agong of Malaysia, the King of Swaziland and the King of Tonga. The removal of monarchy and its replacement by republicanism in Trinidad and Tobago and in Guyana and the creation of a republic at independence in Dominica created the need to design a method of election to choose an indigenous Head of State namely the President of the republic. It may be argued that this represented a desire to express nationalist sentiment by severing whatever links may have existed between the person of Her Majesty Queen Elizabeth the II and all that the British Monarchy stood for in the context of emerging independent states that was searching for their own identity. During the period of the monarchy the appointment of the Governor General was normally based on letters patent from Her Majesty given on the advice of the Prime Minister of the independent monarchy. The Governor General in both Trinidad and Tobago and Guyana held office during Her Majesty's pleasure. Owing to the fact that Queen Elizabeth the II was Queen of Trinidad and Tobago and also Queen of Guyana it was evident that there was no need to devise any formula for succession. The heir to the British throne would become upon succession the new Head of State of those independent monarchies in the Commonwealth that share the person of the British sovereign as their Head of State.

In Guyana the President is now elected by direct election, in Trinidad and Tobago the President is elected by an electoral college which consist of a joint sitting of both houses of Parliament while in Dominica the President is elected by the House of Assembly only if the Prime Minister and the Leader of the Opposition are unable to agree on a single nominee for the office. These methods therefore vary from the direct choice of the electorate to the indirect choice of the legislature and to the concurrence of the Prime Minister and the Leader of the Opposition. In all instances the President serves for a period of 5 years. The election of the proposed President of St. Vincent and the Grenadines highlights the challenge of devising a method of election that allows the holder of the office of President an important measure of legitimacy without competing with the Prime Minister and the Cabinet for dominance in the system. The method of indirect election dominated by the elected representatives of the people of St. Vincent and the Grenadines caters to that need. St. Vincent and the Grenadines would then be describe as having a quasi ceremonial presidency based on the mixture of advisory at minimal discretionary powers exercise by the President.

Indeed, one may regard the proposed presidency of St. Vincent and the Grenadines as the office of Governor General refined which imposes the need to maintain the impartiality and neutrality of the new office in the public eye. In the circumstances, the shift from the Governor General to President is not alien to the political development of the Commonwealth Caribbean and by wider extension the Commonwealth of Nations. Today, St. Vincent and the Grenadines is about to take a big step forward to lay a new foundation for the state that will

outlive and outlast many of the Members of this Parliament who now have the golden opportunity to be regarded as the founding fathers of the new republican constitution of the Republic of St. Vincent and the Grenadines. I thank you [applause].

HONOURABLE MR. SPEAKER: Again let me thank Dr. Ghany for his presentation this morning and now I will invite Dr. Francis Alexis QC, Chairman of the Drafting Committee to address us [applause].

DR. FRANCIS ALEXIS QC: Honourable Chairman, Honourable Prime Minister, Honourable Leader of the Opposition, Honourable Members, all. Let me thank very gratefully those persons who are primarily responsible for my having been appointed Chairman of the Constitution Drafting Committee and by extension my being afforded this distinct privilege of addressing this Committee on this rather historic occasion. Those persons are your good self Mr. Chairman as Speaker of the House Assembly, the Prime Minister Dr. the Honourable Ralph Gonsalves, the Leader of the Opposition Honourable Arnhim Eustace and the Chairman of the Constitution Drafting Committee Mr. Parnell Campbell QC a former Attorney General.

Production of the building is the fruit of genuine team efforts. The Dean of the Faculty of Social Sciences at UWI St. Augustine Dr. Ghany brought to the Committee his unique and excellent skills as constitutional scholar with the prospective of a political scientist. Parnell Campbell QV attached to the Drafting Committee as a resource person assisted the panel with a six year up front detailed knowledgeable process and his legendary meticulousness. Other members of the Committee helped Noel Jackson, Joel Abraham, Muriel Byam, Mariam Roache, Bert Commissong QC, Audrey Gittens-Drakes, and Renrick Rose. The Prime Minister himself a political scientist and a lawyer had two full sessions with the process and these were particularly insightful. Above all though Mr. Chairman I give the highest thanks and praise and glory to Almighty God for blessing me with health and strength and inspiration especially as I know I do not merit these blessings.

Last 26th February the library had written paper in Grenada to mark the anniversary of the Eastern Caribbean Supreme Court, Professor of Jurisprudence Simeon Mc Intosh Dean of the Faculty of Law the UWI Cave Hill, Barbados said and I quote, “Constitution Reform must above all else engaged the citizens in a wide open public discourse.” End of quote because he added, the making or remaking of a Constitution is and I quote again, “*an act of self definition*” end of quote. That is absolutely correct. A Constitution being drafted or redrafted for a people must reflect their history, heritage and culture and must also preview their vision as a fundamental statement of their national identity. Indeed, this is a central theme of the book earlier referred to by Parnell Campbell, “*Changing Caribbean Constitutions*” published way back in 1983.

If the content and tone of a revised Constitution resonate with the national psychic, it will serve as inspiration and motivation to the nation. It will make people feel proud to part of the nation, it will strengthen patriotism, and this is a vital ingredient for people putting out more positively in their various endeavours. Economic activities, job performance, sports and culture, if by contrast people feel alienated from their constitution this weakens the Marta which should be binding together the blocks constituting the nation. In short Mr. Chairman, Constitution Reform is all about enhancing the chemistry which runs through a people unitedly. On the criterion of engaging the people in the reform of their Constitution, Professor Mc Intosh must give St. Vincent and the Grenadines a starred distinction. For the Parliament [applause] of this country has ensured that the

people of St. Vincent and the Grenadines at home and abroad in the Diaspora are being profoundly engaged in public consultations on Constitution Reform over the last six years, steered by the CRC and more laterally the CRSC both led by the indefatigable Parnell Campbell and that is indeed is recited in the Bill just given its first reading here. Having ensured that the peoples of St. Vincent and the Grenadines were engage in the process both the Government our Prime Minister Ralph Gonsalves and the Opposition led by Honourable Arnhim Eustace reached broad agreement on seventeen key proposals for inclusion in the Reformed Constitution. I will come to those proposals momentarily.

First though another general comment, when the House of Assembly passes this Bill hopefully and the people approve of it in a referendum hopefully you will be doing what right thinking constitutional scholars, nationalists and patriots call for namely, the patriation of a Constitution [applause]. The patriation of a Constitution is about giving the Constitution foundational roots in the history and the heritage and culture and the vision of the people whom that Constitution is to serve. This give the Constitution what is referred to as autochthony meaning validity or authority derived from local sources rather than from a foreign measure and here to the Dean of the Faculty of Law at Cave Hill will give you the people and Parliament of St. Vincent and the Grenadines a starred distinction.

Now then to the proposals agreed to by both the Government and the Opposition in the House of Assembly, Mr. Chairman the fact that these proposals have been agreed to by both Government and Opposition means that St. Vincent and the Grenadines is now being watched not just in Eastern Caribbean, not just in the Commonwealth Caribbean, but globally the eyes of the world are now on St. Vincent and the Grenadines. One of the proposals on which there has been broad agreement bi-partisanly is that there should be a none executive president to replace the British Monarch as the Head of State of St. Vincent and the Grenadines and indeed Mr. Chairman, there cannot be many independent countries in the Commonwealth of former British Colonies in which the British Monarch would survive any proper constitution reform. A none executive president or parliamentary presidentialism as that in Dominica better suits our small island Caribbean Countries than does an executive president as that in the United States of America. You need a figure remove from the hurly-burly of day-to-day politics as your Head of State. A full statement of the reasons for this preference is provided by Professor Mc Intosh in his paper and he dedicates full 16 pages to the argumentation. I have a copy of the paper here with me and I will make it available to you Mr. Chairman.

The draft establishes the office of President as Head of State in clause 49 and provides that generally speaking, the President shall act in accordance with the advice of the Cabinet, of the leader of the Opposition all other functionaries which make the office essentially a ceremonial President. Another of the proposals agreed on by bi-partisanly is that there should be a curtailment of the powers of the Prime Minister in certain respects. I now give you some outstanding examples of the curtailment of the powers of the Prime Minister.

Under the present Constitution of St. Vincent and the Grenadines the representative here of the British Monarch, the Governor General is by unquestionable convention selected by the Prime Minister and appointed by Her Majesty and holds office not during the pleasure of Her Majesty, but during the pleasure of the Prime Minister. I recall a former Prime Minister of this country making the point that whatever the language used it is a euphemism, that's his word, a euphemism for the Governor General holding power during the pleasure of the

Prime Minister and he was absolutely right Mr. Chairman. The draft specifies a certain machinery for the choice of the President which ensures that the appointment and tenure of the President is not within the exclusive purview of the Prime Minister.

