
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

HOUSE OF ASSEMBLY

Tuesday, August 8, 2000

Pursuant to the adjournment, the House of Assembly met at 11.20 p.m. on Tuesday, August 8, 2000.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed., (Speaker)

His Honour J. M. EDGHILL, J.P., (Deputy Speaker)

Hon. Sir Henry FORDE, K.A., Q.C., M.A., LL.M.
(Cantab.)

Rt. Hon. O. S. ARTHUR, M.Sc. (Econ.) (Prime Minister, Minister of Finance and Economic Affairs and Minister of the Civil Service)

Hon. D. A. C. SIMMONS, Q.C., LL.M. (Attorney General and Minister of Home Affairs) (Leader of the House)

Mr. D. J. H. THOMPSON, LL.B. (Hons.) (Leader of the Opposition)

Hon. Sir HAROLD St. JOHN, K.A., Q.C., LL.B.

Mr. L. R. TULL, Q.C., M.A. (Oxon.)

Hon. Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc.
(Econ.)

Hon. Miss B.A. MILLER, (Deputy Prime Minister, Minister of Foreign Affairs and Foreign Trade)

Mr. G. W. PAYNE, LL.B.

Hon. R. C. EASTMOND, J.P., B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C. (Minister of the Environment, Energy and Natural Resources)

Mr. D. CARTER (Chairman of Committees)

Hon. R. N. GREENIDGE, B.A., LL.B., (Minister of Labour, Sports and Public Sector Reform)

Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Housing and Lands)

Hon. R. D. MARSHALL (Minister of Public Works and Transport)

Hon. R. St. C. TOPPIN, LL.B., (Minister of Commerce, Consumer Affairs and Business Development)

Mr. D. St. E. KELLMAN

Miss H. E. THOMPSON, LL.B.

Mr. M. Z. WILLIAMS

Mr. T. A. PRESCOD, B.A.

Rev. J. J. S. ATHERLEY, B.A., B.Sc. (Parliamentary Secretary to the Attorney General and Minister of Home Affairs)

Mr. D. T. GILL, B.Sc.

Hon. N. A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport)

Hon. A. P. WOOD, J.P., B.Sc., M.Sc., M.Phil.
(Minister of Agriculture and Rural Development)

Hon. R. R. FARLEY, B.Sc. (Minister of Industry and International Business)

Prayers were taken by Rev. J. J. S. ATHERLEY.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, July 25, 2000.

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that the Minutes for the Honourable the House of Assembly for its meeting of Tuesday, July 25, 2000, which Minutes have been circulated, be taken as read.

Hon. R. C. EASTMOND: I beg to second that, Sir.

Mr. SPEAKER: If there are no corrections or observations, then let these Minutes stand confirmed.

ANNOUNCEMENTS

Mr. SPEAKER: I am to report to this Honourable House that I am in receipt of:

1. The Accounts and Statements for the month of October 1999, and
2. The Accounts and Statements for the financial year 1998-99 prepared by the Accountant General.

SUSPENSION OF STANDING ORDERS

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's Sitting.

Hon. R. C. EASTMOND: I beg to second that.

The question was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

ORDER NO. 1 – RESOLUTION TO NOTE
THE REPORT OF THE CONSTITUTION
REVIEW COMMISSION

Hon. D. A. C. SIMMONS: Mr. Speaker, you will recall that further consideration of this Resolution was postponed to a time convenient to the House. The Government desires to complete the debate on the Constitution Review Commission's Report today and as in the past I am advised that arrangements have been made for the telecast of this debate in accordance with the previous arrangement. I am obliged to you.

Rev. J. J. S. ATHERLEY: Mr. Speaker, I presume that it is an exercise in batting and the opening of the batting is a position to which I am accustomed. I have been fortunate to open the batting in no less prestigious and able company than that of Desmond Haynes himself. Opening of the batting is therefore a familiar role to myself not necessarily so opening the bowling. It is presumed that we are batting today, although my preferred place is in the middle of the order.

I would want to make a contribution to the debate on the Report of the Constitution Reform Commission and perhaps a good place to start would be at some reference to the Preamble of that Constitution. I make reference here because I think these matters are important and perhaps should not be lightly passed over. The Commission did report that there were some suggestions that a revised Constitution in its preamble should not make reference to the

matter of the supremacy of God in the lives of our people and in the development of this nation. Quite wisely, the Commission disagreed with such a suggestion and in the revised preamble has, in fact, sustained that reference to the supremacy of God in terms of the development of our democratic traditions and institutions in this country.

We cannot boast of the good of our past. We cannot boast of the valued experiences of our past. We cannot be informed and influenced by those good and valued experiences while at the same time wanting to find ourselves in a place where we exclude such a reference as one of the philosophical underpinnings of our constitutional system and our democratic way of life.

I support heartily the position taken by the Commission in maintaining this reference to the supremacy of God as one of the principles underpinning the development of life in this country. It is a historical fact and very much a rich and necessary part of our past, present and, indeed, our future experience as a country. To suggest that mention of the supremacy of God is a term which is exclusive and would therefore provide a constitutional stipulation within the context of which sections of Barbadians who practise some religious faith would be excluded, is, I think, to miss the point that worship and acknowledgement of God is a universal thing. However we conceive our God, whoever we perceive him to be, wherever we locate him, worship of God and acknowledgment of God in some form has been very much a part of the development of human life.

Mention of God in itself, rather than being an exclusive reference, is in fact a very inclusive and all-embracing reference. There are a majority of people who practise religion in Barbados who style themselves as Christians and they acknowledge Jehovah as their Lord God Almighty, but more so they are particularly known, and distinctively so, because of their allegiance to the person of Christ and the following of his teachings. It is that which makes them Christians. It is that which sets them apart from other people who practise and pursue other religious faiths and traditions. Christians are known because of their allegiance to the teachings and to the lordship of Jesus Christ. I am trying to make a distinction here and to make it clear to us that this matter of the supremacy of God, far from being an exclusive term is in fact very inclusive. What is exclusive and what is distinctive in itself is the matter of being Christian because we are talking about allegiance to Christ as opposed to some other lord.

Support for this particular mention of the Constitution Review Commission is a thing which is easily won from myself and I would want in this regard to go a little further, Mr. Speaker, and speak to the matter of support for the religious faiths in this country on the part of Government. It cannot escape our grasp that religious groups in this country have in the past played a vital role in the

development of the moral tone of this country and in the development of civil life in this country.

Now that much of our traditional values, now that much of what speaks to the good of our civic and civil life is challenged and threatened by external as well as internal factors, it stands to reason that every possible resource available to Government should be tapped in the struggle to maintain that which we treasure, that which we hold dearly, that which has been traditionally good for us.

I think the religious groups in this country have a lot to offer in terms of assistance to Government in giving effect to its programme. I would like to repeat the call I earlier made for support of such groups and I would like to clarify a position which I earlier took and which was misrepresented, and perhaps deliberately so, by some in this country. That is to say, insofar as the Christian Church is the majority religious faith in this country, I believe that commensurately governmental support should be accorded to the Christian Church in its effort to involve the Church in its programming.

11.30 a.m.

I think that if we look at the traditional experience that we have seen we come to the conclusion that when the church is referred to in Barbados generally, it tends to be the traditional church or the established church. The point I want to make is that there is a strong evangelical grouping in Barbados and just as recognition is given to the more episcopal type, traditional established church in Barbados, I believe that the evangelical groups in Barbados are just as organised, have much to offer, are worthy of focus and merit consideration when Government is seeking to give effect to its programme through involvement of religious groups in this country.

I am glad, Mr. Speaker, that the Commission also ensured that rights of individuals in Barbados are protected and that forms of discrimination do not obtain because of weaknesses in the stipulations of the Constitution.

I support the view of the Commission in resisting the opinion that in order to ensure that rights of individuals are protected, that that category of persons, identified by what I call unusual sexual preference, is not given the same prominence as other categories of persons in Barbados whose rights we want to protect.

I do not think that Barbados is ready, even in the year 2000, to divorce itself from its traditional value system, to discard the moral position that it has taken over the years and to give way to the sway that obtain in external communities and to allow categories of persons, who because of a sexual difference lay claims to rights which are equal to those stipulated and provided for and given expression to, in the

constitutional principles which we have adopted today. I disagree with any mention that protection should be given to those with strange sexual preferences. It is a lifestyle that is at odds with our value system and it is a life style which I believe provides a significant threat to long established family values in this country.

I would want to, therefore, make reference to those two points, the refusal to provide for protection of rights on the basis of sexual preference and the insistence that in the Preamble of this Constitution we maintain that reference to the supremacy of God as a principle which underpins our way of life.

Mr. Speaker, I want to move beyond that. I want to speak for a minute or so about this business of the republican system of Government for Barbados. It is certainly very disappointing that a country which has spent so much money on education over the years could have produced people who see the matter of giving consideration to Barbados adopting a republican form of Government as being neither here nor there. It is rather painful that people thought to be educated can deal with this matter in such a slight manner and view it as matter of being neither here nor there.

Mr. Speaker, it is an important matter. I believe that the move to this form of Government is, in fact, to this country, a very important step and I believe at this time that it is a step in the right direction. It is, in my view, not only important but it is critical to the further development of our democracy and our better conceptualization of what our future democracy should look like.

I believe, therefore, that wholehearted support should be given to the recommendation that provides for a move to this form of Government and a move away from the monarchial system of Government that we have lived under for such a long time. I think, whether directly or through our representative system of democracy, we have to move to a place where, as a people, we are able to identify and select our own Head of State, and have in position our own Head of State in real and substantive terms. I have stated before, and I believe this with all my heart and I feel it with some degree of passion, that both my sons should be able to grow in a country where each of them has a chance to become the Head of State of Barbados but as it stands now, in real and substantive terms that it is not the case.

Every little boy and girl born and educated in this country should feel that he or she has the privilege, opportunity and the chance of becoming Head of State in Barbados and acceding to the highest office in the land, whether that selection process is gone about in a direct manner, or by means of the representative system, to me that is neither here nor there at this stage. The important thing is

that we move to this form of Government and put in place a Head of State with whom we can more directly and better identify.

I do not believe that his or her should be an executive role. I do not support the form of republican system that obtains in the United States. I do not support the form of republican system that obtains in Guyana, which is not too far away, but I believe that our Head of State should perform a role which is non-executive, substantially so.

I believe that whatever process of selection is used as we move towards this form of Government, certainly the person occupying that high office whether male or female should be so chosen and should so function as not to identify with a partisan/political process. Any process of selection which would, in my view, threaten to bring that high office into the partisan/political fray ought to be resisted and any function ascribed to the person who holds that office should be such a function as would not cause that individual to be engaged in any partisan/political way in the process of Government on a day-to-day basis in this country.

I have a problem with one of the recommendations of the Commission with reference to the Head of State and that is the suggestion that the person should be about 40 years old at the minimum level. I believe that wisdom would guide those who are involved in the process of selection and the chances of having a Head of State who becomes Head of State at age 40 perhaps would be rather slim. So far as the constitutional provision allows for this minimum age, the possibility does exist that you can have in place a Head of State who is 40 years old.

11.40 a.m.

Now, when you consider that, in light of the fact that there is a fixed term limit being applied to that office of seven years, it means that at 47 years old, and very much in the prime of his or her life, you will have a Head of State departing from the office in the land, and my question would be departing to do what. That person would still be full of energy, and still be very full of their work potential and work capacity. Therefore, you are asking a person to depart from, perhaps, the highest and most honoured office in the land, in my view, to return to the world of competition. I do not believe that enhances the dignity of the office. I believe in that suggestion is the potential to diminish the honour associated with that office. So I have a problem with the suggestion, the Head of State could become Head of State as early as age 40 if term limits are going to be applied to that tenure of office.

I would wish to speak, Mr. Speaker, of the matter of the Senate as well. If the Senate is to be assessed as to the vibrancy of its purpose based on its history, then I believe

one comes to a point where one must consider, not one but one of two options.

The tendency on the part of those who suggest that the Senate has not served a vibrant purpose, especially in recent times, in parliamentary life in this country, the tendency on their part is to further suggest that we need to do away with the Senate. I believe another option, perhaps, is that we can improve the Senate in terms of the functions ascribed to the Upper House of Parliament. How to improve it ought to be the question and not necessarily a position. It is very exclusive and definitive in terms of dissolving it. I believe the Senate should be made to play a more important review role in our parliamentary system. I believe that it is properly structured and if effectively functioning, very much an important part of the system of check and balance which should exist in a parliamentary democracy.

History should teach us, however, that there is need to involve the creation of any political entity or political structure, which because of its composition and function, has the potential to frustrate Government to the detriment of the interest of the wider society of the country. I am saying, therefore, that we need to think in terms of how we can improve the Senate, how we can make the Senate serve a more vibrant purpose to the extent that it is meaningfully a part of the check and balance system of our parliamentary role, while at the same time avoiding the risk of creating an entity which has the potential to mischievously frustrate Government in its day-to-day execution of its programme to the detriment of the interest of the country.

The Commissioner has made recommendations to better balance representation in the Senate. I think when we examine the recommendations made by the Commission to better balance representation in the Senate, we easily come to the conclusion that those in prescribed formula will better balance political representation in the Senate. In fact it reduces the scope of representation from the wider society in terms of its capacity through numbers to influence and to effect the business of the Senate.

Whereas the effort to better balance the political representation might be lauded, we cannot afford to do so, I think, at the expense of the interest of non-political sectors of this country by reducing their participation and their capacity, therefore, to influence matters in the Upper House.

I believe a forum needs to be adopted which works to the achievement of better political representation allowing for greater input from Opposition numbers. I believe that it is very important in our context that Government do a check, Government be allowed to function and, so obviously, one cannot denude and reduce the numbers of Government representatives to the extent where Government is constrained and frustrated in its ability to function.

However, I do believe that the Head of State should be allowed, as is currently the case, to appoint in his own discretion from members of the community, those who can represent the interest of important sectors of the community. The additional element which I would suggest to enhance the process, in my humble submission, Mr. Speaker, is that I believe that there are very easily identified critical sectors or communities in our country which in their own right should nominate their own representation to the Upper House of Parliament.

I speak with reference to the private sector. The private sector is well organised, and as an organisation should be allowed to name its own representative to the Senate. The labour movement is well organised and, in my view, has played a significant role in the development of this country and is continuing to do so, and should be allowed to make its own representative to the Senate. The Church has long served this country well. It is well organised and, in my view, should be allowed to name its own representative to the Senate. These three communities, in particular, I believe, in their own right should be able to make nominees to the Senate in Barbados.

I believe, therefore, the Head of State thereafter in his own discretion, bearing in mind that these entities or representatives should be chosen from other sectors within the community to bring a balance from the non-political arena into the process. I believe, insofar as the Opposition numbers concerned, those numbers should be so composed or structured as to reflect the relative success of opposition parties in terms of how they perform before the electorate in relation to each other. So I am suggesting that the Senate should be composed from those four sources and by that process.

I believe the Senate should be given a greater opportunity to perform the vibrant role which it can. As the Commission suggested, the business of the use of focussed Parliamentary Committees of substance, I believe that this can be meaningful work and meaningful activity assigned in terms of the role of the Senate. I can clearly see Members of the Upper House and Members of the back bench of the Lower House who ought to be given, in our developing democracy, a greater role in the business of Government. I can see Members of Upper House and Members of the back bench combining to perform a vibrant role in terms of a review system within the parliamentary life of this country.

The questions of accountability, the questions of advisability and worth with respect to the legislative programme of Government – I believe that such use of the Senate can make for a vibrant role for the Senate.
11.50 a.m.

I believe that will prove to be a less costly exercise than the present system of the appointment of Commissions of Inquiry as we do from time to time which is the traditional mechanism that we have used. I am suggesting that a role can be found and would be less costly so, if Members of the back bench and Members of the Senate can be combined in special focussed Parliamentary Committees to examine matters of finances to deal with issues of accountability, legislation and the development of our democracy in this country.

Barbados is a representative democracy. We have, in real terms, Cabinet Government in this country. In theoretical terms some might suggest in real terms that we have Prime Ministerial Government in this country. The system suggests that what we have is Parliamentary Government. The workings of the system would admit that what we have is Cabinet Government and what is possible is Prime Ministerial Government. I believe that is an issue which cannot be avoided in a debate such as this but we must always bear in mind that we are a representative democracy so people are represented in terms of the composition of Parliament and the Government is very much represented in terms of the composition of Cabinet. In my view, the Prime Minister who leads the Cabinet must be the individual who embodies the visions and the aspirations of the people. He must be the person who is able to conceptualise, visualise and drive the vision and work of the Cabinet.

Therefore, in a Representative Democracy, we cannot avoid a situation where certain powers are attributed to the Prime Minister and I think that any attempt to dilute the powers of the Prime Minister is to tinker with a long established and well-working tradition of democratic Government in this country. We have to consider our small size. We have to consider that we are, by and large, a two-party democracy with support for either party traditionally, evenly, divided – well up until at least recent times – but we have a small state. We have basically a two-party system. We have a developing democracy and I am saying that in that context any attempt to dilute the power of the Prime Minister threatens the ability of Government to function effectively in the wider interest of the state.

Those who fear the powers of the Prime Minister must bear in mind that the Cabinet Members who assemble themselves around the Prime Minister and are a part of the team of Government are really the guardians of the trust of the people. It is in them that a check and balance is made on the power of the Prime Minister.

Recent history in Barbados will show us that if there is any tendency towards arrogance, if there is any tendency towards distance on the part of the Prime Minister, if there is any image of dictatorship which begins to reflect itself, or any semblance of Prime Ministerial leadership which divorces itself from party and people, there is within the

bosom of the Members of Cabinet, the capacity to check such a tendency.

Mr. SPEAKER: The Honourable Member has one minute to conclude.

Rev. J. J. S. ATHERLEY: I am trying to suggest that those who fear that because certain powers are attributed to our Prime Minister and his office and necessarily so in our context, must bear in mind that within the Cabinet of any Government, is reposed guardianship of the trust of the people to keep a check and balance on any tendency to Prime Ministerial Government which suggests that it would run a mock.

Recent history suggests in our own democracy that this is possible and that it works. But to take power from the hands of the Prime Minister to vest it in people who are not elected to their positions is to remove the important principal of accountability, to take power outside of a context where there are checks and balances and to put it within a context where there is neither check nor balance, nor accountability to the electorate and I believe that would represent a dangerous move for a country such as ours.

Our system is representative and should remain so, and the Prime Minister is the principal representative of the people. As such, he should have the power to represent the interest of both Government and people for the betterment of this land.

Thank you for your indulgence, Mr. Speaker.

Mr. SPEAKER: The Honourable Member for Christ Church East Central.

Mr. D. CARTER: Mr. Speaker, I too would like to add to this debate. First of all, I think it is appropriate that I congratulate the Honourable Member for Christ Church West and his Commissioners who travelled to North America, Britain and all over Barbados to get the feelings of all Barbadians and make these recommendations to this Honourable House.

Mr. Speaker, I feel a bit divided because when I walk through my constituency, I know that some people are leaning to one side and some others are leaning to the other side. I really refer to what type of Government we should have in this country, if it is a Government headed by the Queen or a republican Government. Now, it is a fact of life that whenever you talk about a republic, people start to think about dictatorship.

Mr. Speaker, we have come a long way, some 300 years ago, on the colonial system and we have done reasonably well in this country but the time has come when,

because of our educational system and other things, we believe that it is appropriate that we do something else. A question you would have to put to yourself is, if something is going well, why do you change it. The system in which we operate has done well but I believe in these modern times, West Indians and Barbadians must think in a progressive way.

Sir, look at the system where the Queen is the Head of State. There are examples of happenings in the West Indies where for instance, a state like Grenada had its problems and there was no help from the Monarchy. Also, quite recently we had problems in the republican system in one of our neighbouring countries and it is generally felt that we must come to grips with one or the other.

Sir, I am suggesting at this point that if we decide to go the republican way, we must be very sure about the type of republican Government we need. I know within the West Indies there are countries that have a type of republican system which we certainly do not want to follow. I know that they say it is not right calling names but quite recently there was a quarrel between the Prime Minister and the Leader of the Government in relation to issues of the Government and it was very embarrassing to see that a country would have that sort of programme going on where they were quarrelling among themselves.

Mr. Speaker, I would like to say out front that I believe we should go for a republican type of Government. There are other countries in this world where we can follow, for instance India, which had a republican Government for a long time and they seem to be doing very well. It is also known that places like the United States of America and Germany have Republican Governments and they seem to be doing quite well. If we here in the West Indies and certainly in Barbados say that we have reached a point in life where we can look after our own affairs, I believe it is right that we should go along that way.

Sir, as I have said before, I have a problem in my constituency where one set of people believe in the old system and that is the system where the Queen is the Head of State.

12.00 noon

The older people really love this sort of Government. I myself lived in Britain and I have nothing against the system or the Queen and her family but I believe that the time is right when we should really think about our future. It is now over 300 years old and this is the year 2000 and we have got to think like a people living in a different era.

Now, you would say as I said, why change a system that appears to be very good in the past and change to a system where you would have a Republican State. I am

quite sure that we have got people in this country who have reached the heights educationally who are quite capable of looking after the affairs of this country. Quite recently, one of our former jurors made a statement to the effect that the present system is in such a state or in such a shocking state that if we carry on, the person who should take over the monarchy in the very near future is a person who is not well-loved throughout the world.

Now, quite recently a country like Australia had a referendum. I think we all were surprised that a country which is so close to Britain would want to have a referendum but as we know and as we can see, about 65 percent of the people in Britain ages 30 and under are against the monarchy, so therefore, it goes by extension that people far away in the West Indies should be thinking about their own way of Government.

The people who sat on that Commission studied long and hard and came up with some fundamental recommendations where every Barbadian would have the right to have a better life. It is important as I said in this present era, in the year 2000, that every person here in this country should have a piece of the pie. There is a saying in Barbados that there is a level playing field although I believe that saying goes far beyond what it really means – a level playing field but I think that in a country like Barbados every citizen should have the right to feel comfortable.

Mr. Speaker, so I am going down the side where a Republican Government is the only form of government where we in Barbados should follow now closely. I am of the view in this era that a Republican Government would give Barbadians that opportunity which they never had before and I am sticking out strenuously that we assert such a recommendation.

A few weeks ago, I was amazed and really heartened when the Honourable Member for St. Philip North was talking about the possibility of people in this Parliament who may be a bit ambiguous in what they had to say in relation to the leadership of this country. I refer to the power at present that the Prime Minister carries.

I myself would love to become a Prime Minister but unfortunately one must stay in line and I believe that line would take a long, long time before I reach there. So it is important that we do the right things in relation to have our security and the people who are in positions secured. I would feel very uncomfortable to see our present Prime Minister looking over his shoulders every moment of the day. I know what I mean when I say that. I believe the Prime Minister should be in a position to carry out his troops, his ministers and certainly the back benchers with him and feel comfortable.

Now, we had a situation in this country where a former Prime Minister because of pressures and because of votes that went against him had to do something which he in his opinion thought was the right thing and he called an election. It is now history. I still believe that it is right that the Prime Minister should have that power whereby he can control the affairs of this country and then if it is felt by other Members of Parliament and certainly by the people – I think the best way to deal with that is to go back to the country.

Now, our present Prime Minister and certainly the Cabinet and this Government is doing quite well and ...

Asides.

Mr. D. CARTER: I am not worried. They are doing quite well and I believe that the powers that we are operating under now should continue. I believe that there should be a change but I am sticking out strongly that the present Prime Minister and certainly not only the present Prime Minister but any person who is the Prime Minister of this country should be made to work with a certain amount of ease and should not have to be looking over their shoulders.

Asides.

Mr. D. CARTER: Mr. Speaker, it is important in a country like this where democracy is going very strongly – and we all in this country believe in democracy so it is important – that we do all the right things. I believe we must be careful when the time comes where we vote for the person, the Prime Minister or the person who is holding that position, that we should be sure that we are doing the right thing for the betterment of the people of this country.

I believe that when other people such as the Attorney General and other legal people speak they would probably explain in details the higher points in relation to the legality of the whole issue because I find that in this document that there are a lot of legal issues and I was really surprised to see the amount of things I had to reread to make sure what I was reading is true.