Dr. Ghany has already referred to that and so I need not dwell on it. But you will notice Mr. Chairman that in that machinery there has to be consultation between the Prime Minister and the Minority Leader and if that fails to produce an agreed nomination the matter then goes to National Assembly as it will be called under the Constitution and election requires an absolute majority of all representatives. That is a clear difference between what is to come and what is going out. Or take the choosing of the Chairman of the Public Service Commission, under the present Constitution, the Chairman of the Public Service Commission is appointed formerly by the Governor General, but in accordance with the advice of the Prime Minister full stop. Under the draft by contrast, the Chairman will be appointed by the President in consultation with the Prime Minister. It is a clear difference. Or take the Senators under the present Constitution of the six Senators, four come as gifts of the Prime Minister and the Prime Minister's discretion here is at large. If there is an equivalence between Senators as we know them today and party representatives as they will become, none of them, not one of them is chosen by the Prime Minister, a clear difference. We are not suggesting that the Prime Minister will be shorn of all his powers and our instructions did not require that of us. The agreement between the Government and the Opposition did not expect that the Prime Minister will become a lame duck, or take the fix date for election there are very clear instructions as an agreed position between Government and Opposition that Prime Minister should be stripped of the facility of calling elections when he wants, as he wants and in the draft he will not be able to call a general election on his own say so, unless four years and nine months term had already elapsed and there would all be other way in which the term could be cut short is if Honourable Members passed a Motion of No Confidence in the Government. I respectfully submit Mr. Chairman that these areas constitute material cutting shorts of the power of the Prime Minister and so should it be because this Prime Minister is on record in the world as having said that the Prime Minister has too much power.

Both the Government and the Opposition wanted an increase in the membership of the House of Assembly as it is present called to tend to set and this is provided for the draft clauses 67 and 99 to 100. The Government and the Opposition agreed that representation in the Assembly should be on the mixed system comprising the existing first past the post arrangement and an element or proportional representation in the paper written by Professor Mc Intosh. He is begging Caribbean Countries to move to a mixed system of this type and this proposal has been faithfully reproduced in the draft clause 99 provides for the election of constituency representatives, directly elected by popular votes on the first past the post system and clause 100 provides for the selection of party representatives on a proportional representation system and I pay tribute to Dr. Ghany for coming up with the details of those proposals, Dr. Ghany [applause].

The Government and the Opposition agreed on the establishment of an independent electoral and boundaries commission and this is the subject of part 8 of Chapter 6. I ask Mr. Chairman that attention should be paid to how the Chairman of that Commission is going to be appointed which is another example of the cutting down of the powers of the Prime Minister. If the Prime Minister and Minority Leader agree a joint nomination that person is so appointed clause 95 of the Bill. If they cannot agree a joint nomination then the President, the State President shall acting in his own deliberate judgment appoint the Chairperson. It should be noted that the draft

is going to allow people to bring an election petition without needing the leave or permission of the High Court. St. Vincent and the Grenadines will thus become probably with the only country in the Commonwealth Caribbean if not indeed throughout the Commonwealth in which this facility will be available to the people [applause].

Mr. Chairman your present Constitution deals with the Leader of the Opposition in the chapter under executive, quite obviously out of place. The Leader of the Opposition is not a member of the executive and the present Constitution indicates its functions, only rather sketchingly, the draft deals with that corrects that anomaly from history. The draft dedicates an entire chapter, chapter 8 to the Minority Leader and flushes out his functions in clause 126. I wager, Mr. Chairman, that St. Vincent and the Grenadines will be the only constitution anywhere in the Commonwealth to spell out what are the functions of the Minority Leader/Opposition Leader, only place. And when the bill is circulated today, you can be sure, Mr. Chairman that the whole world will be very much interested in these proposals coming out of your country, your job provides for civil society persons being invited to address the National Assembly, the same way Dr. Garney and for that matter Parnel Campbell and myself and our doing, I do not know of any other constitution would so provides. The Prime Minister due our attention to the provision in I think Anguilla, but the provision in Anguilla confines that facility to a situation in which official elements in the legislature cannot attend a sitting and some other official can attend; but in your provision here, you go way beyond that. You agreed that government and Opposition on a parliamentary commission and some of the members of that commission are three distinguished nationals from Civil Society nominated by the Speaker, after consulted equally with the Prime Minister and the Minority Leader. There are the other two of them distinguished nationals, a Minister of Religion and a medical practitioner, named by the President acting in his own deliberate judgment.

Among the functions of this commission are 1. Nominating a person to be elected State President, and secondly, giving binding advice to the State President on matters of the prerogative of mercy. So will note Mr. Chairman, not only have a cutting down of the powers of the Prime Minister, but in the creating of new institutions, he has been kept out of them in terms of being able to give binding advice. There is for example the Teaching Service Commission, there was by-partisan agreement on this and the draft provides for it, and the Chairman of the Teaching Service Commission is going to be appointed by the State President, acting in consultation with the Prime Minister only in consultation after the Prime Minister himself would have consulted the Minority Leader. The government and the Opposition agreed on the replacement of the Privy Council by the Caribbean Court of Justice as the final Appellate Court, this will make St. Vincent and the Grenadines the envy of Jamaica and many other countries. And no referendum would be needed for this, in accordance with the instructions given to us. Magistrates under the draft would be given protection against removal from office willy nilly, and St. Vincent and the Grenadines when you adopt this, will become the first country, the only country in the entire Commonwealth Caribbean to afford magistrates that facility.

Moving now to rights and freedoms and I assure you Mr. Chairman, I should not take more than two minutes more. In Clause 38 there is provision for what is called age of civil legal responsibility. No other constitution throughout the entire Commonwealth Caribbean has this provision. You have directive principles of state policy, very interesting provisions; now classically, such provisions are not required to be considered by the

Courts, they are set there as glamorous language to give a general picture to the constitution. But your draft will move away from that and will require the Supreme Court, and the CCJ in time, when enforcing the general provisions of the constitution to have regard to these directive principles of state policy. And I say again, St. Vincent and the Grenadines will be unique in this respect. The draft makes clear that dual and for that matter multi-citizenship is allowed in St. Vincent and the Grenadines. But there are certain limitations on that and certain checks on it.

Let me conclude in half a minute by saying this Mr. Chairman, it is of vital importance to bear in mind, that these proposals are not being flung upon the people of this country by any one political party. These proposals are the jointly agreed outcomes of bi-partisan dialogue between government and opposition. If only for that reason the process from here coming forward should be extremely interesting indeed, and I look forward to being part of that. Thank you, very much, Mr. Chairman.

HONOURABLE MR. SPEAKER: Thank you, very much, Dr. Alexis Q.C. And I would now invite the Honourable Arnhim Eustace, Leader of the Opposition to address us, this morning.

HONOURABLE ARNHIM EUSTACE: Honourable Prime Minister, other members of Parliament, members of the diplomatic core, His Lordship, distinguished ladies and gentlemen. Today, I stand here, once again to take part in discussions on constitution reform. As usual as we have had in the past, these things are done with some fanfare. I myself did not recognize until I got a call late yesterday afternoon that we will be having... that I would have to speak on this matter again.

I am very much concern about this whole issue of constitutional reform and what it means for our people. But I want to say to the members of the steering committee, previously the members of the old committee that I recognized that they have spent a lot of time an effort in doing the work that they were asked to do. This morning we saw that the Chairman contributed his staff but I also know from my own representatives that a lot of time was in fact spent, on carrying out the business of the commission and the constitution reform and as I have done before I expressed my appreciation for that.

Much has been said about the consultative process leading to today's presentations and there were a lot of consultations. I do not deny that in any way at all. To my mind the biggest flaw in the consultation was the meetings of the committee of the whole and the Members of the Parliament, where in fact, the final decisions were made which you now find in the document that is before us today, and perhaps nowhere is that clearer than when I listened to the presentation of Dr. Alexis, the chairman of the drafting committee, and I should mentioned that I too was at that wedding in Chateaubelair, many, many years ago. Dr. Alexis in his presentation mentioned some 17 areas of agreement, between the Opposition and the government. I want it to be clearly understood by all concern that in that process when the recommendations were looked at in the Committee of the whole, when agreement was reached, it was reached on the basis of the weight of the majority, not necessarily that there was agreement from the Opposition. That is a fundamental difference with the presentation. There are many instances that I could recall and I want that clearly understood. We have not agreed to 27 members. So when that was stated here it is not true. You see, because of the structure that was in place that would seem the logical way to go, with a government with a big majority and you are operating in the

basis of a committee of a whole. There are instances and there were instances for instance, when a particular point was being discussed I recall one most vividly in the last meeting, that is the question of accusation of property by the state in which there was considerable differences of opinion between the opposition and the government and members of the commission were in support of the opposition's position and we wanted certain provisions in the constitution in relation to date of payment of monies to persons whose property has been acquired and in terms of the date of the valuation of such property, now that is not here anymore. It is not in the constitution, because the government does not want it in the constitution, but we wanted it in the constitution, and that is why I make reference to the weight of the majority in the committee of the whole and while efforts were made and dialogue was pleasant that is the reality. In the very last meeting and before that I had mentioned it, I do not agree to be called Minority Leader, that was the weight of the majority. So I am trying to in terms of your presentation because I understand you would have been briefed on the situation but I also want you to understand that not all of those things that you see here are agreed by the Opposition. In fact, they will say in some instances we were outvoted.

Mr. Chairman, I have still graved concerns in relation to the curtailment of the powers of the Prime Minister and I want to go back to a very early stage, very early stage of the work of the commission, and there are a couple of sentences that I want to quote from in the commissions revised report which I did at one of the meetings at the committee of the whole, I think it was one before the last. At the beginning, the Prime Minister addressed a number of weaknesses that he saw, and he indicated that those weaknesses do have corrections and I am quoting, alterations or innovating answers available. And he listed fourteen weaknesses. I must say when the Prime Minister made that presentation I was in complete agreement with the statements that he made complete agreement. And I want to quote the three that the commission quoted in their revised report. The first one of these is number 6 and it goes as follows:

The controls which the House of Assembly exercises over the Executive, that is the Cabinet are highly inadequate and ineffective, including the House's control on matters relating to finance. That is the Prime Minister speaking in the early stages. I agree with that. He goes on

Unicameral legislative role as a veritable rubber stamp of the decisions or actions of the executive That is what it is, a rubber stamp. I have not seen anything in the report that changes that.

And number seven and number eight, the excess powers of the Prime Minister in the constitutional and political apparatus to a certain extent that parliamentary government is reduced not merely to Cabinet government but to prime ministerial government. That was the feeling of the Prime Minister expressed at that time and I agreed with that.

I listened to you Dr. Alexis, for example in the question of the appointment of the president which you quote as one area of curtailment. My question is, how meaningful is it? Because you can have a consultation between the Opposition Leader, in this report you have Minority Leader and if that is not satisfactory, you go to the Legislature, but the Legislature, the majority is the government. So maybe it prolongs the process for a few days but it does not make any fundamental difference, in terms of any curtailment of the power of the Prime Minister, and similar comments can be made with respect to the Chairman of the Public Service Commission.

The one that I believe has some weight is fixing the date in which you can call elections. So fundamentally I do not recognize any significant curtailment of the powers of the Prime Minister and in addition to that, the commission, and I want to quote from the Commission itself, the commission saw that as part of their seminal challenge, and I am using the commission's words, our seminal challenge therefore has been to make recommendations which could result in the achievement of an alive constitutionalism resting on the twin pillars of a deepening of democracy and a reduction of the excessive powers of the head of government. I do not believe that has been achieved in the constitution. Efforts were made and when I look at them including the one that was referred to by Dr. Alexis, you can see through them easily. They are like a band aid, very transparent and it does not change the situation.

The reality on the ground, you know, in Parliament, in discussions between Prime Minister and Leader of the Opposition, not only now, but in the past is that consultation really meant nothing because in the end the Government has the majority, in the end. The Prime Minister will call me when he wants to put somebody in the Public Service Commission, I could talk and support 20 names that is not going to make any difference. And if you send it down to the Parliament, for it to be handled there, the government has the majority in the Parliament. I know that I am in an environment this morning, where everything is nice and dandy and rosy. I am not feeling dandy nor rosy, you know. I still have major concerns in relation to this constitution. I do not intend to talk long today. We have three months more for discussion, for looking at what we have done, three months and those who are very happy today, I am happy for them, I am not.

I want to deal with the question of the referendum, because I think I have indicated in the committee of the whole some of those areas which we do not agree with. Yesterday I had the opportunity courtesy the Minister of Electoral to meet with the OAS, because a number of things are not yet clear to us on this side of the House in relation to the referendum and I am seeking to obtain from them, whether in fact what sort of terms of reference they had but it seems to me that they are trying to determine how best they can assist in the process because it is going to be very important to know what procedures, what modalities are to be followed in relation to the execution of the referendum itself, and there are a number of areas which need to be addressed, I would not go into them now, because I do not intend to speak long. There are a number of areas that needs to be addressed in that so that all of us can be happy that a referendum can be conducted in an environment which is seen to be both free and fair; free and fair. And I look forward to the work of the OAS, in that regard. We asked them some questions yesterday which they have taken note of and I expect that some point in time, we will see the results of their work.

The process thus far is flawed only to the extent that in reporting one has to give the majority decision, and say that is the agreement that was reached. Well, in many instances, it was not an agreement; and I think the commission itself is well aware of that. I would have like nothing better than to get up here this morning, and say all is nice, we have a Constitution on which we can all agree, I would be happy to say that. As a matter of fact, at the beginning of this process I was very happy at what was taking place. That is why I seconded the motion moved by the Prime Minister, but as we went through the process I lost some of my fervour and as I look at some of the recommendations and the way they were arrived at, I mean those recommendations coming into the report, not the work of the Constitution Review Commission, I began to have doubts. I would still like one day to be able to say that we have full agreement, I do not think so right now, that we have that kind of agreement and if a referendum were to be held tomorrow, I will say to the supporters of our party and to the

nation that we will vote no; if it were to be held today on the basis of what we have here. And I am very serious about that. There are some other aspects which I do not wish to go into here today, but I want all those concerned to recognize the fact that we are very serious, and I will say vote no, unless there are some significant changes in what is before us thank you, very much.

HONOURABLE MR. SPEAKER: Thank you, very much, Honourable Arnhim Eustace, Leader of the Opposition and now I would invite, Dr. the Honourable Ralph E. Gonsalves, Prime Minister to address; Dr. Gonsalves.

DR. THE HONOURABLE RALPH GONSALVES: Honourable Members, I welcome the people of St. Vincent and the Grenadines at home and abroad to these proceedings. There are thousands who are following us live on radio, television and on the internet. The gallery is packed this morning with the magnificent citizens of our country, young, middle age, and old men and women and students of the St. Vincent and the Grenadines Community College. The office of citizen is the highest office in this land. My heart rejoices, this truly is the day that the Lord has made. I am so proud of our people today and so humbled by their seriousness as a free and independent people, exercising their sovereign, democratic right to be engaged as ear witnesses and eye witnesses in the process of constitution making which they have participated in communion with their leaders since February 10th 2003, in activity shaping what is now before us as the Constitution Bill, 2009 and the proposed Constitution of St. Vincent and the Grenadines as its schedule.

We are most pleased, Mr. Chairman to have among us his Lordship the Judge, the members of the magistracy, the Director of Public Prosecutions and the distinguished public servants. We welcome too Their Excellencies and all the members of the diplomatic core. Our nation's indebtedness and gratitude go out to the men and women among the founding fathers and mothers of our reformed constitution, who toiled as our constitutional commissioners. First on the Constitutional Review Commission and then on its successor the Constitutional Review Steering Committee, the CRSC. Their chairman and leader, Mr. Parnel Campbell Q.C., has served this nation in these capacities with extraordinary skill, devotion to an alive constitutionalism, a patriotism and a love for country of the highest and most enduring kind. We thank most sincerely, Mr. Campbell and his team in both the CRC and the CRSC. The Constitution Bill, 2009 which is before this Honourable House bears the monumental scholarship, battle hardened experienced, democratic ethos and drafting finger print, of our two distinguished Caribbean drafts persons, Dr. Francis Alexis Q.C., and Dr. Hamid Ghany, they along with Parnel Campbell met the deadlines set for them and which they themselves advanced. We thank them most sincerely. We thank too the staff of these gentlemen and those at the government printer for physically producing this splendid document now before us. Today is truly an historic day in St. Vincent and the Grenadines and for our Caribbean civilization. The introduction and first reading of the Constitution Bill, 2009 in this morning earlier today, at 10:40 a.m. is the formal commencement of the legislative process which if pursued successfully would result in the repeal of the existing constitution of St. Vincent and the Grenadines which has served our nation since its attainment of constitutional independence on October 27th, 1979 and its replacement by a more profoundly nationalist, democratic and uplifting constitution of St. Vincent and the Grenadines in 2009 in this year of our Home Coming.

A thorough going root and branch review of our existing constitution, made manifest in the Constitution Bill, 2009 is required to follow a particular legislative procedure for a constitutional alternation as laid down in section 38 of the St. Vincent and the Grenadines Constitution Order 1979. This procedure simply is as follows: First the bill shall not be regarded as being passed by this House unless on its final reading the bill is supported by the votes of not less than two-thirds of all the elected representatives this Honourable House. Secondly, the bill shall not be submitted to the Governor General for his assent until:

(a) There has been an interval of not less than 90 days between the introduction of the bill in this House and the beginning of the proceedings in the House on the second reading of the bill.
And;

(b) After it has been passed by the House the bill has been approved on a referendum by not less than two-thirds of all votes validly cast on a referendum.

Thus, Mr. Chairman after today we must count at least 90 days then the second reading of the bill will be effected, accompanied by a full parliamentary debate. Thereafter, the third reading of the bill will take place, at least two-thirds of the representatives must vote affirmatively for it to be passed, after that a referendum or a national voting by secret ballot in the usual way will be held. The affirmative or a yes vote in that referendum will require two-thirds of all votes validly cast for the bill to be passed. After a successful yes vote the bill will be sent to the Governor General for his assent, after such an assent comes the publication and legal operation of the Constitution Bill, with the Scheduled Constitution of St. Vincent and the Grenadines 2009, becoming the supreme law of this land.

Mr. Chairman, the immediate antecedents, of this specific parliamentary exercise are honourable, thoughtful, many and varied. To be sure, beyond the immediate backdrop are to be found intellectual and political musings of relevance which constitutes well springs and inspiring sources which have engender the legitimate longing for a constitution, fit for a modern, sophisticated people, stuffed with democratic values and instincts in the morning years of the 21st century.

Mr. Chairman, on July, 31st in the year 2000, while in Opposition the Unity Labour Party, the ULP, the foremost political vehicle of liberty, equality, fraternal solidarity, historical authenticity, democracy, constitutionalism and economic progress in St. Vincent and CARICOM published a document entitled "Constitutional Reform, A Discussion." At a public launch of that document, as political leader of the ULP, I pledged that in government we will pursue vigorously comprehensive, democratic and effective constitutional reform. In the ULP's manifesto of 2001, this pledge was reaffirmed. Consequent on our party's overwhelming election to government on March 28th 2001, we acted swiftly to put the appropriate policy framework and relevant programmatic mechanisms in place to give effect to our solemn electoral promise of democratic constitution remaking. Our leadership in our region and hemisphere that is to say the leadership of this party and government in this region and in our hemisphere on this important matter of constitutional reform was recognized. Accordingly, on January 21st, 2002 at the invitation of the Organization of American States, the United Nations Development Programme, and the University of the West Indies, I delivered a paper on the subject, "*Westminster in the Caribbean, Viability Past and Present, Prospect for Reform or Radical*

Departure.” This off quoted essay was published in the newspapers in our country and as a special booklet by the Government Printery, as a basis for informed discussions, nationally on constitutional reform and good governance. These foundation documents helped to fashion our government’s approach to uplifting constitutional alterations and the best governance possible this side of eternity.