There is a quotation by a legal expert when he made reference that many of the States in the West Indies and in the Commonwealth are now Republic States and I really could not understand what he was saying but it would appear that once you move away initially from being a direct subject of the monarchy, automatically you become a Republic. Here again the legal people would have more to say on that other than an ordinary layman like myself.

Mr. Speaker, another point I would like to touch on today is the right of Barbadian women. There is a problem in this country where as we all know a Barbadian lady who marries say a foreigner, and brings her husband here, has certain little problems in relation to nationality. But with a

Barbadian man who marries a foreign lady somehow the lady would then have nationality. I believe that we have got to take a long hard look because, as a Barbadian, we have got our daughters and sons and we want every Barbadian to have equal rights. That is the reason why it is so important that, when the legal people and certainly this Parliament look at this, they will make sure that the ladies as well as the men have equal rights when they marry.

12.10 p.m.

There are other problems like children being born abroad and that must also be legalized. There is one thing I know about Barbadians in relation to dual nationality. Those are people like myself who have lived abroad. It is important for a Barbadian, for instance, living in England to have two passports. It is a known fact in this world that when you travel all over the world it is easier to travel with say a British passport rather than travel with a Barbados passport. That is just how life is and it is important that we maintain such a situation that Barbadians who are living in England, Canada and the United States could carry on with that status where they feel more comfortable.

Sir, I know that when one returns to this country and unfortunately when one shows a British passport they ask questions. But that is the normal thing whereby if you come to this country and people do not know that you are a Barbadian, especially if you are speaking with an accent, the possibility is that you will be questioned. I know that people tend to get a little touchy about this sort of thing. All in all, I believe that in the Constitution all Barbadians should be protected and the passport issue, children born abroad and daughters and sons marrying abroad should be well protected.

Sir, I will touch again on the situation here with the Prime Minister because I feel very strongly about it. I know that he has got to speak and I do not believe that I am in a position to really represent him. But I just want the people of this country to know that, when you have something that is good, you have got to maintain it. I personally believe that we in Barbados are fortunate to have a good Government and a good Prime Minister. Therefore, we should do everything in our power to make sure that we retain that sort of governance and certainly retain that sort of power that he has in his possession right now.

Mr. Speaker, this Constitution debate obviously is the most important debate in this House of Assembly because this gives all of us an opportunity to express ourselves openly. I remember when the debate started the Leader of the House said openly that the "whip is off" and I believe that we have got to speak as we see it. We have got to speak openly. There was talk that there should not be a referendum in this matter.

In fact, Mr. Speaker, I believe that the people of Barbados gave this Government the opportunity, privilege and the amount of seats to run this country. I still believe that every Barbadian must have an opportunity to decide which is the best type of Government for us. Now during the general elections normally about 66 per cent of the people go and vote. I am fearful that with a referendum you may have under 50 per cent of the people who will go out to vote. The possibility is there that about 30 per cent of that 50 per cent may be in favour of one side or the other. It stands to reason that a minority of the people of Barbados will decide the type of government which is best suited for this country. I believe and I obviously say this speaking for the people in my constituency.

As I said, they are divided whether we should continue under the old system or go for the new system of a republic. Speaking from my heart, I believe having a referendum the Government would have to carry out the wishes of the people. We have a big majority in the House of Assembly and there is a general feeling by some people that we can steam-roll doing the things which are not favourable to the people. That is the reason why I say that we should have a referendum. I believe and I heard somewhere along the line some talk about the amount of money that would be spent on such a system.

Quite recently in this House, the Prime Minister had a problem where we had to look for \$110 million to look after the civil servants of this country to repay the 8 per cent. He being an outstanding economist was able to make everybody in Barbados happy by giving back in tranches over a period of time. I believe that, if there is a cost attached to the referendum, so let it be. I would feel very uncomfortable to sit in this Parliament because it is 26 to 2 and decide for the people of this country one way or the other. I want the people to speak. When the people speak, I feel comfortable when I go through my constituency to know that the people of this country has decided which way we should go.

I am very heartened really in reading a paper recently where the British High Commissioner said that there will be no problem in relation to Barbados relationship with England regardless if we go republic or otherwise. That is good because when we were talking about removing Lord Nelson, people were saying that people would stop coming here and it would hurt tourism. People are saying that if we remove the monarchy that people would not come. It appears to me that is all false sayings. I am very glad that the British High Commissioner spoke out and said that things will run smoothly regardless if we have a republic or not.

Living in England was really a testing time for me when people would ask questions to this extent. How is it that you are an independent nation and yet still the Queen is Head of State? Over the years I have learned after 17 years

to give answers that will suit the people to whom ask the question. I believe that it is right that we can stand on our feet sometime in the future and call a spade a spade. It is said that if you want to get on in this world you do not call a spade a spade.

Mr. Speaker, I believe that right now we must be proud and I know that in the very near future we will be thinking about even greater things. We are now talking about having our courts to replace the British Privy Council. That is a move in the right direction. It shows openly that we are capable of really holding our own at the highest level. We obviously have people in here and certainly in Barbados who are quite capable of holding those high positions. Mr. Speaker, I am glad that the day will soon come when the Head of State in this country would be a Bajan. There is no sense running around the world and saying that Barbados is a great country and we are so progressive and at the same time we cannot find one of our local people to head this country.

12.20 p.m.

It is important that if we go to a republic type of government that we have the right Constitution to look after the people and make sure that we do not follow certain countries nearby and that we follow a system where the Leader of this country would not be known as an executive leader. We want to be quite sure that the Prime Minister and this Cabinet still run the affairs of this country and all in all that the people in Barbados would be happy as we go forward in this year 2000.

Last of all, Mr. Speaker, I would like to say that it is an honour that I can participate in this debate. In relation to my constituency, I sincerely hope that those who still love the Queen and those who are opposed to the Queen when, and if we decide on a referendum, that they come out in their numbers and do the right thing. I am quite sure that if there is a referendum that the Prime Minister and his Cabinet could make the money available. I know that certain things were said about the Honourable Member for Christ Church West because he was the Chairman and it must be pointed out that he was only chairing a Committee and that may be the recommendation of the Committee and not that honourable gentleman's.

For the first time I probably would say something contrary to him. It must be said that the respect that I have for him is such that I cannot even explain it. I hope that when the time comes we in this Parliament would do the right thing for the betterment of the people of this country and, hopefully, this recommendation would probably last some 40 or 50 years.

We moved from step to step. We started 300 years ago and we came to Independence in 1966. This is the time now

that we have to do something for the betterment of our people and I am strongly in support of a republican type of government. Certainly, I am in support of the powers of the Prime Minister remaining the same and certainly I am in support that the people of this country would have a better life. Thank you.

Miss H. E. THOMPSON: Mr. Speaker, Sir, I would wish to congratulate the Honourable Member for Christ Church West and the other members of the Constitution Review Commission who clearly worked very hard to produce a document for all of Barbados to review. I think too that we should congratulate those Barbadians who took the time to go to the many hearings, both here and outside of Barbados, which the Constitution Review Commission held in order to get the widest possible contribution from citizens in relation to how they feel about the issue. Having done that, there seems to be a current that yet further discussion is needed in the form of a referendum.

I believe that this process of renewing the Constitution and even the debate at the national level is of extreme significance to us as a people at this time. It seems to me that the world is at a critical juncture in its historical development and evolution and that as a small developing state the time has come for us to review our status, our perception of self, to consider those principles and core values by which we are governed, to which we adhere and which we would want to govern us in the future. Essentially, this process is a process of reflection, a reflection on what constitutes that which we consider Barbadian, how do we define Barbados as a country, how do we see our people but more importantly where do we want to go, how would we wish to position our selves and our citizens in the future, what is it we want our Constitution and the bedrock of legal support on which our country rests to do for us as a nation, how do we wish to see our future defined from a legal perspective.

It seems to me that this process of evolution of governance through which we are now attempting to walk comes with struggle as, indeed, there had to have been struggle in 1966 at the point of independence. The redefinition of Barbados, what we stand for and where we wish to go, that, to me, is what the debate at its centre is about. What do we want to say about ourselves? What do we want the Constitution to reflect about Barbados? Ultimately, where do we want the Constitution to take Barbados and its people into the future?

The Constitution represents the mirror of the thinking of the country and its framers at that particular point in time and the process therefore cannot only seek to focus on the now but has, indeed, to focus on the future.

The question of whether we should be a republic or not is dominating the whole constitutional review process. It is not the sole issue which the Commission has addressed.

There are many issues in the Report but that is perhaps the major issue and therefore quite rightly the tenor of national debate has revolved around the issue of republicanism and its implications for Barbados if that step was to be taken.

Having heard the debate, it seems to me that much of what is in the public domain is dominated by fear and some of the discussions suggest that if there were to be a referendum that a majority may not support the change to republican status. I wonder, having heard the debate and hearing people speak and as a parliamentarian having members of my own constituency ask me questions about the implications of this change of status, if in 1966 had we gone to a referendum on the issue of independence whether at that time a majority would have voted in favour of independence.

I rather suspect not, because so closely linked with the colonial masters as we then were, having a perception that our being somehow revolved on and was contingent on the mother country, many persons, young and old, would not have favoured entirely severing the links. It is that same kind of fear which exists even now. Having demonstrated that no harm came to us through independence, equally we must take the leap of faith that no harm will come to us if we move to republican status. We must not be afraid to embrace a change which seeks to have our Head of State be a person whose navel string was buried here, who understands the social mores of this country, who knows what a yard fowl is and knows that it does not mean a chicken or in fact a fowl found in the yard as, indeed, a Head of State who is outside of Barbados, reading something coming out of Barbados about a yard fowl, may totally misunderstand the context in which the expression is used.

I say that with some degree of levity, Sir, but to make the very serious point that resting at the core of any country is a number of values which are inherent in the individual who grows up there and who understands how the people think and feel, who has driven through Baxter's Road and knows what it feels like, who has walked through Broad Street and not passed through in a posh car with the ceremonial Head of State wave that they use – the fingers and so on. We need to have a Head of State that comes out of the bosom of Barbados who understands our cultural values, who is a reflection of ourselves.
12.30 p.m.

We must not be afraid to look for and appoint the person who we think best reflect the image of Barbados. We have had too many citizens come to high office, too many citizens who have had international acclaim to believe that no Barbadian is worthy of the honour of being a Head of State of this country. We do not feel like that.

The vein of colonialism runs deep and it is time for us to sever the colonial navel string which keeps us tied to a

view that only when one is 'over in away', only when one is of a different hue, only when one is brought up in a different environment can one know what is best for people who live on these populace islands. It is not true and, therefore, this element of fear that something will go radically wrong and that we will no longer have the protection of the international world, that somehow we will be ostracised, we must divorce ourselves from that perception, which is false. In fact, we have already seen that in some respects in the international world, though we have relations with many countries, that this notion that Britain still supports and pampers us is really false. We saw in relation to the appointment of a WHO Director a couple of years ago when we could not get Britain to support Barbados at all. Very often we cannot get the support of international countries for certain things and that will not change. We must pay our own way in the world, we must accept that we have reached this stage of our development where Barbados is now so developed that we cannot even access concessionary loans, that we have to be willing to make the further step of investing in things Barbadian and in things Caribbean, a Barbadian Head of State and I would add here too, a final Caribbean Court of Appeal.

We must stop the notion that it cannot truly be good for Barbados unless it originates offshore because we know that for a country so small, that we have produced great people whether it is in the area of health, Sir George Alleyne or whether it is in the area of cricket, Sir Garfield Sobers. One could go on to identify Barbadians who have reached standards of excellence and identify persons who would be worthy of carrying the honour of Head of State and who would reflect all of what we can be proud of as a people.

It seems too that there is a fear when we speak of a republican state that we are talking about a quasi Westminster or a Westminster clone in which you will change the title from Governor-General to President but everything else would remain exactly as it was or whether, in fact, we will move to the American form of republicanism in which the President is an executive President and has real power where he is not only the titular head but has actual power to administer and govern the affairs of the country or whether, in fact, we are going to evolve on our own, some system which more reflects the Barbadian way of life and do a different form of republican Government. I am not aware that any decision has been taken in relation to that particular perspective.

As I understand it, part of the fear by the public is fear of politicians that somehow they think that this republicanism thing, I use that expression deliberately because people do not quite know what to call it or what to make of it so they feel that this republicanism thing is going to be used by the politicians to somehow preserve themselves in power and to develop a system which keeps

one Party in office. I have heard some people express the view that it is a form of moving to a one party state. We must assure the public that that is not the intention of the Government, that that is not what the change to republicanism is about and that the fear of those persons who hold that particular view, is not founded in any truth or is not based on anything that the Government intends to do.

The form of republicanism which we settle on should, in my view, emerge not only from the Commission but after intense national debate. I do not support a Referendum, myself because this matter was put into our Manifesto, it was part of our platform in the last election, there has been much public debate about it, persons had the opportunity to speak to the Constitution Review Commission and to give their views. I believe that the issue now is to determine what recommendations out of the Report of the Constitution Review Commission we accept will and which ones we will reject, then discuss with the public over what time frame, in what way these things will be implemented and give the public the opportunity to discuss and reflect on the implementation process.

I do not believe at this stage that this matter should go to Referendum. As I indicated earlier, I wonder, had we gone to Referendum in 1966 over Independence, what that Referendum would have decided.

How do we move forward? If not as a republic and what is the benefit in remaining exactly where we are now? That is an issue that I have not heard raised in the public domain in this whole discussion. All of the discussion, from what I have heard, has revolved around fear and panic over change but nobody has indicated any strong reason other than the desire not to change, for remaining exactly as we are now. Nobody has suggested solid reasons for why the change to republicanism might be undesirable and I believe that the Government needs to deal with its public relations in relation to this because something must now be informing the public about what is in the Report of the Constitution Review Commission. It is time to publish recommendations, to invite scholars from the University and persons who tend to comment on public matters to comment on various recommendations so that we can open up the national discussion, so that we hear a number of voices emerging on the recommendations in the Report of the Constitution Review Commission because the discussions, up to this point, have been too narrow. A lot of people still do not know what, in fact, have been the recommendations of the Commission and the public has a right to know. We have to seek to get the Report of the Constitution Review Commission into as many hands and as many households as possible and produce some simplified document, in bullet form, that would be easy for the public to read, consume and understand. If I may, Sir, before my time expires, I wish to

turn to a few other matters which have also been raised in the course of this debate.

12.40 p.m.

In relation to the Senate, Mr. Speaker, Sir, I do not support the retention of the Senate. When I was a law student, I never quite understood, even having read the law, what the role of the Senate was. Now, having been a parliamentarian, it is even more unclear to me than it was when I was a student. That may, in fact, be more a reflection on me than on the Senate and I am willing to concede that is indeed a possibility.

I accept that there is useful debate in the Senate. However, one can almost predict what the outcome of the vote in the Senate will be on any issue because the party whip is applied and irrespective of the flavour of the debate, persons vote a particular way.

I do not think that is a desirable thing, I do not think that it truly adds anything to Parliament and in fact I do not believe that a Chamber of unelected persons should have the right to fetter or constrain the will of the elected Parliamentarians of this country. Those persons who are elected have ultimate responsibility to the people and can be recalled by the people when the people are offended by their conduct and by their failure to conform to the wishes to the electorate.

Insofar as that is true, the people should have the ultimate say on what it is Parliamentarians do and how they do it. So that it should never be the function of the Senate to fetter or control what elected Parliamentarians do. I do not support this notion of appointees having any higher status than those persons who are elected by the people to serve them. I do not support it.

Even though there is the idea of the Independent Senator. In Barbados where people's political biases tend to be known, one can always predict how the very Independent Senators will vote. I see a Senator present in the Chamber today and I am seeing a smirk. I do not know if that is a smirk of agreement or disagreement. The truth is – you can almost always predict how the Members will vote. The Senate has no control over what Parliament does. It cannot reverse us and, therefore, if we are to have a Senate – I know that there are those persons who support it, it must have a greater role than national discussion that is added to national debate.

Perhaps the Senate can be given other function or its function can be reviewed. It is not clear in my mind how, since I would do away with the Senate altogether, I would have, Sir, a unicameral Chamber of elected Parliamentarians. I would allow the Prime Minister to have the right to appoint,

as he does now, a person as a Minister who is not elected. This person would not, of course, be appointed in the Senate because in my scheme of things there would be no Senate.

That person who is a Minister would have to sit in this Chamber and face the debate from the Opposition just like all Members on the front bench have to. I do not think that it is right when there are issues of important national policy to be developed or to be discussed, that the Minister should sit up in the Upper House, where the Minister does not come to this Chamber and speak to the policy or defend the policy, where the Minister cannot face the licks and the questions from the Opposition, where no parliamentary questions can be put by that particular Minister in this Chamber where the people's representatives are. I therefore do not support the notion of any Minister sitting in any Chamber where he or she cannot be challenged by the elected Opposition of the country. I would like to see, therefore, a unicameral Chamber. Yes, with persons who can be appointed from outside of the elected number but sitting in this Chamber and having the responsibility that we have as Parliamentarians for the affairs of the country.

There are some places in Africa where the Ministers, even in the Caribbean, I think, there are some unicameral Chambers.

Asides.

Miss H. E. THOMPSON: Tanzania has one. There are a couple other countries. There has even been an experimentation in another African state where Ministers are not elected but they are technical people. So the technical people become Ministers and they have responsibility for the various Ministries and they are not elected officials at all. There are a number of options that we can discuss and look at.

What would I do? You may ask, if I am not going to have the Senate, what would I want to see? I want to see and would support a vigorous system of committees within the Chamber functioning somewhat like the United States system where a Minister on development or announcement of a particular national policy, would come to the committees of the House, would sit with other Members of the Government and the Opposition, would face questions on the policy and has to answer those questions, and that members of the public on those occasions when the House is sitting in Committee with a Minister in relation to a particular policy, that members of the public would have the right to come into the Committee and question and challenge the Minister, and bring all kinds of information, if they wish, to look at what is going on.

There is need for this, in my view, Sir, I am submitting. If you look at the number of letters to the Press, many are

generated from the Leader of the Opposition's office and many are generated elsewhere, it would appear, from this Side.

Asides.

Miss H. E. THOMPSON: If one listens to the call-in programmes, the extent to which all of the call-in programmes are even over subscribed, that everyday people call in to call-in programmes to articulate concerns whether it is about a street light in their area not being fixed, and I do not support local Government, whether it is about some broader national issue. Should there be a landfill at Greenland or not? Should the police get their money immediately or not? When one considers the extent to which the citizen is keen to participate in national discussion and debate, where politicians are no longer revered and the public wants the right to challenge the politician, to talk to him or her directly and openly on matters of national policy, then I believe that a committee system should exist where the public can come in here, not and sit in the gallery where they suck their teeth, express frustration or to make no contribution, but where they can come in and speak to Ministers and their elected representatives directly on matters of national policy and matters relating to various Ministries.

I strongly support this process. It is what democracy is about. It is about ultimately the will of the people and giving to the people what they want. Delivering policies that effectively govern the country and policies that come out of the bosom and heart of the citizen. Insofar as that is true, then they should be given an opportunity and a forum in this Parliament to face the people whom they elect and discuss what they want.

The Parliament will sit, as it does today, to have debates, but there must be times when they have to sit in Committee with members of the public and having the opportunity to discuss, challenge, review and hear from Ministers themselves on matters about which they are concerned.

I would much prefer that than to have a separate Senate Chamber. Indeed some of the very persons who would normally be considered for appointment of Senators can help work on the committees, sit and chair committees, direct committees and determine what policy initiatives are going to be discussed. That is the way in which persons who are not elected and some of whom would never even want to face the polls, could make their contribution.

12.50 p.m.

I am not supporting them sitting in any Upper Chamber with status higher than that of the peoples' elected

representatives. In fact, how did we get this whole notion of a Senate? It was simply because we were extracting the Westminster system who had lords and an Upper House because of their social organisation in the UK where you had peers of the realm and so we sought to mirror that in the Senate by then appointing various persons. Sir, while I conceive that one can get very useful discussion from the Senate, I do not think that as it is presently structured, the Senate really makes any significant contribution to Parliamentary or national life. I say this without any disrespect to any individual Senator because it is not a personal thing. It is simply my view, in relation to the system.

I am encouraged by the fact that the Commission sought to include in their Report, not just provision on the rights of citizens because we all talk about our rights, what we are entitled to, what we have a right to and so on, but too little do we speak of our responsibilities as citizens. Each of us has a responsibility to our fellow man and to our country and it is time that we start speaking to our young people and our citizens about what their individual responsibilities are to the State and to their fellow citizens. I am therefore encouraged that such a provision has been included in the Constitution Review Commission's Report.

Sir, I am turning to another matter but I am also conscious of the fact that I do not have a lot of time left. As a child, when I went to weddings, I was always fascinated by the question by the Priest, "who giveth this woman to be married to this man?" and I really did not know that the legal and historical origin of that question came out of the time when women themselves were property and since they were property, to be owned by men and could not themselves own men ...

Asides.

Miss H. E. THOMPSON: ... we still cannot own men today. We cannot even control them. Some would say, 'regrettably.' Women themselves were owned by men and insofar as women were owned by men, when a woman was to be married, her father who was her owner in law gave her, or had to give her to her husband who then became her new owner and protector. Sir, that is where the question came from, "who giveth this woman to be married to this man?" and the father-giver steps forward to say, "I do."

We saw vestiges of historical discrimination in many aspects of life but sometimes it is attitudinal. We see it in the workplace. We talk about the glass ceiling. We see it in relation to appointments in certain things and so on but it is sad to me as a woman, to see it remaining today where it seems almost to suggest that men can make sound judgements about the women they marry and those women

are entitled to become citizens of Barbados immediately, but that a woman's judgement is so poor in relation to her choice of a husband that he cannot become a citizen of Barbados. He would have to wait for some considerable time before he could enjoy the benefit of citizenship. It really is not right and it is a terrible form of discrimination with which we must do away and I am amazed that there is not more noise about it from women's organisations in Barbados because it is telling us that as women, we are not competent to choose. Yet, we know in many situations that both women and men equally have met other partners who have totally licked up their heads and emotions and made their judgements badly. I do not think that one can say that the choice of any particular gender is worse or better than any other gender. I think that equal opportunity is really due to both the non-national husbands and the wives of Barbadian men and women.

Sir, I thought carefully about this matter of discrimination and I was going to stay away from it but I believe it is important that we say in this new Constitution – I make this suggestion now and it did come up, but I cannot immediately point to it in the Constitution Review Commission's Report and it did form part of the discussion of the Constitution Review Commission on the whole issue of discrimination – whether or not to include protection against discrimination on the basis of sexual orientation. I was not going to raise this because people say all kinds of things, they can be very cruel but I believe that in a modern society, irrespective of what our own personal preferences and choices may be and even accepting that we are Christians ...

Asides.

Miss H. E. THOMPSON: ...some Honourable Members are saying that they do not agree and they are free to disagree, but I do not believe, Sir, that we should discriminate against persons on the basis of sexual orientation.

Mr. Speaker, in relation to all of the other areas in which persons should not be discriminated against, I believe that such a provision should be put into our Constitution. Sir, I have been married and have my own particular preference but I am not going to quarrel with anybody who chooses differently from me. I am not supporting same sex marriages or anything of the sort, I am saying simply that in relation to things like access to employment that a person should not be discriminated against.

Mr. SPEAKER: Would the Honourable Member conclude, please?

Miss H. E. THOMPSON: Thank you, Sir.

Sir, it goes back to the point at which I started. What do we want our Constitution to reflect? What do we want our Constitution to say and do for us? Who are we as a people? Where do we wish to go? What future do we want for ourselves and Barbadians, yet unborn? One Prime Minister put it this way, what mirror image do we have of ourselves and what do we want people to see when they look at us? That in fact, is the challenge of putting together a new Constitution, of finding the ground on which we can all stand together as a people, of finding a place for us in the world where together we can feel as Barbadians bonded by a thread that reflects who we are as a people, the trials that we have had and the obstacles over which we have come.

In this regard, I would say finally in reflection, that our Constitution in its initial stages must have a strong statement paying tribute to the strength of the Barbadian people, to the resilience of our characters and to the fact that through all the toils we have come, we have continued to struggle and rise as a people. What is our Constitution to do for us?