So, on October the 8th, 2002, this Honourable House approved by unanimous vote a motion moved by me and seconded in a bi-partisan spirit by the Honourable Leader of the Opposition which mandated a review of the constitution of St. Vincent and the Grenadines. Among other things, this motion called for a setting up of a broad based Constitutional Review Commission, consisting of 25 persons, and alternates, representing the government, opposition, civil society and Vincentians in the Diaspora. The CRC was officially inaugurated at a ceremony held in this very hallowed Chamber on February 10th, 2003, at this inauguration there were speeches by the Prime Minister, the Leader of the Opposition, Dr. Nicolas Liverpool, who very briefly was CRC’s Chairman until his elevation to the Presidency of the Commonwealth of Dominica and the CRC’s then Deputy Chair, the wise and industrious Parnel Campbell. At the CRC’s launch, I delivered as Prime Minister the feature address, entitled “Good Governance and Constitutional Reform in St. Vincent and the Grenadines”. I recall that I received a standing ovation at the end of my address from an overflowing audience; among those standing in applause was the Leader of the Opposition. My speech was broadcast live on radio and television and published subsequently in all three national newspapers for the benefit of Vincentians at home and abroad.

Mr. Chairman the CRC was amply funded in its work by the Government of St. Vincent and the Grenadines and with substantial assistance from the OAS. The CRC undertook extensive public consultations with Vincentians at home and in the Diaspora, intensively, face to face and through the electronic media over a period of three years and then more measuredly in a focused manner for another three years. Never in the history of St. Vincent and the Grenadines or indeed any CARICOM member state has there been such extensive and detailed consultations with and among the public on any single issue/s. For the last six years this nation has been transformed into a school of advanced political and constitutional studies. St. Vincent and the Grenadines will never be the same again as a consequence of this constitutional reform process, it has been changed immensely for the better.

On February 27th 2004, the CRC submitted an interim report to this Honourable House in two volumes, consequent upon further discussion on the record by the CRC and its engagement with the members of this House, the CRC submitted its final report to the House on February 28th 2005. The CRC then extended its efforts further with more consultations publicly and with the Honourable Speaker and the members of the House. The upshot of all this was the submission to Parliament by the CRC of its Revised Final Report on September 28th 2006. In the meantime, public discussion continued apace on the remaking of our constitution. Then on June 7th, 2007 the House of Assembly unanimously approved a motion which among other things appoint a nine member constitutional steering committee, CRSC, consisting of the former Chairman, former Deputy Chairman, and seven former members of the CRC, please note, Mr. Chairman that I moved a motion on the 7th of June 2007, and the Leader of the Opposition seconded it. We were all aboard the constitutional reform train. Such all party unity on this vital matter was again on display on July, the 17th, 2007, in this Honourable House when a motion moved by me and seconded by the Leader of the Opposition, did the following things:

- (1) Mandated the appointment of a committee of the whole House to hold further discussions with the CRSC on the revised final report.*
- (2) Authorize the joint body that is the committee of the whole House and the CRSC to appoint a committee of draftspersons to draft the proposed changes to the Constitution of St. Vincent and the Grenadines along the following guidelines.*
 - (a) A Chairperson to be appointed by the Honourable Speaker of the House in consultation with the Prime Minister and the Leader of the Opposition and the CRSC Chairman, Mr. Parnel Campbell, Q.C.*
 - (b) One member to be appointed by the Speaker of the House on the recommendation of the Prime Minister.*
 - (c) One member to be appointed by the Speaker on the recommendation of the Leader of the Opposition and*
 - (d) CRSC Chairman Mr. Parnel Campbell would be attached to the drafting panel as a resource person.*

All this was done unanimously by this Honourable House on July 17th 2007.

Mr. Chairman, then we saw something new ten days later on the July 27th 2007 a letter of that date was sent to me written by the Leader of the Opposition in which he proclaimed for the first time, that the Opposition “will not participate any further in the constitutional review process” unless certain “things” were “satisfactorily” dealt with. These things were identified as follows;

- 1. That we the Opposition get the report of the Supervisor of Elections for the 2005 polls.*
- 2. That Senator Francis publicly explains how he got access to the number of Syrians who voted in the 2001 and 2005 elections for the late Michael Hamlet and Senator Francis.*
- 3. That the ULP billboards be dismantled; and*
- 4. Mr. Rodney Adams the Supervisor of Elections resigns his position. This metaphoric bolt from the blue by the Leader of the Opposition made absolutely no sense in all reasonable circumstances. So on August 14th 2007, I replied to him in the following terms. And Mr. Chairman please permit me to read this letter in full.*

“Dear Arnhim,

I received your letter dated Friday July 27, 2007 on the subject of your party’s withdrawal from the formal process of Constitutional Reform, shortly before my departure for Taiwan and Malaysia recently on July 28, 2007. I have just returned; thus my reply now to you.

It is unfortunate that your party has chosen not to participate any further in the process, especially for the reasons proffered, given all the facts, circumstances, and context. I consider that the issue of constitutional reform is of huge historic significance and ought not to be made a hostage to partisan political fortune.

The Government has an unqualified mandate from the people in two successive general elections to proceed with constitutional reform in a most transparent, consultative and democratic way. This we have been doing. Never in the history of the Commonwealth has there been so profoundly a democratic, open, non-partisan, and all-embracing process. This is an assessment which has been made by informed observers, regionally and internationally.

We as a nation owe an enormous debt of gratitude to the members of the Constitutional Review Commission and the thousand of nationals, including those in the Diaspora, who have contributed so immensely to the constitutional reform exercise. Thus, neither my Government nor I will be party to any action which amounts to a disregard of the commendable, combined efforts of the people as a whole.

Accordingly, the Government will continue with all practical dispatch the process of constitutional reform in accordance with the motion passed with the support of the Opposition in the House of Assembly on July 17, 2007 and the supreme law of the land. The door is open, as always, for Her Majesty’s Loyal Opposition to participate fully.

I note the four “things” which you specifically raised on page 2 of your said letter. These surely do not, and cannot, credibly be linked to the process of constitutional reform or participation in it. I am prepared, however, to discuss them separately with you at a mutually convenient time at the Prime Minister’s Office.

This Government has an excellent record of good governance. This is widely acknowledged at home and abroad. Be assured that my Government and I are committed as always to a more perfecting of our system and practice of good governance.

All the best to you and your family.

Sincerely yours.

*(sgd) Dr. Ralph E. Gonsalves
Prime Minister*

Despite further correspondence between the Leader of the Opposition and me in August and early September 2008, the Opposition remained unmoved, although they did attend two joint sessions in Early 2009 held between the CRSC and the Committee of the whole House at which instructions were been finalized for the drafting committee. They the opposition never attended any of the 12 joint sessions between the committee of the whole House and the CRSC between August 7th and November 5th 2008. Please remember, Mr. Chairman that as late at July 17th 2007 in this Honourable House. We were working along perfectly well, and all the matters complained of had existed hitherto of our magnificent unity on the floor of the House.

Mr. Chairman, the Leader of the Opposition also never made any recommendations to the Speaker, for a draftsman in accordance with the motion which he had supported in this House on July 27th. At the same time, he engaged in a consultation with the Speaker, mandated by that said motion and accepted the speaker's suggestion that Dr. Francis Alexis, Q.C. was a suitable candidate to chair the drafting committee.

Mr. Chairman even before the Constitutional Bill 2009, was concluded last week, the Opposition was promoting jingles on the radio station calling for a No vote on a bill which they have not yet seen for the upcoming referendum. It is all so bizarre, inconsistent and frankly unpatriotic.

Mr. Chairman this is after the Opposition had signaled its agreement with the government on at least the 17 most critical innovations in this proposed constitution. And I want to jog the memory of the Honourable Leader of the Opposition. Those 17, indeed there are 18 of them, they did not arise out of any discussions here in the meetings between the CRSC and the committee of the whole House. They emerged from the speech made by the Honourable Leader of the Opposition in the debate on the revised final report which had come to this House from the CRSC and I invite the enterprising journalists to get that speech from the Clerk of the House and publish it to point out that what Dr. Alexis had said was the absolute truth because the Honourable Leader of the Opposition had in fact made a speech from which those 17 points of agreement were extracted, indeed 18 points of agreement. So let us make the record clear.

Mr. Chairman let me say that no individual, no organization, no political party has a veto on the forward march to this comprehensive, patriotic, democratic and uplifting process of constitutional reform. So the process continues apace. Over the next 90 days at least, this constitutional bill will be further debated up and down this country and in our Diaspora. It will be before a select committee of this House prior to the second reading of the bill. And Mr. Speaker, this is when we return, I humbly suggest that we complete that aspect of the first reading of the bill so that we can have the select committee, and I am proposing that the select committee be all members of the House. And that this committee with all members of the House we would then be able Mr. Chairman to have drafting persons, the members the CRSC and individuals to come to this committee to make the representations or to send in by memoranda or whatever ways they would wish to send in for us to do the further refinements to this bill which has just had its first reading. I repeat that these further deliberations between now and the second reading of the bill after the elapse of 90 days, you will have the second reading, these further deliberations between now and then, among the people and the select committee provide additional opportunities to fine tune or alter this or that provision of the Constitution Bill including the reform Constitution, so as to make the proposed fundamental law of our land more perfect.

The Constitution Bill including its schedule Mr. Chairman, before us in this House, retains those provisions which are most sound in our existing constitution but it also contains innovative provisions together, these

innovative provisions make even more manifest and sturdy the six foundation stones of a more perfect constitution; namely, the strengthening of individuals fundamental rights and freedoms, the deepening and decentralization of political democracy including enhanced popular participation in government; the strengthening of representative democracy, making government more honest, accountable and effective. Consolidating and extending the independence and quality of the judiciary and related institutions and reflection of the tried and tested bedrock values of our Caribbean Civilization including our political virtue and quest for further ennoblement. The changes for the better in this proposed constitution are numerous and wide ranging; they tackle head-on the weaknesses and limitations of the constitutional formulae negotiated with the departing colonial power in 1979. And these weaknesses in the constitutional formulae, Mr. Chairman include the following;

- **An externally located Head of State of whom the Governor General is the representative.**
- **An insufficiently well formulated bundle of individual fundamental rights and freedoms and an insufficiently strong enforcement of their protective provisions.**
- **A First-Past-the-Post Electoral System which by itself alone does not provide a sufficiently fair and democratic representation of voters' preferences.**
- **The absence of any or any proper mechanisms for the voters to bring their elected representatives to account during their term in office.**
- **The highly inadequate and ineffective controls which the legislature exercises over the executive.**
- **The excess powers of the Prime Minister in the constitutional and political apparatuses.**
- **The lack of adequate structures or mechanisms for voters and nongovernmental organizations to participate actively on an ongoing basis in the governance of the country.**
- **The inadequacy of the avenues available to the citizens who suffers from administrative abuses.**
- **The limitations on the proper functioning of an effective magistracy.**
- **The absence or the inadequacy of constitutional provisions governing or regulating the integrity of members of the legislature, senior public servants and senior police officers.**
- **The unnecessary lack of facilitation of regional, political integration and the minimal presence in our constitution of 1979 of our national spirit and our Caribbeanness.**

Mr. Chairman I repeat that these are weaknesses in our current constitution and I say emphatically that these weaknesses have been met head on, despite what the Honourable Leader of the Opposition is saying and they justify overwhelmingly the case for a yes vote in the referendum which will come in November.

Mr. Chairman, permit me please to address the major constitutional changes, so I shall make the case at this moment at the beginning of our discussions over the 90 day period. The first major change:

- **Guiding principles and a young people's charter. I want to repeat, guiding principles enshrined in this new constitution and a constitution which constitutes a young people's charter.**

That is why I am so happy that the young people from the Community College are here. This is not for me this is for them. I have lived more years than I have remaining to live. And they are the ones who will benefit immensely, from the work which we are doing today.

Mr. Chairman, in the existing constitution, the preamble admirable laid out certain principles which have guided our nation from time immemorial, namely:

- **The affirmation of our belief in the supremacy of God, and the freedom and dignity of man.**
- **The recognition that our society ought to be ordered in accordance with a recognition of the principles of democracy, free institutions, social justice and equality before the law. And the realization that the maintenance of human dignity, presupposes safeguarding the rights and privacy of family life, of property and the fostering of the pursuit of just economic rewards for labour.**

This preamble has been repeated in full in the Constitution of 2009, however, Mr. Chairman the constitution before us, this draft, this bill takes the matter much further in articulating a formidable bundle of non justiciable guiding principles of state policy in 24 clauses of chapter 2 of the proposed constitution. These guiding principles include the following: And as Dr. Alexis said these are principles which are going to guide state policy and which are relevant to the courts in their interpretation of the constitution. They are as follows, they include the following:

- **The assertion of the people as sovereign and the true holds of power. Fundamental.**
- **The paramountcy of the rule of law.**
- **The separation of powers and good governance.**
- **The striving for sustainable economic development and full employment through the workings of a mixed economy.**
- **The promotion of justice and legal aid.**
- **The right to work.**
- **The right to health.**
- **The imposition of strictures against the abuse of state power and the building of a more caring and humane society.**
- **Equality of treatment.**
- **The protection and enhancement of the environment.**
- **The respecting protecting and preserving our historical cultural and other heritage.**
- **The right to the enjoyment of the freedom of culture and to cultural expression.**
- **The protection for and support of the family, the protection of marriage and affirmation that marriage shall be a legal union only between a person who is biologically male at birth and a person who is biologically female at birth.**
- **The entitlement of a special needs and care for the elderly and the disabled.**
- **The according of due appreciation to young person's for their contribution to nation building.**
- **The affirmation of equal rights and the same legal status for women and men.**
- **The protection of the rights of children and equality of children born in or out of wedlock.**

Together these guiding principles are the essence of our nations' constitutionalism and norms for the conduct of the organs of state.

Moreover, in Clause 38, of the proposed constitution for the first time ever, a deeply entrenched constitutional protection is provided a person's age of responsibility. And I want the young people to listen; that is to say at the age of 18 years a person may decide for himself his own personal and societal destiny including having the right to marry without requiring the consent of his or her parent or guardian. Hold property including land in his or her name. Dispose of such property without anyone's consent. Do and listen carefully, do without requiring the consent of any court or other body or person any of the things which previously could lawfully be done only by a person attaining a higher age. This deeply entrenched constitutional provision amounts to a young people's charter, in that it has accorded constitutional protection of rights which only existed in some cases under ordinary legislation.

Second major change. Securing better fundamental rights and freedoms. The Constitution Bill 2009, include in its schedule better secure our citizens fundamental rights and freedoms in at least four important respects.

(a) By better protecting a citizen's right to life. By ensuring that the deterrents of the death penalty for murder will be employed without being subject to judge made restrictions.

Over the years the Privy Council and our Court of Appeal have made it almost impossible to carry out the death penalty for convicted murderers. The law courts, amidst all their good intentions and impressive judicial learning have unwittingly devalued in our view the God given right to life of innocent persons who are murdered. The people directly in a referendum in November in 2009 and through their representatives in this Parliament have a once in a lifetime chance to assert their support for the death penalty and the right to life. Those who murder should forfeit their right to life. So in Clause 29 (3), of the proposed Constitution it is stated thus

“No objection shall be taken in or by any court to a sentence of capital punishment being carried out within one year after the exhaustion of all proceedings embarked upon and diligently pursued by the person thus sentenced.

Mr. Chairman this is a provision which I believe can even be tightened further in relation to the way how the language is. Because there may well be some scope for wriggle room by one or two invented judges. We have to make sure that this is a matter which the people decide on.

(a) By strengthening the provision regarding freedom of expression by explicitly protecting freedom of the press.

(b) By extending the constitutional protection of freedom of assembly and association in Clause 35 (1) of the 2009 Constitution to include, (this document is also a workers charter, not only a young people's charter, it is a workers' charter, a trade unionist's charter,) to include the right to participate in collective bargaining agreements and activities and to form or belong to political

parties. Hitherto, there was an expressed constitutional right to belong to a trade union. But a trade union's reason for existence that is to say to engage in collective bargaining was not constitutionally protected. Indeed several decisions in the law courts say that the trade union has no rights to collective bargaining. Now, our constitution is saying that they have a right to collective bargaining. Similarly, there was no explicit constitutional right hitherto to form or to belong to political parties and

- (c) This is also a charter for person who own property; by strengthening the constitutional protection from any deprivation of property by specifying that the adequate compensation to be paid for the state's acquisition of a person's property must be paid not only in a reasonable time, but in any event in no more than 12 months after the date of their acquisition. This time period provides additional comfort to property owners.**

Mr. Chairman, I have been paying, this government has been paying compensation for lands acquired by the former government, in some cases in the 1990's now under the Constitution, you must pay for it if you acquire it, within 12 months at the outside at the date of the acquisition. Mr. Chairman, I want to say this, the Honourable Leader of the Opposition has raised the issue at the date on which you must have valuation of the property, whether it is at the time of the taking or 12 months hitherto, that is not a matter for the constitution, that is a matter for domestic legislation, not everything one can put in a constitution; and if he wants to put that in his manifesto as proposition he can put it for legislation here in this Honourable House.

Mr. Chairman these innovations are in addition to the very strong constitutional protection provided regarding the right to life. The right to personal liberty, protection from slavery and forced labour, right at the moment, in the hills, there are some people who need protection from forced labour. Protection from inhumane treatment; protection from deprivation of property, protection against arbitrary search or entry, protection to secure, protection of the law; protection of freedom of conscience; protection of freedom of expression; protection of the freedom of assembly and association; protection of freedom of movement, protection from discrimination on the grounds sex, race, place of origin, political opinions, colour or creed and protection of persons detained under emergency.