SUSPENSION OF SITTING

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that this House be now suspended until 2.00 p.m. today.

Hon. R. C. EASTMOND: I beg to second that, Sir.

The question that this House do now suspend until 2.00 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.
1.00 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is reconvened.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, I am one of the few members who are alive today who was part of the delegation to the Constitutional Conference in 1966 at which Conference the Constitution as it presently exists was settled.

I am particularly happy, therefore, to listen to the various points of view which have been put forward both in this House and outside this House with respect to the operation of that document, which at the time when it was being constructed, there was a basic understanding that a Constitution is a document which has to receive a basic acceptance from the citizens of the country for which it is being created.

Today, some 30-odd years after the formulation of our Constitution, we can all be proud on both sides of the House of the fact that the Constitution has worked to a large extent to the satisfaction of the vast majority of the citizens of this

country and that there have been relatively few amendments, some eight in number, over the course of its history.

That does not mean, however, that it is not incumbent upon us periodically to review the document to ensure that it has achieved that degree of perfection that we would like to see it have. That is why the Barbados Labour Party has periodically created a broad-based Commission and this Commission is not the first – as part of the review of the constitutional process. I would like to say that this Commission, like the last one, spent a considerable amount of time and energy with the view to ensuring that the maximum consultation with the public in Barbados and the Barbadian diaspora took place.

I think they should be commended for the energy, the patience and the dedication they brought to the job. I believe that their Report to a large extent reflects the views of the vast majority of Barbadians. I wish to speak on this because neither in the creation of the Constitution nor in any of its amendments had there ever been the practice in this country that those decisions should be taken by people other than the elected representatives of the people of Barbados.

We have no history of having constitutional amendments decided by any referendum of the people of Barbados. I believe that if one were to look at the Constitution as a whole one would see that there is reflected in the Constitution a clear and absolute acceptance that Barbados is to be governed by a parliamentary system of Government in which effective executive power is vested in a democratically elected Prime Minister and Cabinet.

Much argument is taking place in this country with respect to what I regard as a very obvious misunderstanding of the role of the Queen's representative in the monarchy in our Constitution. There are a lot of arguments with respect to the form of government in the sense that there is a belief not based on any evidence or any understanding at all in my opinion on the proposals as contained in the Constitutional Report with respect to the replacement of the Head of State from a Queen's representative with a President.

I have studied this reaction of the people of Barbados very carefully. Regrettably, I have had to come to the conclusion that many of the people who see in this change a departure which will result in the loss of an overriding veto power so to speak, failed to understand in truth and in fact the powers of the Monarch of Great Britain in relation to the Constitution of Barbados are absolutely ceremonial and of no political, legal consequence.

Some people who advocate the retention of the existing Head of State position – and I speak with no disrespect at all of the present holder or any members of her family – failed to appreciate that the executive power of decision-making reside in the Prime Minister and the Cabinet of Barbados.

This is of great significance because no one can question that we in Barbados have experienced a situation in which the exercise of that executive power has been questioned, limited and decided in accordance with the objectives of the frame of the Constitution at the time in that we have a living example which some of us experienced in which the acid test of parliamentary control of that executive power was put to the test in 1994.

2.20 p.m.

If ever a country demonstrated that the checks and balances which were devised by the framers of the Constitution to deal with the question of executive abuse was put to the test, it was put to the test in this country Barbados. It was a unique experience and I think that it was an experience which would unquestionably ensure that the executive in Barbados would for a long period of time remember that. Whatever the potential totality of powers that are granted by the Constitution instruments, they are subject to the overriding limitation that the elected representatives of the people in truth and in fact hold the last opportunity to ensure that those powers are exercised in accordance with their general wishes.

I am one of those who believe, Sir, that to change our Constitution today to reflect the sentiment that in the 21st century the vast majority of people in Barbados believe and understand that the time has come for us not to change the parliamentary democratic system in which the executive power is vested in a Prime Minister and a Cabinet subject to the overriding limitation of the powers of the elected representatives of the people, but that the ceremonial Head of State functions should be performed by a person who is elected in a manner which ensures that that ceremonial Head is a person from Barbados.

Nobody is talking about a system of Republican Government in which the executive powers are to be vested in a President. This is a basic cause in my opinion of a lack of the hysteria which is created when one mentions the question of a President being appointed as Head of State.

At the time of the Constitutional Conference in the 1960's, there were a number of areas of the Constitution which was the subject of division of opinion between the Members of the other Side and of this Side. It is interesting to note that although some of those areas of differences have in subsequent years been removed, there are still a few which appear to exist. I am going to deal with them because, as I said, my basic position is that this Constitution that we have created in the main has worked to the satisfaction of the vast majority of the citizens of our country.

I want to deal with the question of the Senate. I am one of those who advocated and I have always advocated that, until Barbados devolves some of its legislative power in a

federal scheme of government, I believe that the retention of the Senate is a necessary condition that should be placed in our Constitution. I am one of those who believe however that the composition of the Senate as it stands, both at the time of its creation and at the present moment, is unsatisfactory having regard to our experience.

Under our political system, it is possible as has occurred with both political parties for a political party to reflect a substantial body of opinion which in the "First Past The Post" System, is not necessarily reflected in their membership of the Lower House. Well over 40 per cent of votes can be cast. Well over 30 per cent can be cast by the public at large. It is theoretically possible to get 49 per cent of the vote and have no seat in the Lower House.

At the time of the Constitutional Conference in London, there was a profound difference of opinion in this respect. We on our Side felt that, while there could be scope for the retention of representation for special interest in an Upper House, that special interest should not be so exaggeratedly represented to the extent that it had greater representation than the interest of a political party that received a substantial amount of votes in a general election.

I, therefore, am of the view that this existing Constitution should be amended by the reduction in the representation of the special interest in the Senate. The majority in my opinion of the two Chambers of the Legislature should reflect the will of the people as is expressed in their votes in an election. I believe also that by retaining, as we argued then, the exaggerated representation of special interest in the Upper Chamber that one unwittingly encouraged the concept of special interest being able to hold a balance in the Constitutional scheme of interest which is not necessarily reflective of the preponderance of opinion in the country.

There has been a lot that has been said about the utility of abolition of the Senate. I do not share that view not in our present circumstances. I believe with those who advocate utility of the utilization of the Committee System. I believe that there is greater scope for the utilization of the Joint Committee System. I do not believe that if one had a unicameral legislature that the need for a nominated element would be removed nor do I believe that with a unicameral system that the use of the committee system could replace effectively the utility of having a second chamber. If one had a unicameral system and relied solely on the committee system, it is my opinion that the whole concept of the service of a parliamentarian to his constituents and to Parliament would be radically changed. With an effective committee system working, the period of time devoted to Parliament as opposed to constituents, would be greatly increased.

2.30 p.m.

I do not think that Honourable Members who advocate such a system really appreciate that because of our present system, a system in which the totality of the legislative power is vested in Parliament and parliamentary representatives are expected as part of their parliamentary duties to devote a considerable period of time in servicing their constituents other than by coming to Parliament, other than by serving as committee members, what impact a larger period of time spent in Parliament whether in full committee or in sub-committee would have on the quality of the representation that is given to the constituents.

There is a belief in this country that parliamentary representation consists only of participating in the law making exercise. Those of us who have been around for some period of time well know that that is only one side of the story, that a considerable percentage of our time has to be devoted to looking after the myriad interests of our constituents. This interest ranges from ensuring that the service which we all expect to be given by the civil service to our constituents is given and the service that we all expect our statutory boards to give is given, to ensuring that abuse of power in any form or fashion is checked and exposed and a host of other activities that we have to perform.

The second area that I would like to speak on is a very controversial area and it is how in fact our Constitution has worked in relation to the service commissions. There was a tremendous amount of debate in 1966 about the civil service in its broader sense including the police, including the judiciary, including the teachers. The consensus was at that time that some mechanism should be put in place to ensure that the American system as understood in which the administration changed with a change of President would not in fact occur and that political victimisation would not occur in appointments and discipline of the civil servants. So service commissions have been created. Those service commissions were part of a pattern which was reflected in all of the post-independence constitutions in the Commonwealth.

I want to say, Sir, that I am a believer in service commissions but our experience will show that the service commissions themselves have not functioned in a manner in which they were envisaged. There can be no doubt about it that all Honourable Members from time to time have had complaints from members of the public, from their own constituents, about the dilatory and unexplainable manner in which appointments are made, in which transfers are made, in which promotions are made and disciplinary matters are made.

I am firmly of the view that there are legitimate criticisms that can be made against the functioning of all of the service commissions, including the Judicial and Legal Service Commission. Now is the time after all of these years

of our experience that something should be done. There is also a confusion in the minds of both members of the civil service and others about the distinction between establishment, the creation of posts, the number of posts and the terms and conditions of service, which are matters under our constitutional arrangements and which belong to the executive as opposed to the other areas which belong to the service commissions.

I am so dissatisfied with this part of our Constitution that I feel that this matter should be subject to much more intense examination and there must be no sacred cows. None! Each and every failure or departure from expectations of the framers of the Constitution in all of these service commissions should be dealt with. There is a special case, Sir, in my opinion, with respect to the judiciary that has to be dealt with and it is not only Barbados that has experienced this problem. It is a problem that has been experienced in other parts of the Commonwealth. We have built in special provisions with which we all agree to ensure that there is judicial independence.

What we have all ignored is a statement and an understanding which has been best expressed by a well known former Appeal Court judge and politician in a speech to the Barbados Bar Association. I recall it, Sir, and I did not think that it was profound at the time when it was said as in truth and in fact it is. A former Court of Appeal judge once in a speech to the Barbados Bar Association told us that barristers and others and the public should understand that a judge has a constitutional right to be ignorant.
2.40 p.m.

It is a profound statement. In all of my years of experience I did not think I would come to a position where I am today in which I am convinced in my mind that that statement could be extended, that a judge has a constitutional right not to be a judge. My understanding is that the first characteristic of a judge is to make a decision yet we have a system where our Constitution does not set out the cannons of judicial behaviour from which everyone, on acceptance of the post of a judge, will understand what the attributes of a judge are. It is a very serious area that we have to deal with.

I am all in favour of security but, at the same time, I am one of those who believe that the existing machinery for ensuring that those characteristics which we expect to be attributes of the office are carried out. It is a very important point. Whether we look at the Judicial and Legal Service Commission, whether we look at the Public Service Commission or whether we look at Police Service Commission what we see is the case, based upon our experience, for a review of how these institutions function and for improvements to be introduced because there is a state of dissatisfaction in existence in relation to these matters.

Mr. SPEAKER: The Honourable Member has two minutes to conclude.

Hon. Sir HAROLD St. JOHN: Sir, I have no quarrel with the chapters of the Constitution dealing with the Fundamental Rights provisions. The Fundamental Rights provisions reflect what was, at the time of constitutional making, the common provisions which all of the Constitutions of the post-war independence Constitutions contained. They worked reasonably well in Barbados and I do not believe in the theory that you must expand them to ensure that there are other rights which are granted, particularly economic rights. We all know that it is easy to put these statements in writing but in truth and in fact, to ensure that they have practical effect would mean that a state would be crippling itself with obligations in its Constitution when in truth and in fact it could not fulfill them because of its lack of economic capacity to give practical effect to them.

There are certain categories of rights which we must leave to the good sense of the political directorate in pursuance of its power which is vested in it in the Constitution for good order and governance to implement from time to time within the limitations of its economic capabilities of giving effect to them. That is the political divide, Sir. The Fundamental Rights section basically has worked and worked reasonably well. They are mitigated to a large extent by the fact that as we expand our capacity to ensure that they are brought into practical reality by people getting legal aid and things like that for constitutional matters, that is an improvement to them.

Sir, in the limited time available to me I am left with a question of the final Court of Appeal. It has always been the view of the Barbados Labour Party that there should be a final Court of Appeal in the Caribbean which would replace our existing Court of Appeal. I am one of those who have confidence in the fact that we are capable of producing judges of the calibre who could man that Court of Appeal and I have no reason to believe that we would suffer any disadvantage if we change our Constitution and provide for a final Court of Appeal within the Caribbean. It is quite interesting that while we wish to retain our final Court of Appeal as the Judicial Committee in the Privy Council, there are, I believe with the exception of the Caribbean and New Zealand, very few other countries in the Commonwealth who retain the Privy Council.

Asides.

Hon. Sir HAROLD St. JOHN: New Zealand has not made a final decision but they have made a decision that they will look at it. Those of us who had the opportunity of appearing before the Judicial Committee and who have studied it cannot but fail to recognise that the Judicial Committee of the Privy Council is in truth and in fact a

cumulation of English judges and Commonwealth judges. We have had our own Caribbean people sitting on the Privy Council. One of our Chief Justices has sat on the Privy Council and the Chief Justice of the Windward and Leeward Islands has sat on the Privy Council. Certainly judges from the New Zealand Court of Appeal have sat on the Privy Council. As I see it, Sir, provided we are in our structuring of our Caribbean Court of Appeal sufficiently objective as to recognise that it would not be a bad thing if we broaden the scope of the recruitment of our final judges, there can be no complaints of lack of objectivity on matters of that kind. Sir, in that area I am a strong supporter of that change.

Sir, in the time that I had allocated to me, I have been able to give some explanation of the positions and reasons why I support constitutional change along the lines of some of the recommendations of the Commission and I certainly look forward, having been there at the beginning, to be there when these important and significant changes take place.

I thank you, Sir.
2.50 p.m.

Mr. T. A. PRESCOD: Mr. Speaker, let me add my voice to the various perspectives and reflections of philosophies that we heard enunciated in these corridors over the last few months. Also in the public domain we have had various reflections of class, social and economic interest, all understanding the symbolic importance of this change, especially one which has been voiced as the most contentious.

The problem that I have with the debate and, I am probably an odd specie in the circumstances, is that the issue that one would feel would be less contentious in this debate is the one that is most contentious. In that, after a considerable period of time witnessing the evolutionary trends of Barbados and the constant resistance to British dominance is evident. Throughout our history, whether it is 1816, 1876, 1937 or 1966 it has always been a clear form of resistance to British dominance.

At the beginning of the twenty-first century, we have a society rustling and in some cases being acrimonious and contentious over whether the British symbol as Head of State should be the Head of Barbados in preference to a black Barbadian in a country which prides itself of independence.

It goes further. The Honourable Member from Christ Church South was just expressing the view in relation to our opinion on a Caribbean Court of Appeal. Impregnated in that is a fear by the Caribbean people of themselves that they are not reliable and trustworthy enough to run their affairs without doing something which is unwholesome. I read that into it and most people read that into the debate. These are some of the problems that we have to deal with. So I am

assuming that the purpose of any fundamental change in a Constitution must be related to our national consciousness and a development of nationhood.

I believe that this whole debate is about national reconstruction. The actual change in the Constitution is only a small part of a holistic attempt to make a society conscious of its work, its historic value and understanding where we stand as a sovereign state within the challenges of the impact of a changing world that attempts to restore a colonial environment in the form of the new drives in neocolonialism given a credible and palpable term called globalisation. It is most unfortunate and painful to anyone who feels a strong sense of Barbadian pride.

In my view the specific change that is causing the most discussion should be a simple one. It is not as major as some people are trying to make it sound. Some people might even describe the change from a Governor-General to a President as a cosmetic change. It is almost a cosmetic change. The fears exist because the educated class in this society has taken advantage of those who are not as wise as themselves and try to make them believe that when they hear about this major change, as they interpreted it to be, that the President is going to have major powers that can be abused, and that he is going to have Executive powers. The Executive powers already reside in the Prime Minister. If there was anything unwholesome about having that type of power you would have seen those things exhibited already.

The change that we are proposing is for a ceremonial President. Not a President like the President of the United States of America that all of us relish and respect, a Republican form of government that all of us respect and we have no problems with the United States Government and a Presidency. That is an Executive President with tremendous power.

We are talking about a President that is almost like a nominal change, a name change in the circumstances, and it should not be taken so seriously a debate. There are so many other things that proposed within the Constitution that merit serious analysis and serious debate, and this one is the one which ought not to be contentious. It says something about our political culture, it says something about our education, because if we were clear on what we are heading and where we are heading then we would have seen this as only a segment of complete effort in order to bring that national consciousness to the society.

The Constitution is one element of change, although it is the fundamental law of the land, it is one element of change but there are statutory provisions. There are cultural changes and educational changes, so there is no need to have any great fear because we are talking about a Constitutional debate and we want to make certain changes.

The fear came because many people in the society do not quite understand what is a Monarchy. What is the Presidential form of Government? What is a Parliamentary system? They are of the opinion that when we make these changes that the Parliamentary system is going to be changed and we are going to have a Presidential system of Government where you have an Executive President and right away they have all weird interpretations. They are seeing Germany, the Nazis, South Africa, they are seeing everything that is negative because the educated class continue to misrepresent the truth in this debate.

If they go for referendum fair, but if I have the choice as an individual I would say it is the biggest insult to my people and my race as a black man, to ask me if I want to remove a Head of State that was imposed upon us as a consequence of slavery. This is no Monarchy that came out of the natural evolution of the growth of the governance of a state. This is a country that placed its Monarchy at the Head as a consequence of slavery and colonialism. If we knew what the late Mr. Barrow was doing in 1966, without a referendum, then we would not be coming back here telling people that we need a referendum to determine whether the Queen of England should be Head of State of Barbados.
3.00 p.m.

We should have seen it as an oversight in the changes that we have made but we are not seeing it that way. We are now inviting individuals, because a proposal is made, to put a black Barbadian woman, or a black Barbadian man, or a white Barbadian woman, or a white Barbadian man as the Head of State. I would prefer a black Barbadian man or woman.

Sir, that is what it is because I believe that the person who represents us as the Head of State should be a reflection of all that we are. I also believe that the environment in which we live shapes our personality, shapes who we are and we should reflect a true Barbadian in the Head of State. Sir, as simply put here today, you must understand what is a yard foul, what is fish cakes, what is bakes and you must understand the country. And not a Head of State who does not know the streets of the country, has no close affiliation or intermixing with anyone within the country.

Sir, do you understand what this means to the psyche of a young man in Barbados? The problem that we have is that whenever you are going to make a change, you hear people asking, what are the material benefits or the financial benefits of this change? We became so vulgar in our drive for materialism that we do not understand the importance of a ceremony, the importance of a cross in a church and the importance of respecting the Bible, even if it is of a symbolic nature. We do not understand why we go to church on Sundays, we do not understand how values, attitudes and norms are instilled in a personality and that is why we have

so much problems in the system. Even the parents in their homes who ought to understand these things as a consequence of formal or informal education, do not understand them either. So everybody is asking, what is going to happen as a consequence of the changes which we are talking about? Are we going to make more money? Is the country going to become more affluent? Sir, you have questions like that being asked but if you are a person that is committed to the sovereignty of Barbados and understand what is happening at present in the international world, you would recognise that there is importance, as a consequence of our consciousness to be well-armed with some knowledge of self and self-respect, to be able to trust ourselves and to be able to look at a Barbadian and see him as equal in status as any Queen of England, President of the United States of America or whatever but that is not the case.

To me, it says that we are prepared to take a subordinate role as surrogate of the Queen of England and that I, or any Parliamentarian who wants to come to this Chamber will have to go to Government House over and over again and hold the Bible in his/her hand and swear to the Queen of England and pledge allegiance to the Queen of England and not to the people of Barbados.

My loyalty according to the oath is to the Queen of England and I want to feel that the people who supported me...

Asides.

Mr. T. A. PRESCOD: ... I said it, because the system itself has given me no choice but when I was saying it at Government House, I had a heavy heart. I asked, what inferior role am I playing here swearing my allegiance to the Queen of England? I believe that we need to examine these things.

What are my reasons for being part of the Government? Over the last few years that elapsed, I saw this Government attempting to develop a genuine Barbadian national spirit. It is not an easy task because as I said in the introduction, there are always forces representing class interest, social interest and race interest. We do not measure things because we feel it is unhealthy to even talk about them. For example, when Farley Hill was about to be named 'Mandela Park' and when the call was made for that, people in the society recognised the symbolic importance of preserving the historic title, 'Farley Hill'. Our people did not understand that but they understood why they must preserve certain things. Land was offered to people that had no registered company and bluffed the Barbadian public. When we wanted to rename 'Trafalgar Square' to 'National Heroes Square', that brought up a little debate again. The removal of Nelson which has no life or material value has stimulated great passion and resistance in the minds of Barbadians and there are elites in the society who believe that we ought not

to remove Nelson, although we have given all the historic reasons and rationale for the replacement of Nelson with a national hero of importance.

Sir, do you understand the contradiction of the psyche of the people of Barbados? It is because somewhere within our educational system, we have failed our people and there needs to be a reexamination of our educational programme. If we had a genuine programme of citizenship and the tenant of nationhood respect for our cultural worth and contribution to civilization both black and non-black, we would be able to respect all of this and there would be consistency. But in the public domain we are seeing all types of weird reasons, nothing too intellectual or scientific, like justifying the removal of the Queen/King based on adultery. They will respect the Queen of England remaining as Head of State but they cannot respect the successor because he is an adulterer ...

Asides.

Mr. T. A. PRESCOD: ... This is why I talked about the educated class. It is an example of the distortion of the educated class in the society and when you hold people in high esteem and they begin to talk foolishness in the public domain, then what do you expect from the average malleable mind in the system, if these people are the ones who are supposed to impart something of value to us? These are where the difficulties exist.

Sir, when we made the decision to have a day of significance on July 26, it was clear to me what was the Government's intention or I would like to believe I understood where the Government was going. When the Government made the decision to respect Emancipation Day, it took us centuries to recognise the importance of such a day...

Asides.

Mr. T. A. PRESCOD: These are strange persons. I am talking about the inverted nature of our educational system and our culture.

Sir, every black man who has been brought to the western world as a consequence of force, would clearly recognise the importance of his liberation. But not that, we respected 'Guy Fox Day' and saw it as a major celebration for a long time and it took years before that was changed. 'Valentine's Day' is another one where a strange person has become an important person of historic significance. I would be of the opinion that after a country has reached the level of maturity to start to respect persons who made a major contribution to it, then there will be no fears in those people to see a change and the Head of State becoming a Barbadian and that was my concern all along.

Sir, I have no problem with the call for a referendum but it is not the only instrument of determining the future of Barbados and the thinking of the people. We waste a lot of time with changes that should be axiomatic. For example, we had the Cox Commission with a lot of paper and talk but no major implementation of changes. We had a lot of talk in 1974 after the debate surrounding the removal of the appointment of judges. Prime Ministers came, Prime Ministers went, Prime Ministers deceased and none of the people who criticised the fundamental changes of 1974 changed it when power was vested in their hands, including the Prime Minister, Tom Adams. None of them changed it. They criticised it but never changed it.

3.10 p.m.

We are coming back here making sport again with a long debate asking for extensions of the debate over and over again after running through the entire nation for a long time with the Constitution Review Commission. People have the freedom, including myself, of going up to Princess Margaret and to various institutions across the nation to express their views but nobody was talking about any referendum even during those discussions you know but now that the matter comes here, all of a sudden the referendum talk comes up. It is a good generalization. Referendum, yes.

It is important that you have peoples participation in debates of this kind but in a matter like this, nobody should have to vote to determine if a physical species called a human being with testicles is a male or female. These are things that we ought to know. If you see testicles and a penis, you know it is a man. You do not have a referendum for that.

You are having a referendum for the most simple things and the proposal is being made over and over for a referendum. People believe that inside this talk about a referendum, it means that the people would participate in the whole debate and, therefore, it would be a genuine reflection of the majority position that the referendum is right and anyone who opposed a referendum is wrong. That is absolute nonsense.

I believe that major changes need to be made. I believe that at this point in our history it is very important to our young people to be given hope and to recognise that we are capable of governing this State in all different stations of importance including the role of the Head of State. I believe that. We have a society that is almost hopeless simply because we do not believe that we are worthy enough to hold certain major positions in the governance of Barbados along with other major roles.

The constitutional change in relation to the Head of State is only one aspect of that holistic change but we have another problem in this society. Here in the back bench, we

have a system where back benchers simply because they do not have any ministerial responsibility and in some cases because they do not have access to the decision-making process like the Ministers of Cabinet, that Cabinet form of ministerial Government has actually excluded us from participating and making major decisions in the governance of the State.

Sometimes when we come here satisfied or dissatisfied, we have to concur with the decisions of the Cabinet. In some cases, when services are not given to us in this system, we have no recourse because – the convention, another element of the law, constitutional conventional practices – if we breach the conventions, then we are looked upon as not behaving in the most wholesome manner in relation to party interest. So we have to sit in the back bench and tour the line.

I believe that we need a system that – this is not a negative criticism, I am trying to be objective on these matters – make our role as the people representatives in the individual constituencies and collectively to be able to participate in major decisions that affects the Government and also be able to summon Ministers who are not functioning in the best interest of the country to special committees.

This debate includes proposals for a unicameral system and some people hold to the bicameral system. If the Senate is to remain – and we all understand why a Senate exists in our system, not the original basis for the Senate following the Westminster model of the House of Lords and the House of Commons – we must understand why it exists. There is a wide perception by the public that the Senate of Barbados is the House of “Clientelism” where people who commit themselves to a political party and have been involved in battle in support of its defeat or victory are rewarded there. Then some of those people who are not elected become Ministers and then men who are elected have to go cap in hand on their knees asking those non-elected persons for assistance and they make major policy decisions that move the country either forward or backward.

Now, if we are going to enter into a debate that is serious and we are not going to repeat the Cox Commission and all the other Commissions and all the non-productive debates, we have to make major changes that would allow the back benchers and the Senators if they are to remain, to play a meaningful role. I should have the authority to question a decision made by a Minister. Therefore, joint committees should be formed between those in the Upper House and the Lower House to summon heads of government departments, Ministers – and whatever legal right exists in the Leader of the Opposition. We should be able to question those things. I believe that if we are talking about a genuine politics of inclusion then that is what we have to do.

Now, the Senate itself is not broad-based and if we are talking about inclusion, then in addition to those who are appointed to the Senate – although I would prefer that the Senators be represented by a percentage of the votes given to a particular political party which is proportional representation, I would support that kind of system. I would love to see that system in place so that based on the percentage of votes, then the Opposition would be able to enjoy additional Members in the Senate.

In addition to that, – non-governmental organisations, if we are going to be talking at the international level because when we go to international forums we talk a lot about non-governmental organisations being included in the governance of the State and in the politics of inclusion, then there should be a number of persons who are not part of the partisan political process, who represent specific interest in the system like the youth. We should have a genuine youth representative. Not a man who is 50 or 60 years old representing the youth who cannot empathize with them and who has a very conservative view and has reached the age when he is now mellowed and who is not going to express his views as passionately as the youth would be.

We need to see a genuine reflection not only of the intelligence of the youths but the passions and the concerns of the youths because young people drive a nation forward and force you to make changes. Even if there is resistance in the negative in the form of crime, it makes you stop and reflect and put the necessary mechanisms in place in order to bring about the change. I would like to see that change being made as well and that that joint committee be able to discuss programmes, question programmes, check how the peoples monies is spent and when necessary question the functions of senior officers in Government.

3.20 p.m.

I believe that, Sir. I want to make a number of additional points. I know I cannot come again in this debate but hopefully at a later date I will be given the opportunity to speak on these matters. I feel that our Constitution ought to reflect not only just a written document but our Constitution should be a comprehensive written declaration of the rules and structures that govern our nation. All personalities who function are important entities under that Constitution should be part of the natural growth of the Barbadian spirit.

Sir, I thank you.

Mr. SPEAKER: The Honourable Member for St. Thomas.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, I was inspired by the three speakers who have proceeded me today. They are the Members of Christ Church South and St. James

South and the last Member. I think there was a lot of good sense in what they contributed.

Mr. Speaker, I want to reiterate your rule for this debate that the whip is off and Members have been entitled to speak not according to a party position, but rather as their individual consciences or views dictate. I am grateful that Honourable Members who have spoken have been frank, open and honest in their contributions so that the public has an opportunity to glean from a variety of sources of what are some of the thoughts and thought processes of Members on both sides.

Mr. Speaker, this debate began with a Resolution, the penultimate paragraph of which says:

“WHEREAS it is the commitment of the Government that opportunity be afforded to citizens of Barbados through debate in Parliament of the recommendations of the Commission to give serious and detailed considerations to the Commission’s recommendations before any changes are made in the Constitution,

BE IT RESOLVED that Parliament take note ...”

We are, therefore, called upon to speak to the recommendations of the Constitution Review Commission. Let me begin by saying that I compliment and applaud the Members of the Constitution Review Commission for an excellent report. One does not have to agree with each and every recommendation, but one surely can look objectively at the quality and content and indeed the extent of those recommendations to see whether the end product, the report, has in fact been a document of which all Barbadians can be proud.

My first submission, therefore, would be that the Constitution Review Commission’s Report will be a document of fundamental and historic value. It may even be a historic necessity given where we are in the world of the year 2000.

The Honourable Member for Christ Church South mentioned that he had been there in London when the existing Constitution was fashioned. The Honourable Member for Christ Church West who had the honour and distinction to be Chairman of the Commission was also there and he mentioned that I had been in London at the time in 1966. My role was a different one. I was a correspondent for the *Daily News* and *Rediffusion* just having finished university and I had to report daily to the people of Barbados on the deliberations, discussions and decisions that were offered at the time on lobby terms.

I am grateful, therefore, to have been close to but not involved in the development of the Barbados Constitution in

1966. Let us face it. The Barbados Constitution of 1966 was framed after so many Constitutions of the new Commonwealth that were emerging in the 1960's that one should not have been surprised by its content. It was the Constitution which followed for example Mauritius with which the late Prof. Stanley de Smith had a direct input. But we have reached the stage now where the Government gave early warning in 1994 that it wished to look at amending the Constitution. In January last year on the very last page of the Manifesto of 1999, the Government said:

“After the widest consultation with the Barbadian people, the Constitution Review Commission has reported and early in 1999 the BLP Government will begin its consideration of the Commission’s proposals.”

The only thing that appears on that page in distinctive heavy black type which was distributed to thousands of people in this country were these words:

“One of the key recommendations of the Constitution Review Commission is that which implicitly calls for Barbados to become a Republic.”

That is the only part of this page that is highlighted.

Sir, I will come to the question of republic and so on later on. But for a number of years the Constitution Review Commission entered upon a process of consultation with the widest possible public, locally and overseas, in Canada, Great Britain and the United States of America. They sampled the views of as many as would have come to their several meetings. The effect of such wide consultation was that the Commission more so than any of us in here or indeed any other commentators was in the best possible position to determine the desires of Barbadian people locally and overseas. That wide consultation of which I spoke had a very important secondary effect. Because for the first time Barbadian people, not acting through their representatives in Parliament as happened in 1966 but rather of their own volition, had the opportunity to inform the ultimate document that came out in the Constitution Review Commission’s Report and indeed that may come sometime in the future as an amended Constitution.

3.30 p.m.

Truly, as a result of that wide consultation one can say that we are on the threshold of promulgating a constitution that really springs from the people and, in the language of constitutional lawyers, is autochthonous. I regret, however, that notwithstanding that wide consultation and the publication of the Report, Government had to find \$64 000 earlier this year to have both newspapers carry the Report as pull-outs. We did it because the Commission’s Report itself called for the widest possible discussion on its

recommendations and there has been none, or none of any merit, prior to the publication of the Report in the newspaper on this subject.

Since there has been that publication, there have been comments that I have seen in the Press particularly and I think I saw one or two on television which suggest that the public’s concerns are limited to two, whether we should be a republic or whether there should be a referendum.

For reasons which others have said and which I shall not repeat but which I endorse – I wish it clearly understood that I am entirely in support of Barbados becoming a republic. It has nothing to do with what I knew was in the manifesto but if I may put it a little differently just to encapsulate my thoughts. We demean ourselves as a people if we continue to genuflect to Buckingham Palace. I, therefore, am fully with the Commission in respect of the repatriation of the Constitution to Barbados from London and in respect of their recommendations that Barbados become a republic.

Another time I will have an occasion to deal with this matter at great length but the Resolution calls for me to deal with the recommendations of the Report and I wish to deal with them. However, the lack of public response to the publication of the Report suggests to me a large reservoir of apathy or unfamiliarity with a Constitution. What is a Constitution? A Constitution is, first of all, the fundamental law of a country. It is the supreme law also so it is a higher form of law to which other laws must be subservient. It is the source of all legitimate authority.

What are the contents of a Constitution? Sir, a quick glance at the existing Constitution will show that it deals with matters such as citizenship, fundamental rights and freedoms of the individual, the Office of the Governor-General, the composition of Parliament, Executive Powers, the Judiciary, the Public Service, Finance, Pensions and so on. It sets out or it deals with the place, the exercise and the distribution of political authority and power among various organs of the State. In that regard, most people should be familiar with the Constitution. I do not believe however that to be the case in Barbados and in many other countries.

The approach of the Constitution Review Commission was to review those provisions such as I have mentioned to determine whether our experience since 1966 now dictates a need for change of the existing situation.

I turn to some of the recommendations of the Commission. I wish to say that there are many sound recommendations. For example, I support that part of the Report which calls for a declaration of responsibility. Even though they may be unenforceable, there are important

statements of principle embodying the spirit of the Constitution.

Secondly, I support the recommendation for equality of rights in respect to citizenship and I hope that even if we have to wait for some time on the eventual development of the full Constitution that perhaps we can give consideration as a Government to dealing with those aspects of the recommendations relating to citizenship. They have worked hardship. All of the Parties in Barbados agree, and there is no divide on this, that it is unfair for a Barbadian woman who marries a non-Barbadian male to have that person denied rights which if the situation had been in reverse he would have been entitled to citizenship.

As Minister responsible for Immigration, I also wish to say that more and more we are coming across instances of sham marriages where Barbadians are contracting marriages to non-Barbadians for a fee to give that non-Barbadian an assumed right to live in Barbados. I wish it clearly understood there is no automatic right to citizenship. The policy guideline that I have introduced and that is being followed is that we monitor a lot of these applications for citizenship by marriage over a period of time to determine the *bona fides* of the marriage. It is not automatic but the Immigration Department made submissions to the Constitution Review Commission which are supported by the Ministry that there should be a right, once it is established that a marriage has been fraudulently contracted, to renounce that citizenship or have it withdrawn. The Constitution Review Commission have reported that they took to heart the recommendations of the Immigration Department about sham marriages and you can expect a Bill to amend the Constitution specific legislation to deal with what is a problem. I am not underestimating nor am I overdramatising. I have dealt with these matters for the last six years and I have seen them and they are getting worse.

Sir, I said I support the repatriation of the Constitution. I also support the recommendation for republican status. I support the recommendation for the President to be a citizen and I also support the recommendation for the expansion of the Senate. I may disagree with others who call for the abolition of the Senate. I have served in both places but, at this time in our history, if we are to get through the recommendations of the Commission in legislation before the next election I cannot see how it will be possible to achieve a radical transformation of the Senate. I cannot see how it will be possible to achieve a radical transformation of the Senate. A radical transformation of the Senate, let us assume that you are going to have it as a second elected Chamber, cannot come in the middle of a term. It is a matter of such fundamental importance that it would be better dealt with in time for the next elections. We can prepare the legislation and so on but for the time being I can see the good sense in having an expanded Senate

in the sense that greater provision is made for Opposition membership and so on.

3.40 p.m.

I really have not seen any evidence over the twenty-four years that I have served in Parliament of the Senate operating to the disadvantage of the Government in the sense of obstructing legislation. The historical experience has not been that the Senate has behaved in such a way that you need to limit its powers.

I am with those who call for a wider expansion of the democratic process to involve more of the people in decision-making even if it is at local community level and I give support to those ideas and suggestions which point us in the direction of a form of local government. I do not say local government as it existed before, but a system which gives a wider group of people an opportunity to contribute to the political and decision-making process. Having said that, I still return to my point that a Constitution is about the distribution of power across institutions and organs of the State and there will be the argument that only those elected officials really have power. These are nice questions which one cannot do justice to them in half of an hour, Sir.

Obviously, Sir, I wish to support the Honourable Member for Christ Church South. I support the recommendation for a separate Teachers Commission but I would prefer a protected Services Commission such as the Commission has recommended and I think the time has come in our history when we still must pay for the proper functioning of the Commission. Our Commissions have functioned on a part-time basis. Government is too complex in this year and beyond to have these important institutions function on an *ad hoc* part-time basis. I would like to see in the Services Commission of the future – I hope this will come in the new Public Service legislation which is being worked on now – provision made for a full time Chairman of these Commissions so that there can be continuity in the turnover before the Commission.

The final area of support I have for the Commission is in regard to the retention of the death penalty. The opportunity will be afforded to me within the next few months to speak about that, I have spoken about it several times but I am glad that they have recommended the retention of the death penalty in Barbados.

Sir, where I part company with the Commission, however, is in respect of four areas. I will start at the beginning with the Preamble. If one studies the Preamble carefully, one will find that it speaks to a number of events in our history – 1639, 1652 and special recognition of national heroes in 1966 and so on. I would have preferred to see a Preamble which does not so much dwell upon events

and dates but rather one which speaks to broad precepts and principles. I am not happy with the Preamble as drafted, for those basic reasons.

Secondly, even though it may have been the position of the Barbados Labour Party in 1974, that it did not then support the method of appointment of judges that came about as a result of the amendment of the Constitution of 1974, I believe that I can say, Sir, from my 24 years in Parliament and my 30 years as a legal practitioner that the fears which were expressed in 1974 have been proven largely to be groundless and that there has been no real problem, difficulty or adversity that has attended the appointment of judges in the manner in which they are now appointed since 1974.

Therefore, I do not support the Commission in calling for a change in the method of the appointment of judges. I believe that Mr. Maurice A. King delivered the assenting opinion which I fully endorse for a lot of the reasons. The fundamental reason is that we continue in this country to give the public the impression that politicians cannot be guided by high principle and that they cannot be trusted to make appointments to high offices unless there is some abstruse or oblique reason for it. I am not one who will ever, for the balance of my political career, see the denigration of politicians who have only striven, most of us on both Sides, that I can speak to, for the 24 years that I have been in here, have only had the highest ideals in our heads when we offer ourselves to serve the public of Barbados. The implied criticism and denigration of politicians is something that I will not support. I am not going to lend my voice in favour of those who make statements which challenge the integrity of politicians although this country has had a record in its democratic life of politicians on both Sides who have been of the most integritous calibre. Let us get that clearly understood.

I have watch this for 24 years and I really do not share the view that the method of appointment of our judges has worked to the disadvantage of the country. I will not accept that because a Labour Party Government in 1974 took a position, that a Labour Party Government in 2000 is bound by that. I will not support that at all.

3.50 p.m.

The Honourable Member for Christ Church South made the observation that the judges are not delivering judgements in a timely fashion. I wish to assure him that matter is receiving the attention of the judiciary itself, but more particularly, from my position as Chairman of the Proprietary Committee set up by the Heads of Government to establish a Caribbean Court of Justice, we have drafted a code of judicial conduct which we hope all of the territories will accept and engrave as part of their law, indeed the

provision is, that the code of conduct will go into the oath, you will swear your judicial oath and make reference to the code of conduct. In the code of conduct there is a requirement for judges to deliver timely decisions. That is in the code of conduct that has been drafted for the Caribbean Court of Justice. I will be asking this Government, in due course, when we accept the Caribbean Court and do the necessary legal amendment, to have that code of conduct which calls for judges to deliver judgements in a timely fashion as part of ours.

Sir, I disagree with the Commission in respect of their recommendation to elevate the Ombudsman to constitutional rank. I think it is unnecessary. The Ombudsman has his own Act. He is not really subject to the dictates of anybody. He has autonomy and independence of Act. Why put him in a Constitution? In any event ...

Asides.

Hon. D. A. C. SIMMONS: I do not mind because other people have done it. I am not a follow pattern-type of a person. I have concern about the position of the Ombudsman.

Since the middle 1980's, in public law, the law of judicial review had developed at such a pace, that judicial review is now offering to the average citizen an opportunity to challenge Acts, recommendations, decisions and so on of Ministers and other official authorities of Government, that I wonder to what extent one can continue justifying the existence of the Ombudsman. I am lukewarm about it but I am not lukewarm about putting it in the Constitution. I am lukewarm because of the rights of judicial review. I say leave it where it is. I think that if you are going to leave it where it is, I think his powers can be strengthened and I think that there could be some amendments to the legislation. I certainly do not agree with the Commission that he should be put in a Constitution.

Fourthly, Sir, I disagree with the Commission in their recommendations about the relationship between the Attorney General and the Director of the Public Prosecutions. I support the minority position on Mr. Maurice King.

Now under existing law, section 79 of the Constitution – the Director of Public Prosecutions is subject to the authority and direction of no one. I cannot give the Director of Public Prosecutions any instructions. I want that to be clearly understood by the public out there.

There are only nine exceptional cases where an Attorney General can give instructions to a Director of Public Prosecutions.

1. piracy,
2. trading or otherwise dealing in slaves,
3. foreign enlistment,
4. publications calculated to interfere with the peaceful relations of Barbados with foreign states,
5. high treason, treason, misprision of treason or treachery,
6. sedition or seditious meetings,
7. official secrets,
8. mutiny or incitement to mutiny,
9. unlawful oaths.

There are at least two other areas of law where the Attorney General is asked to act as the immediate conduit to the Director of Public Prosecutions.

Under the Extradition Act, which is not dealt with in the Constitution, and under the Mutual Legal Assistance in Criminal Matters Act, the Attorney General is constituted as what is called the Central Authority. When the Americans, British or whosoever want us to work with them in the provision of evidence to help them prove a case or whatever, they have to write to the Attorney General. I then give certain instructions to the Director of Public Prosecutions. In fact, there are nine plus the two, where the Attorney General is constituted as the Central Authority, areas where it can be some direction for the Director. Otherwise, the Attorney General has no role.

Just as the Attorney General has no role with the Commissioner of Police in respect of operational matters. I cannot tell the Commissioner of Police to go and arrest so and so or raid so and so. I cannot do it because the common law constraints – in a Metropolitan case *Queen v R. V. Metropolitan Police Commissioner ex parte Blackburn* in 1968. I quote what Lord Denny said, Sir.

“The Commissioner of Police was the Justice of the Peace specially appointed to administer the Police Force in Metropolis. His constitutional status has never been defined either by statute or by the courts”, slightly different in our law because under the Police Act the Commissioner is answerable to the Governor General,

he said, “however his position was considered by the Royal Commission on the Police in their Report in 1962”, Command Paper 1728, “I have no hesitation in holding that like every constable in the land he should be and is independent of the Executive. He is not subject to the orders of the Secretary of State, save that under the Police Act the Secretary of State can call on him to give a report or to retire in the interest of efficiency. He must decide whether suspected persons are to be prosecuted and if need be bring the prosecution or see that it is brought.” But in all these things he is not the servant of anyone save of the law itself. “No Minister of the Crown” said Lord Denny, “can tell him”, the Commissioner of Police, “that he must or must not keep observation on this place or that. Or that he must or must not prosecute this man or that man. Nor can any police authority tell him so. The responsibility for law enforcement lies on him.”

That is the position that we have in Barbados and the wider Commonwealth.

I see people writing every Friday saying that I should go and arrest people, charge people, I should put them before the courts, I should lock them up, I should flog them and all kinds of things they write. I cannot do it. I am not going to be a law maker and a law breaker at the same time.

Sir, I think too that the Constitutional Review Commission missed an opportunity to deal with the Treaty Making Power of Government in the Constitution. It is something that we can look at. The Treaty Making Power is part of the prerogative. It is the survival of the prerogative. I think that we could have taken the opportunity in the Constitution Review Commission Report to set out a procedure. The Treaty Making Power now is really vested in Cabinet. We should write that into the Constitution and have a requirement that all treaties are laid in Parliament before they take effect and we could create our procedure. At the moment I think that it is a little untidy. That is a personal view, Sir, but I feel that there should have been something about the Treaty Making Power of Government.

Sir, I mentioned my support for the retention of a second Chamber. I understand the concerns of the Honourable Members who oppose a second Chamber. There are historical reasons. When we made the transition, Sir, from Colony status to Independence, the balance between elected and nominated officials was a case in those days in the 1950's. I think we should remember that it was really the triumph of popularly elected representatives of the people that enabled our own people to become independent as we are today, and have been since 1966.

4.00 p.m.

I understand that historically the justification for a nominated chamber was to provide an opportunity for the articulation of views by social elements such as powerful business interest, religious interest and so on, which were unlikely to be represented in an elected chamber. Historically, the nominated system was one of the mechanisms used by imperialists to thwart popular nationalism. Having said that, we have fashioned a Senate which bore in mind those historical developments and need for representation of a variety of interests. Sir, I think that we can still extend the role of the Senate beyond what it is today and to make it something that is closer to perhaps the desires of the popular people. So I would express my support for a reconstituted and redesigned second Chambers.

Mr. Speaker, I am going to close with support for the Commission in respect of the new format that they have designed for the human right provisions in the Constitution, expressing them in a positive rather than a negative way. The existing Constitution would say that no person shall be subjected to cruel or inhuman punishment or treatment, Sir.

I am going to predict that over the next ten years in Barbados' legal history, human rights are going to take on a new momentum and impetus. Human rights of the individual who is not in prison and human rights, indeed of those in prison. When people speak and I have used the phrase about 'lick and lock up', is done with. It was only to dramatize that since the Constitution of 1966, all persons now have a set of rights provided under the Constitution. Prior to the enactment of Constitutional provision in 1966, you could do anything with prisoners. You could make them break rocks all day but that kind of punishment has gone out over the years and the international communities have developed a set of normative values which say that even if you are a prisoner, you are entitled to certain minimum standards and treatment.

Asides.

Hon. D. A. C. SIMMONS: ...You will hear those who call in on the programme and talk about Glendairy being a hotel. This is foolishness. Go and see. First read what are the minimum standards for the treatment of prisoners.

Sir, sometimes you find yourself in a position where you can reply to newspaper articles every day because something has been written that is foolishness or wrong or misleading. So that in respect of the meals served at the prison on the 6th June this year, the *Nation* carried a front page giving the impression that the prisoners were getting better treatment and food than if they were in a hotel.

Asides.

Hon. D. A. C. SIMMONS: The Prime Minister is telling me that people feel so but that is not the case. I have

to be always replying saying that it is not true and it is a lie. Sometimes you let them write their nonsense, leave it and then make a time to deal with it. I had to ask Officer Burrowes to get me the diet sheet for the 6th June to see what the prisoners were getting. This is in respect of the prisoners in the security area. The diet for the 6th June.

Breakfast – cheese or eggs ...

Asides.

Hon. D. A. C. SIMMONS: ... you have to have a choice for the reason I am going to give. There are doctors assigned to the prison who have set out certain diet arrangements for those prisoners who have peptic ulcers or stomach disorders. There are seven who have peptic ulcers and have to have special diets, Sir.

If you did not have cheese or eggs – bread or biscuits. Those with peptic ulcers had eggs, juice or milk or tea.

Asides.

Hon. D. A. C. SIMMONS: ... you all are laughing but they have the cows and pigs up there to feed themselves. Sir, I have a duty to let the public know what is the truth.

Asides.

Hon. D. A. C. SIMMONS: At lunch they had rice and peas, lamb stew and in the afternoon for dinner they had macaroni, mixed vegetables and tuna. Sir, you have to feed them ...

Asides.

Hon. D. A. C. SIMMONS: You all better be careful because the Government may get sued if you do not feed them those minimum diets. As you see what is happening in England now. There have cases in England now where the Government is being sued for £3 million in a number of cases by prisoners, then you understand what I am talking about.

Asides.

Hon. D. A. C. SIMMONS: ... yes successfully. Do you see that Harding got \$25 000 out of the St. Lucian Government? I am being very serious, one has to be serious. You have to balance the rights and there are certain minimum rights that you have to balance against your duty to do what is to be done to ensure that the punishment is carried out.

All I want Barbadians to understand is that in the year 2000, as long as we have a Constitution, all persons

including prisoners have their individual rights guaranteed and it is within that context, Sir, that one has to deal with many of the concerns.