Further, the proposed establishment constitutional of a human rights commission adds immeasurably to the process and institutional mechanisms of investigating complaints by persons who have suffered wrongs done by public authorities against the basic human rights of complainants, whether or not, those unconstitutional contraventions amount to such of the fundamental rights and freedoms protected by chapter three of the 2009 constitution. In other words, there are a lot of people who are saying, that there human rights have been violated, they say we need something other than what you can do in the courts, or go to the police well we are setting up a Human Rights commission in the constitution and provide legal framework. So those who make the most noise recently are those who are saying no, you must not have a human rights commission, because you are going to vote against the constitution in November 2009. It is entirely illogical to me.

The third change, the presidency. Under the proposed constitution there shall be an office of President of St. Vincent and the Grenadines. The president shall be the head of state; his office replaces that of the Governor

General, The Queen will no longer be the monarch of St. Vincent and the Grenadines, though we as a nation will remain in the Commonwealth of which she is currently the titular head. But she will not be the head of state. Her Majesty is a splendid lady, and I wish her all long life and happiness and we thank her greatly, we say nevertheless, we must have our own home grown head of state.

The end of the monarchial system and its replacement by a homegrown non executive president is of immense practical and physiological significance. The colonial anachronism of the monarchy for St. Vincent and the Grenadines and all which goes with it, will be no more, this act of historical reclamation is part of the process of our people coming of age and looking at ourselves through the prism of our own eyes and proclaiming the authenticity and legitimacy of our Caribbean civilization within our landscape and seascape.

The fourth major innovation Parliament and its powers there is a multiplicity innovative and beneficial provisions in the proposed Constitution 2009, touching and concerning Parliament and its powers. And Mr. Chairman I shall go alphabetically with them, we go down to 'j'.

These are the innovations concerning parliament and its powers.

- (a) Parliament to be called the National Assembly henceforth. Will be wholly elected on the basis of the traditional First-Past-the-Post electoral system and a system of Proportional Representation based on the party's list of candidates. Both the government and opposition are agreed on this mixed system, although we differ on the actual number of parliamentarians to be elected. This mixed system provides for a greater representativeness of the people and makes well-nigh impossible a one party parliament. There will be no non elected senator in this new constitution.**

Mr. Chairman, let me say this, the first person who drew my attention in practical terms to the mixed system and urge that I read up on it, was many years ago when Sir James Mitchell also in the wilderness, and I said Mr. Speaker, you know you are fit for governance when you are made of wilderness material. Mr. Chairman, Honourable Members, Sir James then simply 'James 'Son' Mitchell' said Ralph the best system we can have is the mixed system of First-Past-the-Post and Proportional Representation; I went I read up thoroughly on it, I told him you are so right about it. So this which they wanted to vote no on, though they say yes, that is the brainchild of Sir James Mitchell. I claim no paternity for that, he drew it to my attention in the first place.

- (a) A Minister of Religion under the 2009 Constitution will have the right to stand for election. This is prohibited currently in the Constitution. The people said, if a Minister of Religion wants to be in Parliament, let him go and face the people the people will make the judgment. And that is in this provision to give the Minister of Religion their full political rights. I do not know how people want to vote no on those things.**
- (b) When the Office of Attorney General is a public office as distinct from an elected one the holder of that office will have right of audience though not a vote in parliament. Now the civil service Attorney General, she has no right to be heard. But the Honourable Attorney General is Public Servant, she will be here but she has no right to be heard. In the current system, but in the new**

system, she will have a right to be heard in this Honourable House.

- (c) **The 2009 Constitution strengthens the constitutional authority of the Public Accounts Committee which is expressly chaired by the Minority Leader formerly the Leader of the Opposition and this Public Accounts Committee is vital in helping to supervise and control the executive as regarding matters of finance and the provisions for the Public Accounts Committee in this constitution are strengthened immeasurably.**
- (d) **In Clause 74 (b) of the 2009 Constitution, there is an expressed provision which facilitates the achievement of regional integration. How can one vote against that, to make it difficult to have a political union more difficult than you need to be? And all of us are agreed that you should go there. In the foundation document of the NDP's charter one of its reasons for its existence is not a policy you know, in a manifesto, to be in the New Democratic Party you must believe in political union, political integration in the Caribbean. You are going to vote against a provision which helps to bring that about? Which facilitates it?**
- (e) **Clause 78 of the 2009 Constitution permits as never before the active participation of civil society invitees in the National Assembly. Clause 78 (1) states and I want to read this, so people in civil society, citizens can hear that even though you elect the members on the basis of the constituency representation, and on the proportional representation system, ordinary people who have an expertise on any subject can be call to address the Parliament on any bill, on any matter before this House, this is what the proposed Clause 78 (1) says:**

“The Speaker, acting in accordance with the request of the Prime Minister or the Minority Leader, (not I, alone, if I say no, I cannot stop the Speaker, because he has to accede the request of the Leader of the Opposition to have somebody to come in to speak on it) The Speaker acting in accordance with the request of the Prime Minister or the Minority Leader may from time to time invite persons from civil society who are not Representatives or other members of the National Assembly to address the Assembly on matters within the special expertise of such invited persons when such matters are being considered by the Assembly. As Dr. Alexis says it is the only country in the Caribbean and possibly in the world that there is such a provision. Deepening of democracy in St. Vincent and the Grenadines these civil society invitees when they are here speaking shall not enjoy voting rights but they shall otherwise enjoy the same privileges and immunities as a member of the Assembly.

(a) Clauses 87 and 88 of the 2009 Constitution impose for the first time a formal obligation on a constituency representative to report to its constituents at least once every six months on his representational activities. Further a written report in this regard has to be submitted to the representative by the representative to the Speaker. In the last election I said they will submit it to me, the parliament, now you have to do it, you have to submit it to the Speaker, and you have to go into the community according to the Constitution, any default in either

respect by the representative that is to say if he does not go and do it as the constitution says or submits it to the Speaker, the Speaker, a default may cause the Speaker essentially to name and shame the representative openly in the Assembly, say that Tom Jones did not go. Can you imagine somebody getting named and shamed once, they will get named and shamed a second time, or a third time. Just think of the impact on that, there would be a list, who is being named and shamed for not doing the people's business properly, their constituency representation. This is again a first and an innovation.

(b) The removal of the disqualification of a person to be elected as a representative if he or she is a citizen of another country, by a voluntary act in addition to being a citizen of St. Vincent and the Grenadines. This provision acknowledges the migrant nature of our citizenry while embracing the fact that they are deeply connected to their homeland, St. Vincent and the Grenadines. I want the people in the Diaspora to know this, American citizens but they are Vincentian citizens. They love this rock. So if they want to come home and participate, currently they cannot have their names on the ballot, they cannot sit in the House unless they first of all revoke their American citizenship. But they have their American citizenship because we know they are there to help themselves and their families but they love this rock more than they love America and they want to come here and help us in representational duties. We must allow them to do so. Do you want to vote against that?

(c) The removal of the referendum requirement for altering several constitutional provisions save and except those which are deeply entrenched.

(d) Clause 84 (2) strengthens the role of the minority Leader regarding financial matters in a way not available currently. Under the proposed constitution the Minority Leader by way of a motion not a bill can formally propose to the National Assembly any matter regarding taxation expenditure from the Consolidated Fund or any such related financial issue of the Central Government. The Opposition has been asking for this every year. Honourable Members would remember that they had brought a motion concerning crime in 2003, saying that they must spend money on ABCDE and I say you cannot propose that motion because the Constitution does not give you the right so to bring a motion to propose these matters because they involve spending the money. We brought an amendment to their motion and they walked out. They went two or three occasions subsequently and held mock parliaments for that reason. Now they are getting the power to be able to bring a motion saying how they think money should be raised and how it should be spent. Are you going to vote against that?

(5) Elections and elections machinery; there are a bundle of innovative provisions for the better in the proposed constitution regarding elections and the machinery for the conduct of elections. These include Mr. Chairman and bear with me, these are just 9a) (b), (c) and (d).

(a) General elections cannot be called before the expiration of four years and nine months after the first sitting of the National Assembly after the previous dissolution of Parliament. Thus, the Prime Minister cannot call a snap election under the 2009 Constitution. You take away that

power from the Prime Minister you take away a hell, a big, big power from him. And enormous power. Because one way to bring recalcitrant members to book; if you get any width you are in government that they are making any move against you, want to replace you as Prime Minister you do not say anything you just quietly go up to the Government House, and you advised the disillusion, and when they are planning they hear me on the radio saying, there are fresh elections. That is the end of their plot under the current situation. But, in the proposed constitution I cannot do that, because I can only advise the Governor General to call an election after the expiration of four years and nine months, from the time when the House first met after the last election. So if this Constitution is passed the House first met on December 29th 2005, so that you can only hold an election if this referendum is passed, between the end of September next year and December. That is the only window, I have. A very small, a very narrow window. Why would you not want to support that? Right now the British Parliament is discussing exactly this matter. We are taking the front and they are following us. Gordon Browne is following this Parliament. A special provision exist to address the circumstances under which general elections may be called consequent upon the success of a no confidence motion.