4.10 p.m.

I know the public want harsh treatment but harsh treatment may be unconstitutional and you have to find that delicate balance that the international standards require of us as a people.

Sir, the final point I wish to make is in relation to something mentioned by the Honourable Member for Christ Church South and it is this. He supported the establishment of the Caribbean Court of Justice and he looks forward to the day when by our Constitution we would take the necessary steps to delink from the British Judicial Committee of the Privy Council.

However, I wish to assure him and indeed other Barbadians that the agreement establishing the Caribbean Court of Justice specifically makes provision for any Attorney-at-Law or Judge in the whole of the Commonwealth to apply for a position on the bench of the Court. We have cast the net wide and to that extent I hope that in addition to Caribbean judges, we will be able to attract one or two judges from outside of the region to bring the breadth of experience, expertise and so on to bear on the deliberations of the Court. He need not worry that the intention is to have a Court that is Caribbean but it will also be a Court that reflects certain of the values of the Commonwealth.

I am obliged to you, Sir.

Rt. Hon. O. S. ARTHUR: Mr. Speaker, you and other Members of the House and members of the general society would be conscious of the fact that I have been very silent all the while the consultations for the amendment to the Constitution of Barbados have been taking place.

I am a person who is not generally lost for words and I have been silent because I have been listening very carefully and for reasons that have become more apparent when I set out the context in which this debate is taking place. I would rather even now continue to listen rather than appear to take firm, adamant and irreversible positions on this issue.

You may ask me, Sir, what is that context. Mr. Speaker, the Constitution of any country is the supreme law. It is a legal document which sets out the rules and structures by which the people of a nation agree to govern themselves. Changes to the Constitution of a country, changes to the supreme law of the land, and changes to the rules and the structures under which people govern themselves are not matters which should be entered into lightly.

At the same time, the Constitution is not a document set in stone. To be relevant as the supreme law and to be of significance and effective as the document embodying the rules by which the citizens of a nation agree to govern themselves, the Constitution must be a living thing. It must be continuously under review. It must embody the values and the norms which best reflect the society to which it is intended to apply. Those things are subject to change. In that sense, therefore, the Constitution to be of relevance must be a living thing which must evolve and be amended from time to time.

This debate is not about agreeing to the legislative changes to amend the Constitution. Before we agree to reach that stage, the Government in the late 1900's set up a Commission to sound public opinion as regards the ways in which the Barbadian people at home and abroad would wish the Constitution to be amended at this time to reflect the Barbadian society of today and to better project the Barbados that we feel in this generation ought to be the Barbados that we want to create.

Before I say anything else, Sir, I want to commend the Honourable Member for Christ Church West and all the Members of the Constitution Review Commission. I want to thank all Barbadians who have participated in this most important exercise as to reflect on the Constitution that we have, to examine the rules by which we govern ourselves, to examine the values embodied in our supreme law, to evaluate the structure of Government and to project changes for the future. I want to thank Barbadians abroad as well who embrace this cause as their own.

It is important, therefore, that it is understood that what the House is debating is the Report of that Commission in which is contained a number of recommendations which will eventually, if they are accepted, be embodied in legislative changes to change the Constitution. At some time in the not too distant future I will obviously be in a position where I should have to be leading a debate in this Parliament to introduce the amendments to the Constitution after we have finished the process of consultation that began about four years ago and which is continuing now by the medium of this parliamentary debate.

As such, Mr. Speaker, I speak with some sense of diffidence in this debate only in the sense of contributing to the national consultation that is going forward and with the view not to take hard and fast positions but to contribute to that process of national discussion and consultation by offering only a broad perspective on some of the essential issues that I feel should be engaging the attention of the society at this time.

I feel greatly the need to do so because there is a great danger that the ends that were intended to be served by the

Government in having this exercise can be lost by having an important debate about constitutional change in Barbados at the start of a new century artificially reduced to an artificial debate about whether or not we should have a Monarchy or a Republic. This matter is broader, deeper and more important than this.

In the course of the broad perspective that I would want to speak to, I feel that the amendment of this Constitution and the exercise in which we are embarked forces us to contemplate the steps by which we will complete the process of attaining our political independence and the significance of that would be borne out as I speak.

I feel that in this debate and in the consultations that must continue before the Government bring the legislation to the House that we can benefit to the country from a serious discussion about the ways in which we can improve the organs of our Government because while we may have a pardonable pride in the way in which our governance has functioned to date, there is no doubt that our structures of that governance are not perfect. This debate allows us to delve into serious issues in this House and outside the House, on how can Barbados better prepare for the twentieth-first Century by improving the organs available to a Minister and government affairs.
4.20 p.m.

I feel as well, Mr. Speaker, that this debate and the national consultation as well invite us to inquire into the issue as to how better we can relate the rules by which we govern ourselves to the Barbadian identity and the values that are evolving and the kind of Barbadian personality we want to create. Mr. Speaker, there are obviously deficiencies and discrepancies built into the existing Constitution. This debate as part of a national consultation allows us to identify those deficiencies in the Constitution and the most blatant forms of discrimination and remove them from our national landscape.

Why the need for the amendments, Mr. Speaker? In 1966, our original Constitution was conceived of and framed under conditions of great controversy. Some of those persons are here represented in this Parliament and they sat with Members of the Democratic Labour Party and the People's National Party in London. They not only did not agree on many fundamental things, Sir, but there was almost the tacit agreement that because of the division of opinion on many important things was so great that there could be no consensus in 1966. Only the test of time and experience could enable the country to reach ultimately a consensus on them.

For example, Sir, there was a sharp opinion about the need and the role of the Senate in 1966. There was a sharp opinion in 1966 of no consensus for the need of an Electoral and Boundaries Commission, something that has been

inserted subsequently by way of a Constitutional change. There was sharp opinion, Mr. Speaker, on questions pertaining to the compensation for the deprivation of property in this country. There was sharp opinion, Mr. Speaker, on the role of the Court of Appeal. There was sharp difference of opinion on the Emergency Provisions of the Constitution.

Mr. Speaker, because the Constitution was conceived of and framed under conditions of controversy and divisiveness, it has become almost inevitable that from time to time the Constitution will have to be amended as a greater sense of consensus evolves on those precise issues.

It is also true, Mr. Speaker, that the 1966 Constitution was framed in an atmosphere of uncertainty. We easily forget that in 1966, and I think that I am absolutely correct in this fact, no country as small as Barbados had ever up to that stage been given political independence by a colonial power. The notion in 1966 of a 21 x 14 island being independent, Sir, raises spectres of great uncertainty and those spectres of uncertainty were clearly expressed. It had, therefore, a very important shaping dimension on the Constitution that we started with. Because there was this order of uncertainty there was the feeling that it would be best for the country to stay with the institutions of Government and the rules governing those institutions with which the society was familiar on the understanding that as the country evolved and developed then a careful look would have to be made at sometime in the future about those institutions.

Hence, Sir, a lot of the Constitution of 1966 was crafted in response to the need to put Barbados on a course of independence recognizing that there was a lot of uncertainty at that time as regards to the question of whether a country as small as ours could make it if new untried institutions and new untried ways of conducting its business were foisted upon it from the very start. We must also remember, Mr. Speaker, that Barbados in 1966 also reflected the values and norms of the day. Our Constitution of 1966 reflected the values and norms of the day. We were not then a society that was sufficiently progressive to acknowledge the equality of women. Hence, the 1966 Constitution embodied in it important discrimination against women. We were a society, Mr. Speaker, in which our livelihoods depended upon producing 200,000 tonnes of sugar cane and hence the role of the Senate was conceived of in making sure that entrenched economic interest was preserved.

We were also at the time, Mr. Speaker, perhaps the most British of societies and it was natural that in 1966 a Barbadian Constitution would have in it a lot of the attributes of the Barbados-British relationship that had up to that point been such a shaping factor in our development as a people. But there was always the understanding, Sir, that we would

allow our institutions to be tested and we would allow the society to grow and become the subject of new relationships. In the course of our national development experience we would revisit our Constitution to periodically make such adjustments to it as would be wanted by changing relationships, changing values and, as I said, to remove any obvious discrepancies that would make for good law. That essentially, Mr. Speaker, is what we are about here.

As I have said, Sir, in my view there are four things that we must do now. We must now use this exercise to complete the process of our political independence because in 1966 that process was not satisfactorily completed. After 34 years as an independent nation, we have reviewed the rules by which we govern ourselves. We can review the structure of our Government as defined in the Constitution and determine how we can change it to make it work better for the governance of the society.

Sir, we have to look at the values of the society and now shape new rules to accommodate values that are more appropriate to a modern Barbados of the 21st century rather than a Barbados of the post war that had about it a post war ethos. We also have to remove many fundamental deficiencies in the Constitution that vilify against persons in our society in enjoying their full rights under the law.

Now, Sir, when I spoke initially, I said that one of the first things we have to do now is to complete the process of our independence. To my mind, Sir, that is one of the most important things that we should do in this exercise. Strictly speaking, Sir, Barbados in law now exists as an independent nation by reason of an Act of the British Parliament. The Barbados Constitution is in law a Schedule to the Barbados Independence Order, 1966 No. 1455 UK and that Order was made pursuant by Her Majesty in Council pursuant to the Barbados Independence Act, 1966 an Act of the United Kingdom.

We now lay claim to our own national identity and our personality as a people, Sir. We now proclaim that our nation is not just a nation by reason of an Act of the British Parliament. We proclaim that we are a people under God with all that are inherent and we have a responsibility if we appreciate that we are our own people, our own nation to make our Constitution and the most important instruments in that Constitution reflect our national identity and our personality as a people under God rather than the old colonial view of ourselves as an appendage of the British people.

4.30 p.m.

Fundamentally, Mr. Speaker, this whole process of consultation on this issue challenges us to determine whether we are confident enough of our national identity after 34 years of independence to state that we are now prepared to

hold up Barbadian symbols to represent fully that personality in which we have a part and pride.

Two things, Sir, become the national corollary of what I have just said. To the extent that our independence legally was expressed by reason of an Act of Parliament, we have a responsibility to cause our independence to be expressed legally by an Act of this Barbados Parliament, the first step in expressing our confidence in ourselves as a people under God and our nation as a nation under God rather than a nation by reason of an Act of the British Parliament.

The second part has to deal with our Head of State. Sir, the Member for Christ Church South has already made the point that in our existing Constitution the role of the Head of State, the Queen of Great Britain, is a ceremonial role and what is being proposed in the Constitution Review Commission's Report is that that ceremonial role and nothing more should cease to be performed by the Queen of England and should be performed by a Barbadian born in Barbados. We are not, and it is not proposed, to vest in the President the executive powers such as are inherent in the office of the President of the United States of America. Rather than the Queen of England performing that ceremonial role that role should be performed by a Barbadian. In some respects, Sir, I wonder if Dame Nita Barrow has not long ago in the manner in which she performed her role as Governor-General of Barbados laid that to rest.

In a larger sense, Mr. Speaker, we have had six Barbadian Governors-General, each of whom has performed the role of surrogate Heads of State in such a manner that at this stage there should be no doubt among the Barbadian people about the capacity of the Barbadian to be a Head of State of a country. Our wish at this stage is to have the Head of State of our country be a Barbadian springs from a number of important symbolic considerations that go to the heart of our development as a people.

First of all, Mr. Speaker, Sir, we must now lay claim to our own national identity. Barbados is a nation unto itself. It is not a caricature of any other nation. Other societies, including the British society, are in a process of change. In Britain, they have taken the drastic step of reducing the role of their landed hereditary aristocracy in their Parliament because they themselves recognise that Britain must not be caught and found frozen in a moment of history but that Britain must change to reflect the Britain that they want to create.

Barbados, Sir, is not a caricature of any other country. Although we respect the relationship and value the relationship we have had with others, we must assert our own identity. It must be true, Sir, that if we are going to succeed in building in this land a genuine, not just

democracy, but meritocracy, where every Barbadian, no matter how humble their birth or origins, is made to feel that they can aspire and achieve any heights in the land, it must be the case that the highest office in the land must not be beyond the reach of the ordinary Barbadian.

I say, Mr. Speaker, Sir, that the notion of our Head of State not being a Barbadian in our time seems now like an absurdity. In 1966, given the great uncertainty that surrounded our independence and the need for institutions with which we were familiar it might have seemed then to be very meaningful but, surely, Sir, the experience of our Barbadian home-grown Heads of State must give us the confidence that a Barbadian as our President in a ceremonial sense is something that we have no need to fear.

Sir, obviously, I am not going to reflect upon the Royal family but I believe that it is also true that the hereditary monarchy has become less and less meaningful as a factor and a consideration in the lives of the people of Barbados.

I put it no higher than this, Sir, if, God forbid, Queen Elizabeth and Prince Charles were to die now, all of us in this House would have to go and swear allegiance to an 18-year old young man who has just finished his "A" levels. I suspect that it would put a strain on many persons in Barbados to believe that a Head of State in today's world to whom we would have to swear allegiance could be an 18-year old young man who has never visited this country, does not know anything about the people of the country, does not have an experience from which to draw in relation to the exercise of his responsibilities as a Head of State of Barbados but that he would become our Head of State, Sir. To some extent, that is what makes this somewhat less meaningful than it might have appeared to the people in 1966 who framed the original Constitution.

Sir, in this matter, the Government's intentions are not sinister. I note that the Constitution Review Commission Report says that this was a matter on which there was an overwhelming opinion in Barbados, contrary to the Cox Commission Report where there was a division and where there was overwhelming opinion subscribed to by all political Parties, all shades of opinion at home and abroad, about the desirability of our going this way. I feel that we should go in this way and I will come onto the issue of the referendum in due course.

This Constitution Review Commission has said that there is an overwhelming support by Barbadians at home and abroad for the creation of a President in whom is vested the ceremonial powers as our Head of State and the opposing views can contend, but I offer the perspective as to the outlook I have on the matter.

As regards our structure of Government, Mr. Speaker, the opportunity has been taken by the members of the Commission to review what we have on the grounds that if it is not broken, let us not fix it. There is much practical wisdom in that.

We all can take a pardonable pride in the nature of the structures of Government that we have inherited and how they have functioned but I also think that we can also have no difficulty in determining how the existing structures of Government that we have can be improved. The broad perspective that I want to offer is to the extent that we all can agree that the structures of Government can be improved, what are the problems that we need to fix and what are the principles that should govern us in trying to fix those problems? I would think that we can all agree that while our Government has functioned well there has been a sense of over-centralisation of governance since independence, that increasingly the ordinary man and the ordinary woman in Barbados feels a sense of detachment from the workings of the engines of government. They feel that there is not enough provision for them to participate as effectively as they need to. They feel also, Mr. Speaker, that a lot of the simpler problems that affect the ordinary households of Barbados in the day-to-day activities now are dealt with by statutory boards and Government departments that are a bit distant and that sometimes they are not getting full value for their money and that if, in some respect, they could have more of a participatory input into their government they would feel that their taxpayers' funds would be better spent and we could substantially improve on what we have by building a greater participatory democracy.

I feel, Sir, that our amendment to the Constitution must be guided therefore by the precept of transforming Barbados into a fully cohesive, inclusive and participatory democracy in a meaningful way. As such, Mr. Speaker, I do not think that it would be my broad perspective that the Constitution Review Commission Report does not go far enough in delving into questions about what does it really take to make Barbados an inclusive society.

4.40 p.m.

First of all, Sir, Parliament itself does not always reflect the wishes of the Barbadian people because we have inherited and will maintain a First Past The Post principle. I can speak personally about this, Sir, because I was Member, not of a team of two but a team of three and I know what it took then to function in circumstances where 40 per cent of the people would have wished a House that was comprised differently.

Surely, Mr. Speaker, we can therefore ask, cannot the process of election to this Parliament be changed to make the wishes of the people more explicitly represented in the way in which Parliament itself is constituted. I say yes, Sir. I feel

that we should retain the Member of Parliament for each constituency but that we should also embrace an aspect of proportional representation recognising political parties in the same way that we recognise other institutions of the civil society, and that Parties get representation in the House of Parliament proportional to the percentage of the vote they get at the polls. If a Party were to get 15 per cent of the votes, it would get a seat in the House, and if a Party were to get 40 per cent of the votes it would get four out of every ten additional seats on the condition that each Party must put up a slate of candidates. So that following the last Elections, Sir, the Democratic Labour Party would have two plus four and the Barbados Labour Party would have twenty six plus six because the Democratic Labour Party got 40% of the votes. Surely, the great defect is that we have these lopsided results that do not reflect the will of the people.

I feel that we can now take the First Past The Post system, add a form of proportional representation and, therefore, incorporate into the deliberations of this House direct representation and all of the points of view that are significant in the country. However, as far as I am concerned, the right to serve in a legislature, and hence, power to make laws, must come directly from the consent of the governed.

Sir, let me put it in a broader sense. I believe that there is good reason for us to feel that the arrangements proposed in our Constitution at Independence, the carrying forward of the old institutions to which people then were familiar also required that we carry forward the undemocratic character of those institutions.

The old Legislative Council and the Senate which replaced it, Sir, were ostensibly created not to broaden democracy but to enshrine the right of established interest in this country to have access to the levers of power without having to face the people and ask for that power.

Mr. Speaker, I could have been at the University of the West Indies but I went forward and asked the people of St. Peter to put me here because I believe that power must come directly from the consent of the governed.

Sir, I believe that there is a perspective that can be argued with great respect, that the form of Government that we should carry into the future is a reformed House of Assembly reflecting the mix of First Past The Post and proportional representation but all people who want to make laws must ask the people permission to do so. It is my perspective that it would be impossible for me to see how a Senate could be reconstituted to come into contact with the fundamental principle that if you want power, it must come from the people and them alone.

Sir, as regards the role of the Senate as the watchdog, a Senate in which the majority of the Senators are appointed by a Prime Minister will be a creature of the Prime Minister. I do not know any instance, Sir, in which our Senate has ever voted against the Government except as the Prime Minister of the day wished. That happened in my experience in the House, Sir, in 1991, when the then Prime Minister and the Government did not accept the report of the Electoral and Boundaries Commission. The law says that if one House does not support it then it comes back to the Prime Minister and he makes the changes, so what happened? The House of Assembly voted for the report, the Senate, in which there was a majority of Democratic Labour Party Senators voted against it, it went back to the Prime Minister and then he made his changes.

The notion of the Senate comprised of the majority of Members of Government, appointed by a Prime Minister, opposing the Government in its legislative programme can happen but I believe that it will be great strain on Party discipline and I have doubts about the role of the Senate in that capacity but, Sir, those are the pragmatics.

Sir, I am of the view that we must build a participatory democracy but it must rest of the precept that power must come directly from the consent of the governed. In all good functioning democracies, Sir, that is the precept that governs their functioning. In Britain itself, Sir, which is the last bastion of the old rights of the landed and the hereditary aristocracy, the present Government is whittling down those powers, so why should we carry and unelected Parliament with us into the future? It is one of the issues in which I feel that opposing views should contend.

Mr. Speaker, I feel that the time when we have to put the issue of local Government back on the front burner and I feel that if there was to be a Referendum, the Referendum should be on the issue of local government. I feel, and I am offering a broad perspective, Mr. Speaker, that there is a large number of simple services and I want to say this, Sir. We have more than eight hundred persons in Barbados employed at MTW depots who should be fixing the roads in the local community but they are not answerable to local councils, they are answerable to central dictation from the Pine and the same persons who are administering the affairs are caught up in negotiating contracts for building highways and all kinds of things and the roads in the constituencies are dealt with last. I know, Sir, because every week that I am in Barbados I have to go through my constituency and find out how much work has been done and what proportion of the roads weeded by the depot in St. Peter. The sanitation and the collection of garbage, Sir, and the administration of primary schools in districts. There is a sense of alienation of the school from the community leading to a disorder in the social structure of the society. All of these lend themselves to involvement by the people. Welfare, in my view, and the

meeting of people's needs are not things that should be determined on a partisan basis nor things that should be centralised but the need for the local people of Barbados to say who are the needy among them and have a direct input into how those needs are met.

Sir, this year in preparing the Estimates of Expenditure I was struck by a particular statistic. You ask yourself the question, how much does it cost the State to keep each child in a children's home each year? The number is staggering, Sir. It costs the Barbadian taxpayers \$36 000 per child per year to keep our children in children's homes. It has to be clear to all of us that this \$36 000 is not being spent on the children. Increasingly, a larger and larger portion is going out to the central bureaucracy and it is quite practicable, Mr. Speaker, for us to conceive, not of the old system of local government but a system that will take the same resources that are now being spent on those exact services and use them at the local level with a more beneficial impact but also, Mr. Speaker, Sir, it will return to the people, in my judgement, a sense of direct involvement in the things that make their lives either meaningful or not meaningful.

This was a matter, Sir, in which there was a division of opinion. There was no division of opinion from the public but Mr. Wendell McClean, one of the Commissioners wrote a strong dissenting opinion and this is the kind of matter which I think should engage the society but I feel we should come back to it, Sir.

I have seen Mrs. Newton's report to the Government. I have read all the reports and I am not unmindful of the allures of local government and sometimes the unfulfilled promises of local government. It is something that we should not proceed with the feeling that it will work perfectly at first, blush nor should we go back to the old form but I feel that we have responsibility after thirty-five years of centralisation to go back to decentralisation and to give the people of Barbados a greater political stake in the way in which they live and in the things that matter to them on a day-to-day basis.
4.50 p.m.

While this Report, Sir, says no to the concept of local government, I really see that there are perspectives that should be explored on this matter and before we come to a hard and fast decision, the matter needs to be reopened. If we want a referendum on that, Sir, let us have a referendum on that and that will be my case, Mr. Speaker.

Sir, the Report, obviously, entreated to the restructure and the Government. It spoke about the powers of the Prime Minister. Unrelentingly, this Report is guided by the preset that the Prime Minister has too much power and that he should be stripped of those powers and a part of those powers should be passed on to a ceremonial President or elsewhere.

Sir, in the period between November 1994 and March 1995 I had the great honour to have served in a House of Assembly in which were sitting all of the persons who, up to now, were Prime Ministers of this country. It will be, perhaps, the only time in this country's history where that has ever happened.

Asides.

Rt. Hon. O. S. ARTHUR: Mr. Adams, Mr. Barrow, Mr. Sandiford, the Honourable Member for Christ Church South and myself were here. I was here, Sir, as a fledgling. I would have been fascinated with their perspective about the role of the Prime Minister and his powers and so on. I can only offer today a perspective of the issue.

The Constitution of Barbados, Sir, in truth and in fact, does not prescribe many powers for the Prime Minister and it is important that we understand that. There are only a few instances in which the Constitution gives the Prime Minister the power to act in his own discretion. One is to choose a Cabinet without negotiation or without having to consult, a power that has been faithfully followed by all Prime Ministers, Sir, and the power to call elections.

Generally speaking, our Constitution requires that the Prime Minister must do two things, Sir. He must be involved in a process of consultation on almost every important decision that he must take, but most important, Sir, our Prime Minister, unlike any other Member of this Parliament, must be able to command the support of the majority in this House.

Now, Sir, there is a majesty in that provision that sometimes is not well understood. A Prime Minister, as a former Prime Minister has recognised, would be unwise to believe that he has a licence to operate outside the context of, not just commanding support of the majority of this Parliament, but through them commanding the support of the people that they represent. There is that enormous check and balance to what a Prime Minister can and cannot do. In each of his conscious decisions he has to be sure that it is a decision that a majority of his Parliament will respect.

Sir, it does not weigh upon you but it causes you as Prime Minister to be reflective and to sound out opinion, and to be sure, although you cannot always be led by public opinion to be sure, that you are giving leadership to the country in a manner that will carry the country with you rather than have you in continuous revolt with your Members, who are in fact, Sir, the reflectors of public opinion in our party. A Prime Minister, Sir, is subject to that check and that balance. When a Prime Minister felt that he was above it, this Parliament, the only Parliament in the Commonwealth, told the Prime Minister that it cannot work. I am conscious, Mr. Speaker, in exercising my

responsibilities as Prime Minister. I have to be able to command the support of the majority in this Parliament, Sir.