- (b) A five member independent Electoral and Boundaries Commission is to replace the Supervisor of Elections as the authority charge with the directing and supervising registration of voters and the conduct of general elections. This mechanism will strengthen the preexisting process of our well known free and fair system of holding elections. The commission would also have responsibility for the determination of constituency boundaries.
- (c) A mixed electoral system of First-Past-the-Post constituency elections and a proportional representation system based on a simple party list is being proposed. It fairer and more representative. There are to be 17 constituency representatives and 10 party representatives in the National Assembly; up from the current number of 21, 15 representatives and six senators. This slightly enlarged number will provide for a greater display of parliamentary democracy in this House particularly since the number of Cabinet Members will be limited to 12 only. So it is not a question that you are going to have a whole set more ministers, you can only have 12 ministers in addition to the Prime Minister. So will have backbenchers and you would be able, if somebody is a minister and they are not performing well, you have a reserve team. So men and women will be on their toes, so in any event, if somebody is in the backbench, and the government is doing something, they can criticize the government because they are not in the Cabinet. It is so self evident.
- (d) Clause 98 (3) makes the innovative provision that not fewer than six of the combined total number of persons being offered as constituency representatives and on the party's list shall be women. Correspondingly, no fewer than six shall be men. In this way we shall ensure a minimum gender representation offered to the electorate. This is also a women's charter. In fact, the women on the commission, I will tell you this, especially Mrs. Byam, Ms. Roache and Mrs. Gilts they were very strong that you must put a minimum number, so when you come to the House or when you go to the elections, you have a minimum number of women, you cannot go to the electorate without any women and you cannot go just with one. You got to find more.

(6) The judiciary. The provisions for the independence and quality judiciary remain deeply entrenched and robustly protected. The proposed constitution makes a stipulation nevertheless, for a two-thirds majority of the National Assembly to replace the Privy Council by the Caribbean Court of Justice without the further requirement of another referendum. We are bringing home our court which is part of the historical reclamation. Moreover, the proposed constitution contemplates the probability of magistracy by whatever name it is designated. The reason why that is put there, there is a proposal by the Chief Justice to have the magistrates elevated to the position of district judges and give them a security of tenure which puts them on par with judges. So that if that change comes about, the constitution already envisages that you can call them by any other name. This will strengthen the forum before which more civil and criminal disputes are heard. Additionally, the office of the magistrate is protected as never before.

(7) The Services Commissions. A Teaching Service Commissions is being proposed in 2009 constitution in addition to the Public and Police Service Commissions. The Teachers have been asking for this since 1975. They now have an opportunity. Is the Opposition going to recommend no? They are going to say no? No to the youths, no to women, no to the unions, no to the teachers? No to a whole set of other people whom I have mentioned; no to the country as a whole. In the appointment of a chairman of each of these three commissions, the president is required to act in his own deliberate judgment having only consulted the Prime Minister. Dr. Alexis mentioned this; the Leader of the Opposition said that is nothing. Currently, whoever I tell as Prime Minister the Governor General to appoint as Chairman of the Public Service Commission he must, he has to, that is what the word advice means. In constitutional law when the Prime Minister advises the Governor General he must do what the Prime Minister says or he leaves office. That is the constitutional position. Because what we have is a constitution monarchy which is being represented here in this country and the Cabinet is effective in the executive realm. The proposed constitution is saying the president in his own deliberate judgment, his or her own deliberate judgment can chose the person whom he thinks is the best. He can consult with me but after he speaks with me, he says Prime Minister I am sorry, or Prime Minister I will reflect on this consultation and I will give you my answer. He wants somebody else, he does it and there is nothing I can do about it. Have you ever seen a situation where a chief executive so systematically is campaigning to have the extent of his powers reduced? I mean, I do not know it has happening anywhere else in the world. What some people want to happen, they want me to have no powers. It is either that I have all or none. But, I am Prime Minister; I am not an itinerant sanitation worker who does not have permanent. There has to be authority still in the hands of the Prime Minister, otherwise, who are you electing. For the Leader of the Opposition to run the country? He is the Leader of the Opposition because I have more votes than him, in a free and fair election. There is a thing called representative democracy. That is a foundation stone.

Meanwhile, Mr. Chairman, the public servants, the police officers and the teachers are accorded full protection in the terms and conditions of employment.

(8) Important change. Local Government, a constitutional provision is made for the first time, for the establishment of a system of local government with special attention mandated for the grenadines. So when they talk about oh you not fixing the louvers in the school, or cleaning the drains, effective democratic local government will handle those subject matters.

(9) Integrity Commission. An independent integrity commission is established for the first time ever, in a constitution of St. Vincent and the Grenadines. This commission will oversee, monitor investigate issues relating to the integrity of parliamentarians and the holder of certain prescribed public offices. The Leader of the Opposition had brought a motion here for integrity legislation, I told him, I agree, and we worked out a motion between us, now we are even going further by strengthening it by putting it in the constitution, he is saying no.

(10) The Ombudsman. The proposed constitution establishes the independent office of the ombudsman which shall be answerable to the National Assembly. The central function of the ombudsman shall be to investigate complaints by members of the public about maladministration in any public office, this is a vital innovation.

(11) The Parliamentary Commission. An innovative, independent ten-member parliamentary commission chaired by the Speaker, is proposed to be established in the 2009 Constitution, its several functions include exercising the prerogative of mercy, proposing nominees for the Office of the President to the National Assembly, and deliberating on matters pertaining to good governance.

(12) Minority Leader. The proposed constitution renames the office of Leader of the Opposition as the Minority Leader, in an effort to reduce the Oppositionist perception of that office. The important functions of the Minority Leader are spelt out in Clause 126 of the proposed constitution and as Dr. Alexis says this is the first anywhere, as far as he is aware in the Commonwealth.

(13) The executive. The effective executive is the Cabinet. The proposed constitution stipulates for the first time the appointment of a Deputy Prime Minister and limits the size of the Cabinet to 12 members, plus the Prime Minister, that means the Cabinet will no longer constitute a majority, in the National Assembly. Now you may say, there is a Deputy Prime Minister now, how is it done, it is because I chose to do that, by advising the Governor General under the general provisions. But do not have to have a Deputy Prime Minister named. In fact, when Sir James held this office, he had persons who would deputized and act for him as he saw fit and when he was asked in the media once, he said I love all my ministers equally, therefore I shall alternate them. What he did basically was to have everybody vie to see if they will get a chance the next time he goes away. But we do not have that in our system here and we are saying in the Constitution that you must have a specific Deputy Prime Minister.

Mr. Chairman I want to address the reduction of the powers of the Prime Minister and I am going down to (h) very briefly.

The proposed Constitution reduced markedly the powers of the Prime Minister in several ways including:-

- (a) **The Constitution requirement of a more or less fixed date for general elections. There cannot be snapped elections anymore outside of a very narrow window of opportunity.**

- (b) The limitation on the number of Cabinet Members that a Prime Minister can cause to be appointed.**
- (c) The removal of the Prime Minister's power of determining life or death or in reducing any sentence of imprisonment. He will no longer be in charge of the Prerogative Committee of Mercy that authority would hence forth be in the Parliamentary Commission.**

All that is required is that the Chairman consults with me the Speaker that is all. If the Commission which consists of some parliamentarians and independent persons outside including civil society people that somebody is to ... the death penalty is not to be carried out they will be able to do that not me. I could give my opinion from the position of National Security and then they may or may not take that ... well they will take the opinion into account; but they may or may not follow my opinion.

- (d) The strengthening of the power of the Public Accounts Committee which is chaired by the Minority Leader and would have a majority of Opposition Members.**

Very important: the Public Accounts Committee would have a majority of opposition members and we will bring a Bill to this House to further flesh out what we have inside of the Constitution in relations to the Public Accounts Committee.

- (e) The removal of the Prime Minister's power to effectively appoint the Chairman of Public Service Commissions.**
- (f) The restraints on the Prime Minister's authority by the sizeable numbers of non-cabinet members in the National Assembly; by the Parliamentary Commission; by the Human Rights Commission; Ombudsman; by the participatory role of civil society nominees in the Assembly; by effective Local Government and by the Electoral and Boundaries Commission.**
- (g) The removal of the sole effective power of the Prime Minister in the appointment and removal of the Head of State.**

I remember Sir James once said famously, he said: *"I make and unmake Governor Generals"* and on that he was absolutely right. Now, the Honourable Leader of the Opposition with great respect to him flippantly says: *"Oh you would only delay it for a week or two"*. Mr. Speaker, if the Prime Minister tries to bulldoze his way on a particular candidate using his influence in the Parliament to get a particular person to be President against the wishes of the Parliamentary Commission, civil society representatives and also the Opposition there would be all hell to pay by him. He will pay an enormous political price. We have to build also a culture in the political system where these and roles functions; they build up their own authenticity and legitimacy, and

- (h) The removal of the power of the Prime Minister to appoint Senators.**

Mr. Chairman, lastly there is a miscellaneous list of innovations; fifteen: No. (15) and we go here to;

a. There is a range of miscellaneous provisions in the Constitution which improves significantly our Constitutional governance these includes:-

a. The provision that the Governor General is prohibited from acting as the Director of Public Prosecutions at one and the same time: the Attorney General, sorry, is prohibited from acting as the Director of Public Prosecutions at one and the same time.

We have had situations ... under the current Constitution that can happen. How can the DDP be independent when the Attorney General sits at my right hand in Parliament and sits on my immediate left hand in Cabinet? How can she exercise an independent judgement if she can also be Director of Public Prosecution as is permissible under the current Constituent? And if I may say this, Mr. Speaker, on a issue which the Leader of the Opposition raised this morning on 'Obituaries' I want to add this; under the Coroner's Act it is stated that there can be certain review of certain decisions, which the Coroner takes by the Attorney General. I remember one Attorney General sought to do that to do something against what the Coroner was saying and the aggrieved persons went to the High Court before Justice Satkaran Singh; and Justice Satkaran Singh said that where you see Attorney General after Independence: you read Director of Public Prosecution in the Coroner's Act thereby strengthening the nature of the Coroner's Court and its supervision has nothing to do with any political executive; but with indeed the independent authority of the Director of Public Prosecution and the Magistracy that is what that is about.

b. Provision relating to the holding of dual and multiple citizenships.

c. A provision against marriages of convenience as the basis for acquiring citizenship of St Vincent and the Grenadines.