If I may say so, a Prime Minister in Barbados, Sir, is powerful not because of what is in the Constitution. If the Constitution says that a Prime Minister has the power to appoint a Chief Justice, there have been five Prime Ministers of Barbados but only one has ever had the opportunity to appoint a Chief Justice. A Chief Justice served until the age of 72. They outlast almost every Prime Minister, Sir. I do not go to work every day saying I wonder who I am going to appoint as Chief Justice today. There are few Prime Ministers in this country who will ever get the opportunity to appoint a Chief Justice. The powers are narrow and balanced.

What a Prime Minister exercises, if he is effective, he exercises influence and he exercises a thing which I call leadership, none of which is defined in the Constitution but both of which the public expects the Prime Minister must be prepared to exert if there is an issue that could destabilise the country. Sir, the Barbadian public, without reference to any part of the Constitution feels that a Prime Minister must use his influence and give some leadership to bringing the matter under control.

Therefore, I say to the House, Mr. Speaker, this Constitution Review Commission says that if the institutions have not been broken, do not let us fix them. Prime Ministers are powerful, not because of what is in the Constitution, as is said in Barbados, but because this society would rather have a strong Prime Minister than a weak Prime Minister. I would say to the House and the country, Sir, that if we now want to strip the Prime Minister of power, influence and leadership, you will get weak Prime Ministers in the future, and weak Prime Ministers and weak leaders are going to give rise to weak Government.

Let us therefore look at the areas in which there have been Prime Ministerial abuse or potential for Prime Ministerial abuse and put checks and balances in them, but let us be sensible about this matter, Sir. In every instance in which the Constitution of Barbados has required the Ministers to consult before making decisions, they have respected the Constitution of this country.

The Honourable Member for St. John will tell you that there is no appointment that I have ever made as Prime Minister that had required my consultation with him, I never tried to make without reference to him. We follow it to the letter, Sir.

Asides.

Rt. Hon. O. S. ARTHUR: I cannot, therefore, Mr. Speaker, support those parts of the Constitution Review Commission Report where it makes reference to stripping the

Prime Minister to make important decisions, subject to consultation, and vesting it in someone else.
5.00 p.m.

Sir, if a Prime Minister cannot be depended upon to make serious decisions about important appointments in the country, then that person is not fit to be the Prime Minister. The test of a good Prime Minister is precisely that he can be called upon and depended upon, as part of his normal responsibilities, to make a decision. If a Prime Minister cannot participate in helping to make some of the important decisions affecting the Government of the country, then what else should the Prime Minister be doing?

Sir, I speak on behalf of past Prime Ministers who understood the use of power but I want to speak, Sir, on behalf of the Prime Ministers to come, and to plead with this House not to put anything in this Constitution to undermine the effectiveness of your leadership. If it is necessary to put in checks and balances, do so, but the reaction to the perception that the Prime Minister has too much power, Sir, is emotive and it cannot be substantiated. Mr. Speaker, if it is not broken, do not try to fix it. In any event, Sir, this Parliament has already established its supremacy in relation to Prime Ministers who feel that they do not have to be responsive, either to the will of the Members of the House or public opinion and hence we have a democracy that is working.

Sir, I want to touch on an issue that has been glanced at in the Constitution Review Commission's Report which is important to the future of the country. This Constitution Review Commission recognises that we must have responsibilities specified by the State as well for private citizens and I support that. People should not have rights without having some responsibilities and among the responsibilities for the State, Sir, is the responsibility that the State has to provide Barbadians with the rights of access to our beaches as part of a natural right and inheritance of the people of Barbados and I strongly support that.

Sir, I feel that this debate has to be broadened in the context of the kind of Barbadian economy that is likely to exist in the year 2010 and what we have to do now is to create the basis for the Barbados economy in the year 2010 to have a realistic chance of succeeding. Why am I putting it in this context, Sir? I am putting it in this context because there are a few dates with destiny that we must be aware of and for which we must plan. As we make decisions today about how we will use the resources of this country, the realities that will face this country, Mr. Speaker, after the year 2005 that our development options will become sharper and more difficult to master if not shorter.

Why do I say that, Sir? Internationally, we are facing the great challenge of having to apply new rules of international trade and business which will see all of the

preferential arrangements that have hitherto supported agriculture being stripped away. Mr. Speaker, these arrangements will see the dismantling of the protectionists' devices that have been the barriers behind which traditional agricultural manufacturing have existed. In short, Sir, a one-way duty-free access to other people's markets will go. The use of non-tariff barrier licences quoted are not contrary to the rules of international trade. Our manufacture sector and agriculture sector that have grown to depend upon these things as a shield of protection, will find themselves exposed increasingly after the year 2005, to new disciplines that will cause them to function in a more competitive international environment in which, Sir, they will find it more difficult to prosper.

At home as well, the options available to the Government to provide protection in the old-fashioned way, Sir, have gone. We can no longer under World Trade Organisation rules and the rules of International Trade and Business use high tariff walls, quotas, licences or give subsidies to protect our industry. So that manufacturing and agriculture will continue to survive but only if they are prepared to face the discipline of functioning under this new dispensation.

Sir, not only will our traditional industries come under challenge but as we have seen, our new international businesses and financial industries are now under challenge in relation to our discriminatory treatment of the business that is flowing in relative to our domestic enterprise.

Sir, those industries in Barbados that will prosper in this new international environment are those that rely upon our indigenous resources and whose functioning cannot be challenged on the question as to whether they meet the rules of international trade or not. In that challenging dispensation, when we become part of the free trade area of the Americas in 2005 and have a new relationship with Europe in the year 2008, we will increasingly find that we will have to put all of our resources into their fullest economic use. This will mean, Sir, that we will have to use some of our old resources in new and non-traditional ways and we will have to pay a sacrifice for the economic progress that we want in the future because the rest of the world will be telling us,

“We are no longer prepared to protect you or to cuddle you or to give you any special treatment.”

Mr. Speaker, it means that we have to be balanced and make sure that we do not give rise to concentration of ownership in this country. We must be prepared to use those resources that we have to the fullest otherwise, Barbados is not going to make it beyond 2008. I am not expressing doom's day scenarios, this is reality and we are beginning to

see it already in relation to the challenge of the new industries in Barbados.

Therefore, our responsibility now and the leadership and management of economic affairs is that we should not wait until the year 2005 and then try to build the capacity that is relevant to the new age. We must start now and build that capacity such that when 2005-2008 comes, we will have an economy that cannot be undermined by the application of the new rules of international trade and that is the point, Sir.

Sir, it means that there is a lot of new investment and production capacity that will use our resources in ways that are new that we will have to contemplate and support to make it into the future. I want to speak on this view because every time there is a new investment in this country to use our old resources in new ways, there is a hue and cry in this country. I put it in this form, Sir, as if our country values the material prosperity that comes with the new investment but will resent what lies behind them and I am pleading for us to come back from this brink.

Sir, Barbadians have to be realistic about what our options will be in the world of the future. While I can agree, Mr. Speaker, I have to agree, I will insist that there can be no private beaches and Barbadians must enjoy full access to our beaches. We also have to understand that those resources near to the beaches of this country are those which will increasingly be called upon more and more to carry this country into the future and we have to be realistic about how we seek to develop them in the future. We also must have a new perspective of what will be happening in Barbados. I am prepared to give support to inland tourism. St Kitts has shown that you can take old plantation houses and transform them into a new form of tourism and we have to be open-minded about these things rather than crying them down.

Asides.

Rt. Hon. O. S. ARTHUR: Sir, the Honourable Member for St. Lucy wants me to speak about the old naval base. That is a wonderful site for tourism development and this Government is prepared to work with investors who want to develop it in that capacity. It has to be part of the effort to use old resources in a new way.

I speak in this vein, Mr. Speaker, because the issue that Barbadians must come to understand is not that we have access to the beaches, Sir, the beaches are ours and will always be ours. We will not be like some other Caribbean countries where the beaches are owned by private people. They will always be ours and because they are ours, we can take pride in how they are developed.
5.10 p.m.

But to have to prove that they are ours by not developing them is a backward step. That is the message that I feel we must send from this Parliament unapologetically. We will do it sensibly and we will do it sympathetically in relation to the needs of the development of this country but let us not be intimidated from doing what is necessary to coherently develop this country because we lack the confidence in ourselves to master our own economic destiny.

Mr. Speaker, I have offered only a broad perspective on some of the broad issues. When the matter comes back to the House in the form of a Bill having cleared Cabinet and after much further public discussion – I want here to invite the public to engage in a full discussion on this matter – then I will give the major speech that I have to give on it.

Having broken my silence in my introductory remarks on the matter, I should say to the House that I got an inspiration from a speech, a golden paragraph, that was spoken by a former Governor-General of Barbados, His Excellency, Sir Hugh Springer in June of 1989 on the occasion of the celebration of this Parliament 350th Anniversary. It captures everything that I need to say, but it best represents the spirit in which this generation of Barbadians should proceed with the mission they are on and I quote:

“Our Constitution is a legacy from Britain, which successive generations of Barbadians of British origin at first but later of both British and African origin, have preserved and adapted to the changing circumstances of Barbados as the need arose. Our Constitution came from Britain, but a dozen generations of Barbadians have made it our own.”

Let us now, Sir, make this Constitution our own. I am obliged to you.

Hon. Sir Henry FORDE: Mr. Speaker, I began this debate by saying that it was a unique experience in the history of Parliament to ask a Backbencher to lead off on a debate. I think it is even more unique to ask the Backbencher to wind up a debate that is obviously for the responsibility of the Government but this is a unique time and these are unusual times in that I think one has witnessed, certainly under this Government, a willingness to be creative and in the creativity to be inclusive.

If the Honourable Member for St. Michael East was concerned about the exclusion of Backbenchers from full participation in the House, this is probably the first example of the Government’s intention to double the participation of Backbenchers even when they are not in the role of Ministers.

Sir, I want to use this occasion firstly to thank Honourable Members for the commendatory remarks which they offered to my fellow commissioners and me. I hardly need to reassure the House and the public that we undertook the exercise with the highest sense of duty and that we treated our task as one that did not warrant any levity and one that warranted a certain seriousness which will outlast the occasion of our work.

I am pleased that Honourable Members on both Sides of the House have recognised the work which the commissioners put into the exercise. We never expected that our recommendations will be accepted in total or indeed by everyone. It is a sign again of the times that as part of the consultation process this Government has allowed all of its Members the freedom to express their considered views on the specific recommendations that have been made and on both Sides of the House the whip has been off.

If there is one disappointment which I have, it is not a disappointment about the debate in the House, it is a disappointment about the role which the media has played in this exercise. In most countries, Sir, a serious Report such as this, would have formed the subject of an enquiry if not an inquisition on the part of the media and one would have informed criticisms and informed comments coming from the media taking a lead in the matter.

What we have seen in Barbados is that the Report was laid in 1998 and no other than Mr. David Ellis who took the opportunity on his programme to raise the matter, one has seen no reaction from the media until after the Government has spent some \$64 000 to print the Report through the media. The media never ever took the opportunity prior to that to print the Report in full.

Secondly, one has only recently seen any attempt by the media, particularly the print media, to seriously consider some of the issues raised by the Report.

I have been disappointed that the only issue the media thinks worthy of considering is whether or not the recommended change to the Head of State should be by a referendum. In most of the articles which have come from the regular writers there has been a negativism rather than an effort to be constructive in trying to improve on the recommendations and to give the reasons why the Commissioners may have ire or why they disagree with the Commissioners.

I have been at times, and I want to repeat it, very disappointed at the level of comments which seek to personalize the recommendations. In fact, the comments have got to the level at one stage of persons asking through the media if those persons who have received honours will now send back the honours to Her Majesty.

Now, Sir, I believe that Barbados is a country of intelligent people and I expect that when we get something as serious as this that the level of debate would be maintained not only in this House but in the country at large at a high level, representative of the expenditure which we have spent on educating our people and keeping up the high level for which Barbadians have been noted.

Sir, if I do express my regret at that I would hope that as the discussions in Barbados continue, we will raise the debate from the level of personal debate to the level of expressing the different views that we have, and justifying those views, so that Government which has to make the final determination on these matters can distill from the ideas which have been proffered and what is best for this time in Barbados as we seek to achieve a well-governed country under our supreme law in the present millennium.
5.20 p.m.

Sir, I am not surprised that there have been so many different views on many aspects of the substantive report. Certainly, on the Backbench, there are some Members who are in favour of a second Chamber. There are others who are not in favour of a second Chamber. I am using the examples. There are some Members who feel that the role of the Ombudsman ought to be strengthened and that it can be strengthened by the inclusion of the Ombudsman in the Constitution and its protection. There are other Members who feel that there is no need to do that because there is an Ombudsman Act. There are some Members who have expressed very strongly that there should be no diminution in Prime Ministerial powers and there is at least one Right Honourable Member who feels that the Prime Minister's power is his real influence and leadership rather than the legal powers which are given to him. I only say, Sir, on that last comment that you could not have leadership and influence unless you had power in the last resort in some way. I agree with the Prime Minister that power comes from the people and it is exercised on behalf of the people through its Parliament and then through those persons who are representatives of Government.

Sir, as we went around the country if I may start on this one, we heard from the people that they felt that there was too much power in the hands of the holder of the office of Prime Minister. We heard that from the people themselves. What we have sought to say in Chapter 10, paragraph 10 (1) is what we distilled as the feeling of the people. If that was the view of the people, we had to examine it in the context of our existing Constitution. In that context, Sir, and in the context of our mandate to widen participation ...

Rt. Hon. O. S. ARTHUR: On a point of order, Sir. A poll was not taken on this matter, Sir. It is a perception, for example, as represented in the report that all politicians are corrupt. This is also reported in the report. If you ask a person, do you think the Prime Minister has too much

power? He would say, "Of course, yes." But if you ask the person, should a Prime Minister appoint people? He would say, "Is that not what the Prime Minister supposed to be doing?" I just take the point that the same people who are saying that the Prime Minister has too much power when they greet me they say, "My Prime Minister".

Hon. Sir Henry FORDE: I agree with that as well, Sir. But our role, Sir, was to try to distill or find out the basis of this feeling and reflect how in the recommendations. We have tried and we may be wrong. I am not saying that we are right. I think that in this regard the Prime Minister and ourselves are *'ad idem'* how the people can be more involved in the Government. We got the distinct impression that the people wanted more power to devolve on its Parliament and for its Parliament to be more proactive. It wanted to isolate certain offices from the influence which Prime Ministers may put on them. That, Sir, is what is captured in the recommendations of this report.

Sir, regarding the second Chamber, I am only going to answer some of the matters. I think that most of us were in favour and most of the people who spoke were in favour of the second Chamber. There were strong representations of others on the retention of the second Chamber and some of those representations have been forcibly put in this House and well put for those persons who consider that there is no room for other than a unicameral Chamber, Sir. But I would like to say to the House that this question is not a new one. It has been examined extensively in the Commonwealth Parliamentary Association and in several studies across the world on political matters and parliamentary matters.

I would like to commend to the House, Sir, the report of a study group of the Commonwealth Parliamentary Association established in 1982 and its report is contained in the 'Volume of The Parliamentarian' for October 1982. I am not going to read the whole of that report, Sir, except to express the wish that the Clerk through you, Mr. Speaker, would make copies of the main recommendations of that report available to Members of the House. Perhaps the Press would take an opportunity of reading some of these matters to inform the public when the debate continues on these matters. But the conclusion was that they acknowledged that in many countries the unicameral system has adopted with varying degrees of success in response to popular demand or as a result of the failure of an Upper House to carry out its functions effectively thereby losing the respect of the populous.

Sir, we believe that the bicameral system offers better protection for the preservation of justice and liberty of the subject and the protection of the rights and interests of states and provinces in a federation. We assert this in the belief that the checks and balances provided against the threat of oppressive Government in a unicameral system seems less

effective than those afforded through a separate dividing Chamber which has the power of delaying legislation which it thinks is defective or unjust, thus giving the popularly elected Chamber time for second thoughts.

We noted, for example, that in New Zealand which is unicameral the method of wide consultation before a Bill is finally drafted does not prevent the passing of defective Bills which subsequently have to be rectified by the quick passage of amending Bills. In our view through our examination of a measure by the Upper House after it has passed all stages in the Lower House, this provides a better check on hurried or badly drafted Bills especially when the Upper House is composed of people with wide experience in all walks of life or who represent minorities or interests which are not always adequately represented in the Lower House. We also believe that the sheer weight of business now transacted in national and federal Parliaments really exceeds the physical capacity of the Lower House to achieve anything like perfection. It needs a body to check its work and we note that when a second Chamber is abolished some committee with specialist advisers will have to take over the revising or checking function. It is better to have a body which is different in its method of election or selection and which there are defined functions and powers of delay. Its value is made self-evident by the fact that the revisers get most of their suggestions for amendments accepted by the House. There are other representations ...

Rt. Hon. O. S. ARTHUR: On a point of elucidation, Sir. Would the Member give the House the benefit of his wisdom as to whether it is not preferable to have the consultation on the legislation before it leaves this Parliament, Sir, using social partnership and all the other instruments of consultation on law to capture the widest societal input in the legislation rather than hope that a Senate after the fact will make an input after legislation has begun? Is it not better for us to broaden the social partnership as a format for having those views incorporated into law rather than using unelected Members of the Senate?

Hon. Sir Henry FORDE: I am indebted to the Prime Minister for raising the issue. If he wants my personal views and experience on this matter, I believe after being in public life for upwards of 35 years or thereabouts and in this House for upwards of 28 years and I am not now speaking for the Commission, that there is a role for a second Chamber in our country.
5.30 p.m.

I certainly believe – and I am not now speaking for the Commission – that there is a role for a second Chamber in our country. I believe very strongly that we will always have among our citizens a large number of people who are not prepared to face an electorate. That is not unusual. I can think of many academics, in many countries, who have never

participated in electoral politics but have made outstanding contributions otherwise. I believe that in a country as small as Barbados where of necessity our Parliament must be small that we have to be as inclusive as the Prime Minister says and we have to want to bring into participating in the regular life of the country more and more people.

I do not believe that they can only participate at the local government level nor do I believe that they will only participate at the level of the social partnership. I believe that the social partnership is a tremendous and unique innovation in Barbados which can form a model for governance in other countries but I do not believe that it is exclusive to the role of a second Chamber as well.

I err with those political scientists who have looked back at forms of government down through the centuries and who believe that second chambers do have effective roles and have played effective roles in improving civil governance and maintaining the standard of democracy. There is a genuine difference on this but all I am asking Members of the House and the media and citizens of Barbados is rather than jumping to conclusions and being so dogmatic in their conclusions without doing the necessary research and reading...

The Commission had the benefit of specialist advice and it had the benefit of the research and knowledge and expertise of several persons who have gone before us. We have not sought to reinvent the wheel and that is my recommendation.

Sir, the last issues that I wish to speak to is on the question of the monarchy, a republican form of government and the Head of State. Let me first begin by saying that in the debate which I opened, I made the point that we differ from the Cox Commission in that the majority of the people who appeared before us or who sent in representations to us considered that Barbados should move to the stage of having its Head of State as a citizen of Barbados rather than as is the Queen of England who is designated for this purpose as the Queen of Barbados.

We set out in the Report the reasons why we came to that conclusion. That was a view that was put to Cox as well. We, however, disagreed as to whether or not it was necessary to have a referendum on that issue. That is the Commission's view. Sir, it has been personalised to the extent – not only by the Press, although I enjoy the humour of the Crop Over Festival on the matter – as though it is Henry's recommendations. Sir, this is us trying to mirror what is the position as expressed by the people at large.

Sir, I wish again to invite the public to read the literature that there is, and there is an abundance of literature on the use of referenda. It may surprise the public that a

referendum is a very old procedure and has a longer history than a lot of people suppose it has. When I say to people that the referendum was used by the Napoleons to entrench themselves as autocrats it might shock some people. The referendum was used both by Napoleon I as a means of circumventing the existing machinery of government and Napoleon III, his nephew, used the referendum to secure his election as President of the Second Republic in 1848 and asked an acceptance of a coup d'état of 1851 which ended the Republic.

There is no magic in a referendum. Even worse than that I quote from the book *Modern Political Constitutions* by C. F. Strong, Chapter 10 at page 223.

“A similar abuse of the plebiscite as marked the tactics of the two Napoleons accompanied Hitler’s rise to power in Germany, for Hitler held a succession of such plebiscite, or referendums, to secure popular consent ex post facto to his political actions. The first was held in November, 1933, to gain the people’s approval to Germany’s leaving the League of nations and the Disarmament conference. The second took place in August, 1934, when the nation was asked to approve Hitler’s action in combining in the person of the Fuhrer the offices of Chancellor and President on the death of Hindenburg. In both cases enormous majorities of over 90 per cent were recorded in Hitler’s favour. It was on the result of these popular votes that the Nazis based their assertion that Hitler’s triumph was the effect not of a coup d’état but of a legal vote of the people, and it cannot be denied that the Germans thereby gave an air of legality to the Nazi tyranny. Nor was the argument weakened four years later when, in 1938, the Germans and Austrians in referendums approved the annexation of Austria by popular majorities of more than 99 per cent.

Sir, one has to read these things because sometimes you believe that ...

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, on a point of order. I would not normally rise to interrupt the Honourable Member but I think the debate would not be complete if the Honourable Member did not read the final page of the manifesto of the Barbados Labour Party in 1994 in which it specifically said that on the issue of Barbados becoming a republic that a referendum would be held.

I want to go one step further and quickly. I do not think that the Honourable Member should associate with the recommendations of myself, or for that matter the recommendations of the Right Honourable Member for St. Peter, to hold a referendum with Hitler and with all kinds of other dark and devious political strategies. I believe that both of us said that the people should have a say on matters of this sort. It is one of those things on which we agree and I

assume the Government will keep its commitment and that is all that is necessary in that regard and the whole debate on it can end and nobody can call it Henry’s recommendation or anybody else’s. They will say it is the Barbados Labour Party’s recommendation and if you want the credit for it you can have it. I do not think that it is an issue on which we should have members, particularly the Chairman of the Commission, ascribing these dark motives about Hitler and all kinds of others to what is a perfectly usual and, in a sense, innocuous procedure to get the views of the people.

Rt. Hon. O. S. ARTHUR: Sir, now that the Honourable Member for St. John has spoken, would the Government have the assurance that to the extent that the Leader of the Opposition supports the republic in the House that the Leader of the Opposition and I will have the great unique distinction of speaking on the same platform in support of the same cause that we both support? Can we get that assurance from him on the Floor of the House, Sir?

Hon. Sir Henry FORDE: Sir, the reason why I have taken the example of a referendum being used is to show that there is no magic in the use of a referendum in itself. It depends on what is the question that you are leaving by way of referendums or referenda. It was unfair to those persons who said that the Commission did not take note of the use of referenda for important changes in the Constitutions of countries.
5.40 p.m.

We have the basics of all research available to us on when and how Referenda were used. I am not implying that Honourable Members on either side are Hitlers or Napoleons, I was not making that insinuation at all, Sir. What I was saying is that it is unfair, in dealing with the recommendations of the Commissioners, to presume bad faith and to assume that they themselves have not analysed the use of Referenda.

Sir, at page 52 of the Report of the Constitution Review Commission in paragraph 9.35., the Commission deals with what is called People’s Initiatives – People’s Initiatives are forms of Referenda. I want to deal with it again from C. F. Strong.

“The Initiative, whose object is to place in the hand of the people a direct power of initiating or proposing legislation which must be taken up by the legislature, is a development of ultra-democratic practice, within the ambit of constitutional, somewhat more advanced than the referendum. It is necessary to study the initiative apart from the referendum, because, although the theoretical foundations of the two are the same, the conditions under which they are applied differ, for, as one authority has said, while the referendum protects

the people against the legislature's sins of commission, the initiative offers them a remedy for its sins of omission. The argument for the initiative, beyond that for the referendum, is that legislatures do not adequately represent the people's point of view and that, as a referendum only concerns proposals made by the legislature, it is not by itself a sufficient guarantee against abuse."

Once again, I recommend to the House the reading of C. F. Strong.

Sir, this Commission paid regard to how Referenda can be used and that is clearly set out at page 52. Those persons who really wish to guide the public should read the Report of the Commission carefully, study some of the information made available to us and offer constructive criticism rather than the destructive personal comments that I have heard emanating from some sources. I want finally to say this, Sir. The Commission heard from the three political parties in Barbados. We had the honour of listening to Dr. Haynes who came in person, along with some of his Members, to put forward the views of the NDP. We had the honour of hearing from the Barbados Labour Party, through its executives, at a meeting at Sherbourne specially arranged for them. We had the honour of hearing the Leader of the Opposition as the political leader of his Party at the Democratic Labour Party's Headquarters, along with several members of his executives, where the views of their executives were put forward and then their other members were allowed to give their personal views.

None of these Parties has disagreed with the recommendation that the Head of State of Barbados should be a local person and not the Queen of England. I repeat for the benefit of the public. None of the political parties disagreed on the issue of the Head of State of Barbados being a native citizen of Barbados and not the Queen of England.

I do not know what is the issue because if the three main political parties which represent the people are *ad idem* on this issue, if the persons who came before us, the majority were *ad idem* on the issue, how can the Commission be faulted for saying that this is the view that was represented to it? The first time that anyone has asked for a Referendum on that issue, other than two people who appeared before the Commission, is when I heard from the Leader of the Opposition mentioning the matter and he said that his Party has only agreed on it recently but that point of view was not put before us ...

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, on a point of order. The issue of when you have a Referendum or not, could not have come up before the recommendations are made. If you do not make any recommendations of any

significance then there is no need for a Referendum but once you identify what the key points are, there is absolutely no problem in saying that there should be a Referendum on these issues, including the point that the Honourable Member for St. Peter raised about the question of local government. You do not necessarily have to put the issue of the Head of State but if we are redesigning Barbados and if we are reflecting on how Barbados is to change to suit the needs of the people, why can't the people have some say in that? We are simply asking for some of those issues to be placed on the ballot for Referendum. It is a simple request and it flows from the recommendations made by the Commissioners. I believe it is a reasonable position for any Barbadian to take.

There are issues on which we agreed, let that not be doubted, but there are also occasions when all of us in here agree and yet the public disagrees and they are entitled to have an input in the process.

Hon. Sir HENRY FORDE: Sir, again I am repeating that I am giving factual positions. The Honourable Member can go beyond the factual positions but this Commission ...

Rt. Hon. O. S. ARTHUR: Mr. Speaker, on a point of elucidation. Sir, I am hearing the debate and I am enthused by it but I just want to ask again that, since the Honourable Member for St. John obviously supports the Government's side on this issue, can we be assured that the Honourable Member for St. John and his Party will share the same platform with the Government during a Referendum to convey to those who are not convinced that we are *ad idem* on this matter. Sir, can we get that assurance on the Floor of Parliament?

Mr. SPEAKER: The Honourable Member for Christ Church West. Are you winding up, Sir?

Hon. Sir HENRY FORDE: Yes, I am winding up on this matter, Sir. I am saying that we have certainly made recommendations for Referenda or People's Initiatives on important issues that may be confronting the country. The Honourable Member has now said that there are other serious issues in this Report that warrant a Referendum. None of the Commissioners has any quarrel with that, the only person who had a quarrel with that was the Press which said that I am against Referenda. Sir, one has to get these matters straight, particularly in this Parliament. However, Sir, on the issue on a Referendum on the Head of State, I repeat what I said, that only two persons made any submission to us on that issue and none them, as far as I know, has political affiliation. Certainly no Member of the Democratic Labour Party, National Democratic Party or, indeed, the Barbados Labour Party made any submission that there should be a referendum or whether the Head of State should be a Barbadian or non-Barbadian.
5.50 p.m.

I am much indebted to the House, Sir, for giving me the time to respond on some of the major issues. I certainly accept the very exciting challenge of the Prime Minister as expressed in the last stages of his speech where he challenges the country, Sir, to think of Barbados, to broaden the debate, and to recognise that the development options of our country after 2005 will be limited. To look at the real issues in a system of structure of Government that must respond to the challenges flowing in international scenes and that is impacting on us here regionally and also within our own country. The Constitution which we eventually will decide on will be a Constitution that, therefore, positions in us to take the legislative and other governmental actions within our system in full consultation with all of the people, that would also contain the safeguards that are so necessary for the public of Barbados and for the ordinary citizen in our country.

In any event I do not believe, Sir, that we should effect constitutional change if we are not considering that broader issue of the improvement in civil governments and in the protection of fundamental rights and multi-party democracy.

Sir, I have great pleasure in commending the Resolution to this Parliament.

Mr. SPEAKER: May I remind Members that this Resolution is only to note the Report of the Constitution Review Commission and the proposals and recommendations therein.

The question that the Resolution do now pass was put and resolved in the affirmative without division.

Hon. D. A. C. SIMMONS: Mr. Speaker, on a point of privilege. In light of the debate and the vote, I think that would be an appropriate gesture if the House agrees to send a message of commendation, congratulation and gratitude to the Members of the Commission for an excellent Proposal.

Mr. SPEAKER: If this be the will of the House then so be it. The Clerk shall be so instructed.

ORDER NO. 8 – RESOLUTION TO APPROVE THE
ISSUE OF BONDS BY THE BARBADOS
AGRICULTURAL MANAGEMENT
COMPANY LIMITED TO THE
SUM OF BDS\$51 MILLION

Hon. A. P. WOOD: Mr. Speaker, I rise to move the passing of the Resolution to approve the guarantee by the Minister of Finance of the payment of the principal and interest to redeem an issue of bonds by Barbados Agricultural Management Company Limited (BAMC) to the sum of BDS\$51 million for the purpose of financing the Sugar Industry.

Mr. Speaker, at the last sitting of this Honourable House, we discussed the Sugar Industry in some detail and it is my intention to use this occasion to go through those matters which we treated at length. At that time, Mr. Speaker, in my contribution I focussed on the following issues, the importance of the Sugar Industry, the serious problems currently encountered by the industry, moves of restructuring and motivating factors for the establishment of the task force of sugar, and the type of issues the task force must ask to address. We also looked at Government's support for the industry. Mention was made at the time of Cane Planting Incentive Scheme and the Government providing by support to deal with the problems of the deteriorated exchange rates from last year.

Mr. Speaker, this Resolution deals with the financing of BAMC for out of crop period. I should note that BAMC has benefited on two previous occasions from bond issues. The first one was in June 1994 and the second one in December 1996 in the amounts of BDS\$42.6 million and BDS\$41.3 million respectively. If I could spend a minute to look at the financing arrangement for the Sugar Industry and it can be taken in two parts, Mr. Speaker. The financing arrangement for the crop period and the financing arrangement for the out-of-crop period.

For the crop period a loan is negotiated at the beginning of the crop period, mainly around October/November, and that loan is repaid by the proceeds from the sale of the sugar. By the end of the sugar crops when the final payments are in, the proceeds from the sale of the sugar during that crop would look after the financing negotiation for the crop period.

Mr. Speaker, sugar production has not been as consistent over the years as we would have expected, and the improvements in the cash injections that we had projected in 1994 which would have helped to meet the expenditure for the out-of-crop period did not materialise in any significant way. That is why, Mr. Speaker, we had on two previous occasions brought Resolutions to this Honourable House seeking the approval of this Parliament for the guarantee by the Minister of Finance.

We must also note, Mr. Speaker, that the price fetched for the sugar under the EU Protocol, notwithstanding the fact that price remains fixed at \$523.7 Euros per metric tonne, but the price received in Barbados dollars has steadily declined. Mr. Speaker, a measure of that decline can be seen in these figures. It moved from a high of BDS\$1 406 per tonne in 1995 to approximately BDS\$900 per tonne in 2000. Mr. Speaker, the serious fluctuation in the foreign exchange rates is clearly evidenced in the year 2000 when the Euro declined from an exchange rate of BDS\$2.32 to a rate of approximately BDS\$1.86 during the crop.

These factors have inhibited the cash growth projected, and therefore the BAMC is once again in a position where it has to seek Government's support for this bond issue. As I said earlier, Mr. Speaker, this bond issue is to deal with the working capital requirements of the out-of-crop period. The in-crop period, Mr. Speaker, let me repeat, will be dealt with from the sale of the sugar during that period.

Mr. Speaker, based on the financial projections of the company, it is estimated that an amount totalling BDS\$51 million will be required for the period for the three years from 2000-2003 in amounts drawn in tranches – first tranche of BDS\$16 million, second tranche BDS\$17 million and the third tranche BDS\$18 million.
6.00 p.m.

A number of options were considered by the Board of the BAMC. Namely, loan advance from Government, injection of Government funds or the preferred option and long-term borrowing with a Government guarantee. The BAMC Board opted the third method which, as I said earlier, would be a rolling over of two previous financing arrangements.

Mr. Speaker, under the option of long term borrowing by the BAMC with the guarantee to repay, a Government commitment for the repayment of the principal and interest will be required. The existing provisions under the BAMC Act, requires that the Minister of Finance and Economic Affairs with the approval of Parliament will guarantee such borrowings.

Mr. Speaker, based on the financial requirement of the BAMC, we are seeking the approval of this Honourable Chamber to guarantee the loan by the Minister of Finance for the repayment of the principal and interest to redeem an issue of bonds by the BAMC to the tune of \$51 million for the purpose of financing operations for the out-of-crop period.

Mr. SPEAKER: The Honourable Member for St. Lucy.

Mr. D. St. E. KELLMAN: Mr. Speaker, I want to start by saying that it is easy for any Minister of Agriculture to come to this Assembly and ask for its approval for the borrowing or the guaranteeing of \$51 million, but this particular \$51 million is not as easy as it looks. This particular guarantee must be seen in the total context of the economy of Barbados as it stands today.

Mr. Speaker, as you are aware, we find ourselves in a rather competitive world and we have a situation now, Sir, where the G77 countries find that whenever they have the economic advantage, they have taken the opportunity to come up with some organisation to make sure that the G77 countries do not continue to have the advantage.

Sir, I was very happy to hear the Minister of Agriculture stating that in 1995 we were getting Euros 523 for a tonne of sugar and for that Euros 523 we were getting a price of \$1 486 for one tonne of sugar. By the year 2000 we are still getting the Euros 523 but we are only getting \$900 per tonne for the same tonne of sugar. This tells me that we have seen nearly a 50 per cent drop in the income which in a sense is also a 50 per cent drop in the foreign exchange earning of the sugar industry.

A simple calculation will tell me, Sir, that those admissions by the Minister of Agriculture are an admission that should also be coming from the Minister of Finance. I do not expect the Minister of Agriculture to tell me where the shortfall will be made up. We have seen a serious decline in the revenue base of the agriculture industry which will also affect the economy of Barbados. So this Resolution today cannot be a simple Resolution where the Minister of Agriculture comes to this Parliament and delivers figures which tell the whole of Barbados that the revenue base of the sugar industry and also of the economy have declined and we have not been privileged to get a counter proposal to show how the agriculture industry will be rebuilt to increase the earning capacity of the economy and the agricultural base.

Sir, one would have expected the Minister of Agriculture to either outline to this Parliament that the Agriculture sector will also be involved in other avenues to increase the revenue to help maintain the economy of Barbados. Seeing that the Minister of Agriculture has not done that, one would expect the Minister of Finance to come and tell this Parliament how he is going to deal with the shortfall of revenue and foreign exchange that is coming from the agriculture sector.

Also, Sir, one also has to recognise that it is not only the agriculture industry that will be affected by the Euro, it will also be the tourism product. As it stands now, Sir, the major tourism revenue comes from the London market, or the Euro market as you want to call it. Sir, this tells me that we will be having a shortfall from the agriculture industry and the tourism industry.

Sir, this Resolution this evening, is not a simple Resolution about finding finance for the sugar industry, but it is a Resolution that impacts on the economy of Barbados and the Minister of Finance needs to come and outline to this Parliament how he is going to deal with the shortfall in tourism and the agriculture industry. What makes it even worse, Sir, we are finding a situation today that the same Government is going on the Euro market to borrow a significant sum of money which means that the Government will be starting to deal with a foreign exchange loss and not a foreign exchange gain which the economy of Barbados, again, will have to pick up. One will have to question the Government's judgement and the Cabinet of

Barbados decision to borrow money of this magnitude on the Euro market.

Sir, one will also have to ask the Cabinet of Barbados what are their contingency plans to deal with the decline in tourism revenue because of the decline in the Euro. One will also have to ask the Minister of Agriculture what are his plans to deal with the declining revenue in foreign exchange from the sugar industry because of the decline on the Euro market. So this is not a simple discussion today about the sugar industry.

One must also recognise, Sir, that with the coming of free trade and globalization, Barbados cannot now believe that they can sit back and allow these things to continue because this is a very competitive world and we have to hear policies in this Parliament to show us where we are going. If we do not do that, Sir, it would not be the year 2005 as stated by the Prime Minister earlier in this Parliament that as early as next year, we will start feeling the impact of the lack of policies by the Barbados Labour Party's cabinet. We need to hear from this Parliament, the policies that will be put in place to cushion the impact of the declining revenue from tourism, the sugar industry and the foreign exchange losses that will be incurred because of the borrowing of the money on the Euro market and not on the other market where we will have a fixed currency.

6.10 p.m.

I would expect, Mr. Speaker, that this debate would be lifted to a particular level where we would not be seeing it as a sugar industry debate but as a debate which relates to the economy of Barbados as it impacts on the island of Barbados at this time bearing in mind that globalisation is here.

We also want to know how are we going to deal with free trade and globalisation. To come to this Parliament and just put bound rates is not enough because the evidence will show that even those bound rates, as stated in another section of the Press which I cannot mention in this Parliament because the rules would not allow me to do it, the hoteliers are already saying the same thing I have said three months ago, that the bound rates would create pressure for the tourism product of Barbados and cause a decline in revenue for the country of Barbados. Less than three months after stating this, the effect is here to be seen in Barbados already.

We have to ask ourselves whether we as a people and as a Cabinet of Barbados will continue to put policies in place to give us a decline in revenue or whether we are going to reverse ourselves to make sure that we put policies in place to see an increase in revenue.

We have to ask ourselves what we are going to do. It is not the duty of the Opposition to do that but if within a month's time we do not get those policies coming from the

Cabinet of Barbados then it will have to be the duty of the Opposition to put counter proposals to make sure that this economy is up and running.

I want to say this, Sir, we have been given the impression that we can operate agriculture without looking at the tourism industry and the manufacturing industry. As a country, we have to make sure that there is a link between the productive sectors and that all of these sectors must come together and that there be a spin-off going from one sector to the other.

Just like in the manufacturing sector where you get rum coming from sugar and things like that, we need to get a wider linkage because it is regrettable that at a time like this, as you are aware, Sir, that Barbados finds itself fighting to get foreign exchange and we cannot get foreign exchange from cruise tourism because we can only attract two to three ships in one week but a country like the Bahamas could get 10 in one day and we have to ask ourselves what is happening. Is it that we are not dynamic enough? That is why I say that this particular Resolution ...

Mr. SPEAKER: The Honourable Member, please, please, please. The Honourable Member, when you first mentioned the other areas of the economy you made a point of linkages but I would not allow you to go on to be discussing tourism and all of that. Please, if you could stick to the Resolution, please.

Hon. N. A. LYNCH: On a point of order. The Honourable Member for St. Lucy is making constant references to the declining fortunes in the tourism industry. That is patently untrue.

In terms of cruise tourism, let me enlighten the Honourable Member for St. Lucy whether or not this is a tourism debate. To date, in terms of the number of calls for the year, for cruise tourism they have been 289 000 ship calls as opposed to 241 000 for the same period in 1999. For arriving passengers there have been 331 630 as opposed to 264 452 for the same period last year or an increase of 25.40 per cent.

It is patently untrue to say that they have not been more ships calling or more passengers calling on Barbados in terms of cruise ship tourism for the year 2000. It is nonsense.

Mr. SPEAKER: Yes, the point has been made, you have answered the allegation, and please, the Honourable Member, we do not want to go down that line, so could you focus on the Resolution before the House, please.

Mr. D. St. E. KELLMAN: Mr. Speaker, I would hope that the Minister of Agriculture will not be trapped into getting into statistics like the ones that were just given to this

Parliament for the simple reason as you are aware that the evidence is there to be borne out and you know the difference to that, Sir.

I will not get involved in any national debate on whether we can be doing better or not but I will warn you, Sir, as I said in the sugar debate last year, it takes a Minister of Agriculture 18 months before he can see whether he is performing or not but it is rather amazing that less than two months a Minister of Tourism can show his success already and that is all I would say at this particular time on that particular issue.

I am saying that the Minister of Agriculture and the Minister of Finance must come together and recognise now that there must be a special relationship between the agriculture industry and the economy of Barbados. You cannot segment the sectors anymore. The same way that globalisation is about the total world, the economy of Barbados must bring in every productive sector and recognise that every productive sector is important.

Sir, it is okay to say that we are dealing with an agriculture debate but we have to understand that the other sectors will impact on what we will have to do in agriculture. As you are aware, Sir, we are under severe pressure from the OECD, and if we are going to be losing revenue from the decisions of the OECD, it is obvious that the other sectors will have to pick up the slack. It is going to be very difficult in these coming months and weeks to be dealing with manufacturing without impacting on the other sectors of the economy.

We cannot continue to believe that because we are dealing with a particular sector that we are not dealing with the total economy because that part of the sector is also very important to the total economy.

I thank you very much, Sir.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, I am only rising to deal with one aspect of this Resolution. I agree with the comments of the Honourable Member for St. Lucy. I heard the introduction by the Honourable Member for St. Philip South and I want to merely draw his attention to the fact that the last time the House came to the consideration of guaranteeing loans for the sugar companies, the Barbados Agricultural and Marketing Co. Ltd. in particular, in a Resolution moved by the Honourable Member for the City who was then acting Prime Minister, Members of the Opposition including an Opposition third party raised concerns about the fact that these were now private companies for which Government was providing a guarantee and therefore some information should be given on the ability of the companies to meet their obligation.

Far too often, this Government is coming to the Chamber asking Parliamentarians to support guarantees which Government is giving for borrowing by companies owned by Government without any information whatsoever being given to this Parliament about the financial viability of these companies.

I am saying again for the record, that to my mind that is a grave discourtesy to this Parliament and that we need immediately to bring an all-embracing piece of legislation which would require companies which have undertaken borrowing guaranteed by Government, to lay before this Parliament, financial statements.
6.20 p.m.

Now just the other day, Mr. Speaker, we debated the Caves Bill. I raised concerns in here. The matter ended up going to the Other Place and the same issues that we raised about companies making their financial statements available to Parliament received some debate. I cannot go into any details on that. I am just saying that it came up. Now that was an example of a company that was not borrowing and we were requiring a company that was not receiving a guarantee from Government which was not borrowing to provide Parliament with financial statements. That is all well and good. Those statements are not critical. What is critical and of greater significance is the large number of companies owned by Government for which this Parliament has provided guarantees, but we have no information whatsoever of the financial viability of these companies. There is no basis either under legislation or otherwise for us to get that information.

Now I can quote from the debate in 1994. Here was Dr. Haynes saying on page 327:

“Whenever I am asked to guarantee anything”, and he would know that he is a person of means, “and seldom do, because by the time people come to you to ask for a guarantee that means that the financial institutions have already determined that their credit worthiness will not justify the loan. I certainly try to get some information as to the likelihood of being repaid. I would think, Sir, in a situation like this that the Minister who introduced the Resolution and who has all the authority of the Minister of Finance had a duty to let us know at least what are the assets of BAMC, what are its liabilities, what are its potential earnings and in what way would this particular loan be liquidated by the company if it is not to become like previous guarantees a charge against the Consolidated Fund.”

I also spoke in that debate and there were other Members who spoke. Even if the Government provides us, Mr. Speaker, Sir, as they do with the Resolution with some kind of attachment or even if the Government requires the

company itself to provide this House with copies of its audited financial statements, that would be fair. Since 1994, this Parliament has not benefited from information on the financial operations of BAMC and none on the BACT.

We have had Parliamentary Questions on the Order Paper and none of which has ever been answered. The reason why I have great difficulty in supporting this Resolution is because today once again the Government is asking for a guarantee for a whopping \$51 million to BAMC without even telling us whether the BAMC has been meeting its obligations under the previous loan that had been granted since 1994. Now, Sir, we cannot continue like that. This is a Parliament which has the authority to grant money and even to give guarantees. Ministers must not come in here, even if the law does not yet provide for it, and simply trot out the most basic information to support a guarantee of \$51 million.

I want to know about the BAMC. As I said, that should be provided in written form so that parliamentarians can have a look. Sir, I would not be discharging my duty to the people of Barbados either as Chairman of the Public Accounts Committee or in my capacity as MP for St. John and likewise, the Honourable Member for St. Lucy if we agree to a guarantee of \$51 million without information being given to us as to the state of finances of this company which the Government owns.

I regret very much that in 1994 at the time of moving the BAMC Act that we did not insist in a provision. Yes, it was in June 1994 that we moved a piece of legislation which would have permitted the Government to guarantee loans to the BAMC. Then the Government subsequently moved a catch-all piece of legislation to permit it to guarantee loans to other private companies in which Government has a significant shareholding. I think that on both occasions this Parliament made an error in not requiring that those companies file financial statements with the Parliament of Barbados. That goes for all of them for which we have given guarantees, whether it is the Barbados Tourism Investment Inc., GEMS Project – Hotel Resorts Limited and now a second guarantee for the BAMC.

There may be other companies for which we have provided these guarantees. If these companies fail to pay at the end of the day, these will become burdens on the taxpayers of Barbados as happened with the original sugar industry debt. Now we are walking down the same road again. This is like the situation where nobody really knew what was happening in BAMC. We moved it out into a private company to monitor more effectively the operations of these entities and to give them some independence. But at the end of the day Parliament still does not have a clue about the financial operations of these sugar entities. We do not have a clue about the financial operations of these other private companies.

Therefore, Members of the Opposition have to depend on what they hear or what falls off the back of a truck. That is not helpful to the Government and Ministers should themselves see it as their responsibility to provide that kind of information. I am saying, Sir, that it is scandalous and I know you, Sir, claim the right of parliamentarians in here on our behalf. I cannot appeal to you, Sir, directly in this regard but I appeal to the House as a whole to reclaim its significance in matters of this sort.

This is about the fifth speech that I have had to deliver in here, because if we start wrong we are going to end wrong. In relation to these matters, I think that we started wrong. Therefore, I urge the Honourable Member for St. Philip South either to commit himself in this debate in providing us within a specified time period with the financial statements of the BAMC and BACT or that he will ensure that the Act is amended or I am not voting for this guarantee this afternoon. I want to make that clear. Do not bring anymore guarantees that require any form of cooperation from the Opposition. Do not bring anymore because, as I said, this is a scandalous situation now. You would have had one set of guarantees. Concerns were raised and nothing was done and week after week Parliament is guaranteeing loans to these companies in various fields of operations – tourism and agriculture and no doubt there will be others. No information is made available. So I put the Honourable Member for St. Philip South on guard.

Mr. SPEAKER: The Honourable Member for Christ Church South.

Hon. Sir HAROLD St. JOHN: I desire to make a few remarks, Sir, in connection with this Resolution. I share the view that all of the information with respect to the sugar industry should so far as is consistent with the conveyance contained in the loan document be made available to Members of Parliament and members of the public. The sugar industry plays a unique role in the economy of Barbados. I well recall the debates that occurred when previous attempts from 1981 have been made due for the sugar industry in Barbados. What the European Economic Community has consistently done for its agricultural industry ... what the Canadian Government does for various aspects of agriculture in that country, what the United States government consistently does by a variety of measures, namely the provision from the treasury of assistance to the agricultural industry, whether it be in the name of food security, whether it be in the name of environmental protection, whatever the name or label that is granted to it, the reality is that agriculture seems to be a type of industry which at the present moment in developed countries is graced with periodic support by the State.
6.30 p.m.