We are putting that in the Constitution that if you marry somebody only to get Vincentian Citizenship and it is shown to be a marriage of convenience: it goes against the Constitution.

d. The availability of a civil society appointee on the Public Service Board of Appeal.

Currently there is none. The public have an interest also in the Public Service Board of Appeal. I want the public to listen to this.

e. The widening of the access to the Constitutional Court ...

That is to say the: High Court.

... in relation to the enforcement of the general provisions of the Constitution except those relating to fundamental rights where there is a specific enforcement provision. Under the current Constitution the applicant is required to have a relevant interest which has been narrowly interpreted by the courts frequently.

Under the proposed Constitution the applicant is required only to have an arguable interest: ...

The difference in practice is profound.

... **making the access to the courts on Constitutional issues far easier than currently.**

And you want to vote against that? [Applause] As I conclude, Mr. Speaker, on the basis of all I have said I urge a yes vote in the Referendum. Meanwhile, we have work to do over the next 90 days. I expect to be here God's willing on Tuesday September 1st, 2009 for the second reading on a more perfect Constitutional Bill 2009. Mr. Speaker, as I finish, in this year of our Home coming: let us bring home our Constitution. One of our leading poets Shay Keane wrote this on April 24th, 1973.

*To understand how the whole thing runs
I have to ask my parents
And even my daughter and son
To understand the form of compromise I am
I must ask in my own voice.*

Not somebody else's voice.

*In my own voice ask how the whole thing runs
To ask why I do not dream in the same language I live in
I must rise up among syllables of my parents
In the land which I am
And form a whole daughter
A whole son out of the compromise, which I am
To understand history I have to come home.*

Let us to bring home our Constitution. Thank you. [Applause]

HONOURABLE MR. SPEAKER: Let me also thank the Honourable Prime Minister for addressing us here this morning. As persons are aware we have suspended the meeting of the House so that we can have this particular session; where addresses would be made. We will resume the House a little later even before we do so; I believe the Chairman of the CRCS has a short announcement to make.

HONOURABLE CHAIRMAN OF THE CONSTITUTION COMMITTEE: With your indulgence just a little matter of housekeeping. We would like once again to thank our dignitaries; members of the Diplomatic Corp, His Lordship for coming. Copies of the Bill would be handed to you as you leave with the compliments of CRSC. And for the students from the St Vincent and the Grenadines Community College, the CRSC has also decided that you will receive complimentary copies [applause]. I would invite the rest of the distinguished audience here as you leave there is a vehicle in the yard at which you would be able to purchase a copy for \$5.00 as I said before. And when you purchase a copy please bear in mind there might be other members of your household, friends and relatives abroad who would also enjoy receiving a copy. So, please feel free to purchase multiple copies: but for the students, once you are in uniform and can be identified, just stand aside

downstairs and you will each receive a complimentary copy; since the \$5.00 maybe way above the means of the average student. [Laughter] Thank you.

With that Mr. Speaker, we of the CRSC would like to thank the Leader of the Opposition for his very kind remarks in the early part of his delivery where he complimented us. We accept the compliment Sir with gracious thanks and we would also like to thank the Honourable Prime Minister for his very, very gracious remarks. On behalf of my colleagues and my distinguish drafting colleagues, Dr. Ghany and Dr. Alexis we would like to thank you for having received the fruits of our labour with such fulsome enthusiasm and we are happy that even at this stage you would be moved to say that our labours have not been in vain. [Applause] Thank you

HONOURABLE MR.SPEAKER: Thank you very much, Mr. Chairman, it is only left now for me to thank all those persons who have attended this very important session here this morning and particularly to those of you who have also made your contribution in your various ways. I want to thank as well the members of the former CRC; those of the CRSC: the Drafters; the Honourable Leader of the Opposition; the Honourable Prime Minister and also you Honourable Members of Parliament, for being here today and for participating in this Honourable Ceremony. We have come to the end of this particular aspect of our meeting today; we will resume the regular meeting of the House in a very few short minutes. So, we come to the end of this meeting. Thank you very much.

CRSC discussions conclude here.

HOUSE OF ASSEMBLY RESUMED

HONOURABLE MR. SPEAKER: Pray be seated. Honourable Members we resume our regular sitting of this Honourable House: Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, the suggestion which I am making is that we in relation to the Bill before the second reading, well of courses, it is expected we would have a Select Committee and I am suggesting that the Select Committee be the Select Committee of the whole House given the importance. I do not think the Honourable Leader of the Opposition would have any problem with that.

HONOURABLE MR. SPEAKER: Okay. No problem.

DR. THE HONOURABLE RALPH GONSALVES: Then we structure it in the way in which we suggest Mr. Speaker that we, which we had agreed in advance the Draft persons; the CRSC people and then we will work out the procedure as to how to get any further Memorandum or people who want to appear before us; before we come to the second reading...

HONOURABLE MR. SPEAKER: Okay, aright.

DR. THE HONOURABLE RALPH GONSALVES: ... to make any changes. So I beg to move Mr. Speaker; I put it very formally, that the Select Committee of this Honourable House be members; all members of this Honourable House, and that we have with us as we are at the Select Committee, the Draft persons; persons from the CRSC and other individuals who may wish to come and give evidence or make recommendations further to this Bill.

Question put and agreed to
Motion adopted

2. **GOVERNMENT GUARANTEE OF LOANS AMENDMENT BILL 2009**

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I beg to move that the Bill for an Act to amend the Government Guarantee of Loans Act be read a first time. This Bill seeks to amend Section (9) (1) of the Government's Guarantee of Loan Act to increase the limit and on Standing Guarantee Undertakings given under the provisions of the Act.

Question put and agreed to

HONOURABLE MR. SPEAKER: Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, I beg to move under Standing Order (48) (2) that this Bill be taken through all its stages at today's sitting and passed.

Question put and agreed to

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I beg to move that the Bill for an Act to amend the Government Guarantee of Loans Act be read a second time.

Question put and agreed to

HONOURABLE MR. SPEAKER: Debate on the Bill, Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members, it is not the first time that we had to increase this particular limit. What has happened is that over the last three years we have had some particular guarantees like for instance the VINLEC Power Project; the EIB Loan; the VINLEC Power Project; the CBD Loan which is a big one \$42.46 million; Windward Water Project just \$24.73; IADC with First Caribbean Investment Bank of \$20 million, so that it is a matter for us that we have to keep ourselves within legal order. By raising it to this limit, Mr. Speaker, we would be able to accommodate the important ones which are upcoming like for instance the US \$10 million Student's Loan from the Caribbean Development Bank and this is basically why we are proceeding. The list of what we have guaranteed up to the end of last year; up to the end of September they are in the Estimates.

HONOURABLE MR. SPEAKER: Thank you Honourable Leader of the Opposition. Could we have some sound on the Leader of the Opposition mike.

HONOURABLE EUSTACE ARNHIM: I would like to ask the Prime Minister to amplify in terms of what is the existing amount of guarantee. What is the total existing amount now and therefore, what room if any there is?

DR. THE HONOURABLE RALPH GONSALVES: Up to March 31st, 2009 it is 263.96 so we have to regularise that and we will have an elbow room which is enough for what we want.

HONOURABLE ARNHIM EUSTACE: With that clarification, Mr. Speaker, I have no problem with this piece of legislation.

HONOURABLE MR. SPEAKER: Thank you very much Honourable Prime Minister.

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members I want to thank the Honourable Leader of the Opposition for seeing the issue very clearly.

Accordingly, I beg to move that this Honourable House dissolves itself into a Committee of this whole House to consider the Bill clause by clause.

**House dissolved into committee
to consider Bill clause by clause.**

DR. THE HONOURABLE RALPH GONSALVES: Mr. Chairman, I beg to move that the Committee rise; the House resumes and the presiding member report to this Honourable House.

**Question put and agreed to
House resumed**

HONOURABLE MR. SPEAKER: Honourable Members, I have the honour to report that a Bill for an Act to amend the Government's Guarantee of Loans Act has passed the Committee's stage without amendment. Honourable Prime Minister...

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, Honourable Members. I beg to move that the Bill for an Act to amend the Government's Guarantee of Loans Act: be read a third time by Title and pass.

Question put and agreed to

**3. SEVENTH DAY ADVENTIST CHURCH OF ST VINCENT AND THE GRENADINES REGION
INCORPORATION BILL 2009.**

**Question for the third reading of the Bill
For the Incorporation of the Seventh Day Adventist Church
Put and passed**

ADJOURNMENT

DR. THE HONOURABLE RALPH GONSALVES: Mr. Speaker, I would like to suggest the 18th June, so that we can get in another meeting before Carnival; but not when we get too close to Carnival and some other meetings, which people have to be involved in: if that is a reasonable date with the Honourable Leader of the Opposition and other Honourable Members. Accordingly, I beg to move, Mr. Speaker that this Honourable House do stand adjourned until Thursday 18th, June at 10:00 a.m.

**Question put and agreed to
House adjourned until 2:10 p.m. on Thursday 18th June, 2009**