In 1981, this Administration brought the first order. In 1992, 1993 and early 1994 it was the Leader of the

Opposition as Minister of Finance who continued in that vein. I have before me a parliamentary document which was laid in this House somewhere around January 1992 and it related to the state of finances at that time of the Barbados Sugar Industry Limited. The predictions at that time according to this document was that the industry was bankrupt and that if it was not given support we would not have an industry and the decision had to be taken as to whether Barbados needed the benefits which derived from that industry or not. The decision was taken that at that time the industry was vital for a number of reasons, whether environmental, employment, foreign exchange earning capacity, whatever it was. I remember making speeches on it and I am one of those who still believe that whatever money is given to the sustenance of the industry is recoverable directly or indirectly.

I believe that it was an Honourable Member on this Side, the Honourable Member for St. Philip North, whose views and mine coincided that whether you give it out one way you could get it back this way, because land values would rise to such an extent that once you had a methodology of ensuring that some of that increase in increments would redound to the State, that you would get back more than what you paid out.

I believe that the subsequent rise in land values has vindicated that position. When we are looking at the sugar industry and we are looking at it from the point of view of contribution by way of subsidy to the grantee, and the subsidy in this case is obviously the repayment of the interest and the repayment of the bond, one must also look at the fact that this Government is on record as saying that it will finance the agricultural industry by way of an agricultural trust and that it was formulating a specific policy to realise the sources of finance. Whether it is popular or unpopular, I firmly believe that a tranche of the increment in value that arises from the change of use of agricultural land to other lands, arising from the value in particular of the phenomenal interest in large tracts of land for the purpose of use other than agriculture, some of that has to be captured.

It is not fair and just that we, on the one hand, have to provide money for the benefit of the island as a whole, environment, help with work in the industry, and we do not recapture some. I am waiting patiently to see the out-turn of some of the measures that have been introduced. My calculations are that if we really collect the land taxes, they ought to be considerable. If we ever collected the property transfer tax, and this is a very serious thing – I make no apology for saying that there are a mass of professionals, lawyers, accountants, real estate agents who in combination cheat the revenue and I use those words advisedly because in the United Kingdom and in the Channel Islands new offences have been created and they are in all the journals called “cheating the revenue”. The offence is a common law offence. They are prosecuting my own professionals, real

estate agents and accountants. They are prosecuting them all over. It is time that some are prosecuted in Barbados.

It is a well known fact that land passes hands via Virgin Islands companies and this Government is not getting its just share of the revenue. I do not care who likes it or does not like it. I am all in favour of the methodology of the rigorous pursuit. If they need a special fraud squad let us get it. The method of financing agriculture in Barbados will only arise if we get revenue from that source because we are in a very difficult position.

The conditions of 1981 are the same as now. We have a cross-section that is such that you cannot produce sugar in Barbados at a price that you can sell it and make a profit. That is a reality, whether you like it or not. The other point that we have a mitigating factor is that it used to be 40 per cent of the amount that we got in sugar went in wages and processing costs. God knows what it is today because there has been a great degree of mechanisation. This is a point that we should know.

I want to know how successful Booker Tate has been in their own managerial device. There is a document so that it is not quite true to say that there is no information. The question is whether that information has been given in a form that we can all understand because I have here a five-year plan for the sugar industry 1996/97 to 2000/2001 from the Barbados Agricultural Management Company Limited, October 1996 which is a document of the House. At the back of the document it has all of the data relating to the profit and loss projections and the capital expenditure and general balance. It ought to be quite easy for us to have this updated with projections versus reality.

I do not believe that that would necessarily break any covenant. Some of these loans have a covenant that you are not to disclose and that is something that you have to deal with. All of this is an attempt, I believe, or was an attempt to give Parliament and the public an idea of what the prognoses were in relation to this. This is a document of the House, October 1996. It goes right up to the year 2001. We are in a position now to have an update. It is very detailed and sets out very clearly the profits and loss as well as the balance sheet. I believe that it could be useful to demand an update of that and that could be laid with impunity in the House.

I am one of those who believe that consultants have got away with murder in Barbados and in other countries. As a matter of fact, I read not so long ago that the Chairman of a very large public company in the United Kingdom made a statement which is applicable to us. He said that the trouble is that he had decided in his mind that his firm had spent so much money on consultants that what he would be doing in the future would be that he would not be dealing with the

consultants but with those members of his firm that recommend that he use consultants.
6.40 p.m.

We even have in this country people who are consultants who tell us how to hire other consultants. Terms of reference for consulting have now become a big consultancy. It is encouraged by the Inter-American Development Bank, the World Bank and others and they draw considerably greater sums than they merit. I remember the controversy that took place at the time of the hiring of Booker Tate. People may forget that but there were other people who felt that they were not going to bring to Barbados the degree of change which would result in such a fundamental economic difference because the problems that people were identifying in Barbados were the problems of cost and although you could mitigate cost by consolidation of land holding, by reducing management and by factory efficiency too. Sir, what I want to know is how this BAMC projection in October 1996 in reality has taken place. I do not have any difficulty in supporting the amount of the guarantee because I know that at least 40 per cent is going to be in local wages.

As a matter of fact, when I saw the other day that because of drought and other conditions that people were being laid off, I spoke very clearly to a couple of Ministers and my view was, that the Government should have a mechanism to ensure that laid off agricultural workers were doing work in the environmental area that needs to be done. We need to have people looking after the environment in Barbados. In the olden days, the estate looked after cleaning wells, cleaning the bush, minor roads and things of that kind but today they do not do it. We have to substitute some institutional framework to do it. Needless to say, neither the Urban Development Commission nor the Rural Development Commission can do it and we do not have local government, therefore, we have to devise a system like the Americans do, like the Canadians do and like the European Economic Community does. There are hill farmers who are given special subsidies and there are a number of other people who are given subsidies. We must understand that there has to be an element of subsidy, unless we want to devalue the dollar but it would be at the expense of the people who work in the industry and that is one of the things that has to be taken into account. While we must do everything in our power to ensure that we reduce cost, we have to look at methods of compensation to the Treasury for the amount. One way, in my opinion, is to ensure that those who benefit from the phenomenal increase in values ...

Asides.

Hon. Sir HAROLD St. JOHN: It happens in a country like Barbados where you have only a limited amount of land and if there is a great demand for the land, the price will go up and it will fluctuate. This is a reality all over the world.

People who notice the boom now do not remember that there are years in which there was no boom and that it can go up, and it can go down.

Sir, I believe that we are doing a good thing in keeping this industry alive and Barbadians should be told that there has got to be further consolidation. There has been consolidation in respect of field operations and there has got to be more consolidation in respect of processing, that is the reality.

There has also got to be more consolidation with field operations because I believe that some of the private growers will have to lease some of their lands to the BAMC because the unit of production of 11 000 acres, I believe it is, is still less than the private growers.

The last thing we have to do is to look at the Agriculture Credit Trust. A couple of things occurred with the Barbados Agricultural Credit Trust. Do not let us fool ourselves. Nobody has any doubt about the integrity of the motive in creating the Barbados Agricultural Credit Trust. It is a well-known technique that was borrowed from the Savings and Loans Association in the United States. You take off the Balance Sheet of Banks and Others and you put it into special purpose vehicle for the purpose of recovery. We had a remarkable thing about the Barbados Agricultural Credit Trust. It was agreed that as an incentive for people who were going to pay off quickly, that a discount is given – of interest only. Some people of cash but that is not true, it was of interest only. The interest of the Barbados Agricultural Credit Trust was fixed at a rate of four per cent but what happened is that people now are taking advantage of the increased values and still want to go back to the Barbados Agricultural Credit Trust and say that they want the discount. Now, something has to be done about that.

What I would appeal to the Minister to do is to familiarise himself with all of these various aspects and see how all of this can be modified in the light of the experience of what has occurred in the period of time between 1992 and now. It is eight years now and we can do a review.

Sir, I thank you.

Hon. A. P. WOOD: Mr. Speaker, in closing the debate on this Resolution let me first thank those Members who have made a contribution. Mr. Speaker, the last time we had a detailed debate on the sugar industry I was at pains to point out in a very systematic way – starting with the importance of the sugar industry outlining the problems which have been with the industry for some time and the reason for the establishment of the Task Force on sugar – that the mandate given to the Task Force on sugar was to look systematically on all the pertinent issues so as to be addressing the business

of the future of the sugar industry in a holistic way. We had come to a determination, Mr. Speaker, that it is the Government's intention to do what is necessary by way of sensible policies and programmes to ensure the long-term viability of the sugar industry.

Mr. Speaker, I said back then that the Task Force on sugar was just at the point of concluding its work. When we looked at how the work of the Task Force was distributed we had a Sugar Industry and Land Use Committee, a Field Operations Committee, a Factory Committee, a Finance Committee and the Institutional Strengthening Committee. Mr. Speaker, back then, details about the cost components in the industry and the allocation of the cost between the field and the factory sectors were given. Against the background of an industry categorised as a high cost producer, when compared to sugar producing nations within the region and elsewhere in the ACC region, we said that the obvious objective of the restructuring of the industry was to reduce cost and increase efficiency, that is, to become more cost competitive. Mr. Speaker, the final meeting of that Committee that looked after the review of the industry and making the recommendation to take the industry forward, that final meeting should take place tomorrow.
6.50 p.m.

Mr. Speaker, once we have all agreed that it is important to keep the industry, we have to recognise that in 1994 the situation was more or less similar where we needed to deal with reducing the cost of production in the industry. I do not think that it should be too difficult for anyone in here, whether on this Side or on the Opposition Bench, to understand that it is important that we need to roll over the financial arrangements which were put in place on two previous occasions to secure the operation of BAMC both in-crop and out-of-crop.

Mr. Speaker, when I hear the Honourable Member for St. Lucy speaking, sometimes, I get the impression that he is unaware of what is happening in this country, and sometimes he comes into this House and does not listen. He is suggesting that this country is suffering from a depletion of its foreign reserves base. He gives the impression that there is no understanding on this Side of the strategic importance of the agricultural sector to this economy.

Mr. Speaker, we heard a couple weeks ago that the foreign exchange position of the Barbadian economy has a reserve base in excess of BDS\$1 billion.

Asides.

Hon. A. P. WOOD: Mr. Speaker, I do not want people to leave here with the impression that the Barbadian economy is experiencing difficulty with the generation of

foreign exchange when at this point in time we have reached record levels with our foreign reserves.

The second thing, Mr. Speaker, the Honourable Member for St. Lucy would want us to believe that there is no understanding of the way forward for the agricultural sector in Barbados. Mr. Speaker, a couple of months ago, it seems quite recent, there was a national consultation on the economy, and selected Ministers got the opportunity to put the programmes of their Ministries at that forum. The Press was well represented there, and the Minister of Agriculture had the opportunity to put his Ministry's position at that national consultation on the economy.

Mr. Speaker, the Ministry of Agriculture has submitted, not a two-year or three-year strategic plan for the sector, but a strategic plan covering the years 2001 to 2010. Mr. Speaker, without seeking to take too much of the Members' time, I would like to draw the Members' attention to some of the components of that strategic plan and some of the other methods that the Ministry of Agriculture will be using to respond to the challenges posed by regionalisation and globalisation.

Mr. Speaker, we said that one of the pillars of that strategic plan is the implementation of a competitiveness enhancement programme. This year the emphasis on the agricultural sector, the manufacturing sector and all other important productive sectors in this national economy, the emphasis should be on increasing competitiveness. So a pillar is the competitiveness enhancement programme which consists of the following components – incentives and domestic support regime. The Honourable Member for Christ Church South is quite aware that the developed economies notwithstanding the authoritative position they like to hold in international trade and financial talks, continue to support their agricultural sectors in a significant way. It is our intention that wherever possible and within the rules of the game to continue to support our agricultural sector. It is within that context that we seek further approval from this Honourable House for the guarantee before us today. Also for the business development and for management support activity is a component on this competitiveness enhancement programme, cost reduction, quality enhancement and marketing are some of the areas that we will focus on to increase our competitiveness. Mr. Speaker, very importantly, establishing and strengthening former organisations and agricultural cooperatives.

Mr. Speaker, let me go to another important area that is addressing the attention of the Minister and the officials at the Ministry of Agriculture. It has to do with inter-sectoral linkages. The Honourable Member for St. Lucy would want this Honourable House to believe that no emphasis is being placed in this area. We understand that is very important for us to forge stronger linkages with the other sectors. What have we been doing, Mr. Speaker? The Minister of

Agriculture has been hosting a series of seminars to sensitise players in the hospitality sector. In August last year there was a very important seminar at the Samuel Jackman Prescod Polytechnic and I had the honour of declaring that seminar open. It was the first in the series. We brought together numerous players from the hospitality sector to discuss this issue, economic linkages, as it relates to agriculture and the hospitality sector.

Mr. Speaker, I have gone a bit further. It is my intention to have a committee established. I met with members from the supermarket, restaurant and hotel sectors with a view of us formalising a common approach to this issue of economic linkage between agriculture and the hospitality industry. I could even get the Honourable Member for St. Lucy to join.
7.00 p.m.

Asides.

Hon. A. P. WOOD: Mr. Speaker, I have told this House that we need to ensure that this effort is successful because we have to view it as a national response to the challenges that oppose as a result of globalization. We need to see ourselves as very patriotic Barbadians and we should try our best to ensure that what we produce in the agriculture sector, more of it could find its way into those components of the hospitality sector in a systematic and organised way.

Mr. Speaker, I have a broad-based committee established that is working on the terms of reference for a proper study to be done on the linkage between agriculture and the hospitality sector. I have brought in the private sector leaders into this effort to see the benefit of contributing financially and otherwise to such a study.

Mr. Speaker, we have gone a little further and recognise that there is potential in establishing a firm linkage between the agriculture sector and the craft industry. Sir, just last week at Sherbourne Centre there was another important seminar in this area and with the Honourable Member for Christ Church East, we will be dealing at a very high level to see how best – in the same manner we are addressing the linkage between agriculture and the hospitality sector – we can deal with the agriculture industry and the craft industry. I do not want persons to think that we do not understand the strategic importance agriculture plays to this economy and within the agriculture sector, if we recognise that sugar is here to stay, we have to plan properly to ensure the long-term viability of the sugar industry.

Mr. Speaker, the Ministry of Agriculture is looking very carefully at the establishment of this Agriculture Development Trust. All the preparatory work is finished, the paper is with the Ministry of Finance and Economic Affairs for final comments and we all know the importance of this

Agriculture Development Trust. We know that the transformation of the agriculture sector requires significant resources but the Government is resolved to the establishment of this trust to provide or to serve as a source of financing for the sector.

As I have said on a previous occasion, Mr. Speaker, the monies available with the Agricultural Development Trust would not be for all and sundry. It is to retool and recapitalise those aspects of the agriculture sector that are in dire need of finance which will allow us to better withstand the pressure which is brought on us from regionalisation and globalization.

Mr. Speaker, we have also taken a very important initiative at the Ministry of Agriculture and I can go on and on because the Honourable Member for St. Lucy cannot understand that there is a time and a place for everything and just as I said last time, I wanted the House to benefit from a full debate on the Sugar Industry and I set the tone in such a way as to indicate that we will reserve that time for a debate on the Sugar Industry. The Honourable Member for St. Lucy sought to suggest that we should have opened up the discussion back then to a debate on the Agriculture Sector. He comes now and attempts that once more but he will get his opportunity in the fullness of time, Mr. Speaker, to a debate on the agriculture sector and the way we are planning to take the sector forward.

Mr. Speaker, I think I should mention at this point that a very important initiative which is our 'land for the landless' project will be implemented. The Cabinet has approved the 'land for the landless' proposal and it will be implemented during this financial year and we are busy planning the operational details of the programme. Sir, if the Honourable Member for St. Lucy has some willing farmers in St. Lucy, once they meet the criteria, I must say, he can speak quietly with me and we will seek to accommodate them in the programme.

Mr. Speaker, we at the Ministry of Agriculture are busy planning, not only for the Sugar Industry but we are very busy planning to see how best we can get greater integration between the agriculture sector and other sectors in this economy. We are trying to get more lands back into active cultivation so as to increase agriculture production while at the same time – another important area which we should focus on – we will be dealing with the marketing of that agriculture produce. So we are taking a comprehensive view of the agriculture sector. Mr. Speaker, sugar occupies a very important place in our discussions at the Ministry.

Mr. Speaker, with those few remarks by way of reply, I beg to move that this Resolution do now pass.

The question was put and resolved in the affirmative without division.

ORDER NO. 7 – THE CENTENNIAL
HONOUR BILL, 2000

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, this Bill, as its objects and reasons set out, is aiming to provide for the conferment of what we hope will become known as the Centennial Honour on persons who have contributed to the building of this nation of Barbados and in respect of whom there has been no past conferment of other Honours whether national or imperial.

The National Honours and Decorations Advisory Council, Mr. Speaker, Sir, recommended to the Cabinet and the Cabinet has agreed that there should be this unique one-time award to celebrate the closure of the Twentieth Century. We are hoping because we are celebrating the Century ...

Asides.

Mr. SPEAKER: Let me hear the Honourable Member, please.
7.10 p.m.

Hon. Miss B. A. MILLER: We are hoping particularly because we are attempting to celebrate the closure of the Twentieth Century that we could do this by recognising 100 Barbadians who are still alive and who could be considered as builders of Barbados. It is proposed, as the Bill sets out, that the award be given to citizens or to persons eligible to be citizens of Barbados but who must not in the past been recipients of either national or imperial honours.

The Act sets out very clearly that the persons may be persons living in Barbados or outside of Barbados, but they must be Barbadians. They must have been born in Barbados or are citizens of Barbados or entitled to be registered as citizens of Barbados and they must have made some outstanding contribution to national or community life.

It is hoped that this honour would be awarded on the first day of January in the year 2001 when the Twentieth Century would have closed and that it would be done in a suitable ceremony by the Governor-General publicly at Government House in much the same way but perhaps with a little more ceremony in which the Independence Honours are now dispensed.

We are hoping that we would strike a medal in silver and that the design would bear the bearded fig tree. Everybody I think knows what the significance of that is for Barbados, and that the words "Nation Builder" would be engraved upon this medal as well together with the name of the honorary and the date January 1, 2001.

We are hoping to put this out as we do the Independence Honours for the public to make its

nominations. It would go out as it always does to our Missions abroad, suitably advertised, so that people would make their nominations. We are hoping in the criteria set out that people would seriously consider this to be a very signal honour for any Barbadian from any and every walk of life; people who have been active in community building in every respect; people who have been influences for good in our community; people who we would want to hold up as models in our community; mentors and people who have been caregiving in our community in almost every way.

We want it to be as broad-based as possible and we hope in this regard that we would get a better response than what we get when the advertisements go out for the Independence Honours. A lot of people are wont to comment after honours come out and so on and so forth about what should have been and what was not and so on and so forth but when they have the opportunity and when you look they do not respond to the public advertisements for nominations. I would like to use the opportunity too, Mr. Speaker, to encourage Barbadians to respond when the advertisement comes out for this award.

When this honour is bestowed – it is one which like other national honours – those upon whom it is bestowed would be entitled to wear it as a decoration at public and other functions. As I said earlier, it would be a one-time event. This would not be an annual event. This is to celebrate the closure of the Twentieth Century. I hope it will provide an opportunity for many who for all kinds of reasons may not have yet been the recipients of awards to be considered.

The hope is, that very soon after the Bill passes this legislature, we would put the advertisements out in the local, regional and international Press. There would be a period of about maybe two months or so to allow nominations to come in before consideration would be given to the nominations – one hundred Barbadians. I am sure that Honourable Members would be supportive of this.

It is said so often of us as Barbadians that we tend not to be as nationalistic as other Caribbean people in other Caribbean jurisdictions. I do not necessarily agree with that. I believe that we tend to manifest our nationalism in perhaps different ways and perhaps in not quite so traditional and obvious ways as other people do. Maybe this could be yet another opportunity for Barbadian nationalism to show itself in the best sense and in the best way.

We are moving toward a new century and a new era and many people are concerned particularly not so much for our generation but for the generation which is coming rapidly now behind us and for other generations to come in the days and years that are to come that the essence – and reference has been made to that in an earlier debate here today, Mr. Speaker, – of what is truly and quintessentially

Barbadian is something which does not fall like manna from heaven. It is something which has to be cultivated. It is something which has to be nurtured. It is something which requires role models.

We hope that this Centennial Award would lift up the thinking and bring something positive to attitudes. In these closing years of the Twentieth Century, that word 'attitude' has taken on a certain kind of meaning which tends to be negative.

Asides.

Hon. Miss B. A. MILLER: I am much obliged to the Honourable Member for St. Michael South Central, he has suggested pejorative. Yes it does.

Let this be an opportunity then for a positive and forward-looking attitude to be displayed among us.

Mr. Speaker, I beg to move that this Bill be now read a second time.

Hon. R. C. EASTMOND: I beg to second that.

The question was put and resolved in the affirmative without division.
7.20 p.m.

On the motion of Hon. Miss B. A. MILLER, seconded by Hon. D. A. C. SIMMONS, the House resolved itself into Committee, Mr. D. CARTER in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is now in Committee.

Clauses 1 to 7 were called and passed.

On the motion of Hon. Miss B. A. MILLER, seconded by Hon. D. A. C. SIMMONS, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. Miss B. A. MILLER, seconded by Hon. D. A. C. SIMMONS, the Bill was read a third time and passed.

PRIVATE MEMBERS' NOTICES – (RECOMMITTED)

Mr. SPEAKER: The Honourable Member for Christ Church East Central.

Mr. D. CARTER: Sir, I beg to give notice of this Resolution which was circulated today in relation to the sportsmen of this country:

“Resolution to applaud and congratulate Barbadian sportsmen and sportswomen on their recent achievements and success.”

ADJOURNMENT

Hon. D. A. C. SIMMONS: Sir, that concludes Government's Business for today. I, therefore, beg to move that this Honourable House be now adjourned until August 15, 2000 at 11.00 a.m. As things presently stand, that will be the last Sitting for the Summer.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
7.25 p.m.

CONTENTS**MINUTES****Hon. D. A. C. SIMMONS** 1

Confirmation of Minutes of the meeting held on Tuesday, 25th July, 2000.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. Speaker announced that he had received the following:

- (j) Accounts and Statements for the month of October, 1999 prepared by the Accountant General.
- (k) Accounts and Statements for the year 1998 to 1999 prepared by the Accountant General.

SUSPENSION OF CERTAIN STANDING ORDERS**Hon. D. A. C. SIMMONS** 2

Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 were suspended for the remainder of the Sitting.

GOVERNMENT BUSINESS

Hon. D. A. C. Simmons spoke re arrangement for business.

ORDER NO. 1 – RESOLUTION TO NOTE THE REPORT OF THE CONSTITUTION REVIEW COMMISSION AND THE PROPOSALS AND RECOMMENDATIONS THEREIN 2

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ORDER NO. 8 – RESOLUTION TO RESOLVE THE GUARANTEE BY THE MINISTER RESPONSIBLE FOR FINANCE OF THE PAYMENT OF THE PRINCIPAL AND INTEREST NECESSARY FOR THE REDEMPTION OF THE BOND ISSUE IN THE SUM OF BDS \$51 MILLION 40

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ORDER NO. 7 – BILL ENTITLED AN ACT TO PROVIDE FOR THE CONFERMENT OF “THE CENTENNIAL HONOUR” ON PERSONS WHO HAVE CONTRIBUTED TO THE BUILDING OF THE NATION OF BARBADOS AND IN RESPECT OF WHOM THERE HAS BEEN NO CONFERMENT OF ANY NATIONAL OR IMPERIAL HONOUR FOR THAT CONTRIBUTION AND FOR RELATED MATTERS 49

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Mr. D. Carter gave notice of a Resolution to applaud and congratulate Barbadian sportsmen and sportswomen on recent achievements and successes.

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ATHERLEY, Rev. J. J. S. (St. Michael West)
CARTER, Mr. D. (Christ Church East Central)
FORDE, Hon. Sir Henry (Christ Church West)
KELLMAN, Mr. D. St. E. (St. Lucy)
MILLER, Hon. Miss B. A. (City of Bridgetown)
PRESCOD, Mr. T. A. (St. Michael East)
SIMMONS, Hon. D. A. C. (St. Thomas)
St. JOHN, Sir Harold (Christ Church South)
THOMPSON, Mr. D. J. H. (St. John)
THOMPSON, Hon. Miss H. E. (St. James South)
WOOD, Hon. A. P. (St. Philip South)