

ADDRESS
OF
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CHANGE AND NATIONAL DEVELOPMENT



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REFINING THE REVOLUTION

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1962 to 1992: they were the DEFINING years of the Quiet Revolution which ushered in a vast array of social, economic and political changes. They were the years which catapulted The Bahamas into the Twentieth Century and thrust her forward onto the world stage.

1942 - 1967

But what ended in 1992 did not begin in 1962. I like to think it began in 1942 with Burma Road. I like to think that Burma Road started the revolution which took twenty-five years to manifest itself in 1967 and another twenty-five years up to 1992 to define and firmly establish itself. Burma Road cracked the wall of oppression, suppression and discrimination. That crack was wide enough for the Citizens Committee to squeeze through into Grand Central Restaurant in 1949.

1942 and 1949 combined to offer proof that the time had come for a political party which intrigued the hopes and dreams and aspirations of a downtrodden, abused people and from deep within their bowels such a party came forth in 1953. 1942, 1949 and 1953 emboldened many new Freedom Fighters and more and more began to find and use their voices. Most people were still too timid, though, but one here, two there, were just enough to keep the crack from closing.

In 1956 segregation and racial discrimination were tackled head-on in the House of Assembly for the first time. Men, and women too, packed the gallery of the House that night to see and hear what their tuxedo-clad and white-dinner jacketed legislators would do and say. Fourteen years after Burma Road, red blood flowed apace again through the veins of stout-hearted men. The Revolution was gathering steam.

If anyone had thought otherwise, 1958 made it abundantly clear. The General strike coalesced men and women from many different walks of life as they threw down the gauntlet in the face of an entrenched oligarchy and earned its place in history alongside Burma Road. From that point, there could be no turning back. And no turning back there was.

Events moved at a gallop. Fidel Castro's triumphant march from Oriente Province to Havana in 1959 unleashed a boom in tourism and investors were allowed to go over-board. Eventually, for example, hundreds of Maltese hotel workers brought into Grand Bahama to do menial jobs were forced to return home. By 1961 women were empowered to vote and 1962 saw the passage of the Trade Union and Industrial Conciliation Act legalising collective bargaining. 1962 also witnessed an interesting phenomenon. In the general election that year the Party that won the most votes did not win the

most seats. 1964 began with our first written constitution which introduced cabinet government. A dispute over constituency boundaries spilled into the streets in April, 1965 and into the halls of the United Nations in October. In May, we had changed our Pounds, Shillings and Pence into Dollars and Cents.

1967 - 1992

Suddenly it was 1967. After a twenty-five year gestation period, Burma Road gave birth to Majority Rule. The impossible dream had become a reality!

Over the next twenty-five years, the Political Revolution gave way to the Social Revolution which laid the ground-work for the oncoming Economic Revolution. Things attempted and achieved were phenomenal and no where else in the Caribbean did it succeed like it did in The Bahamas. You already know that opening free high school education to the masses, introducing a massive college-education scholarship programme abroad and implementing effective Bahamianisation at home together fashioned a new middle-class of striving and upwardly mobile citizens whose per capita income grew from \$1,750 in 1966 to over \$12,000 in 1992. This was powered by a tourism industry which welcomed one million visitors in 1968, two million in 1982,

three million in 1986 and a record 3.6 million in 1992, a figure we may just reach again in 1998.

You also already know that during those years 90%-95% of The Bahamas was electrified and reachable by telephone. Bahamasair, the Central Bank, National Insurance, the Hotel Corporation, the Royal Bahamas Defence Force, The College of The Bahamas, The Bahamas Tourism Training Centre, and Foreign Ship Registration came into being. Junkanoo was brought out of the closet and transformed into a proud, cultural art form and The Bahamas Games were inaugurated.

You would remember all that but you may not remember some other interesting mileposts passed on the way. In 1968, for instance, we had to re-establish sovereignty over and regain immigration control in Grand Bahama without which the Bahamian population there would had been marginalised and outnumbered two or three to one by 1998.

We got our second written constitution in 1969. That you would know; but you may not know that His Excellency, Mr. Arthur Foulkes, an original

Freedom Fighter, wrote a beautiful preamble for it but it was premature. It had to wait four more years for our third Constitution in 1973, but listen to it now:

"Whereas Four hundred and eighty-one years ago the rediscovery of this Family of Islands, Rocks and Cays heralded the rebirth of the New World;

"And Whereas the People of this Family of Islands recognise that the preservation of their Freedom will be guaranteed by a national commitment of Self-discipline, Industry, Loyalty, Unity and an abiding respect for Christian values and the Rule of Law;

"NOW KNOW YE THEREFORE:

"We the Inheritors of and Successors of this Family of Islands recognising the Supremacy of God and believing in the Fundamental Rights and Freedoms of the Individual, DO HEREBY PROCLAIM IN SOLEMN PRAISE the Establishment of a Free and Democratic Sovereign Nation founded on Spiritual Values and in which no Man, Woman or Child shall ever be Slave or Bondsman to anyone or their Labour exploited or their lives frustrated by deprivation, and DO HEREBY PROVIDED by these Articles

for the indivisible Unity and Creation under God of the Commonwealth of The Bahamas."

Did you know that in 1971 the U.S. went off the Gold Standard and devalued her dollar against Gold by 7.89%? We were caught in the middle when Britain kept the party between the Sterling and Gold so we devalued against Gold by 5.05%. 1973 emboldened the nation-builders even as the U.S. dollar weakened further. That's when The Bahamas decided to go for parity all the way, 1 for 1; one B\$1 for U.S. \$1.

You've probably forgotten that in 1971 crude oil was \$1 per barrel but trebled in price to \$3 per barrel right after Independence. Oil prices continued to rise every three-months until it passed \$20 a barrel. Inflation set in and was followed by stagflation. This created the necessity for floatation and massive public investment in Cable Beach in 1981. It saved the day.

The Bahamas went Regional when she hosted a Caribbean Heads of Government Meeting in Cable Beach in 1984. She went International when she hosted CHOGM in 1985. The Nassau Declaration enabled her to go to look for America in 1986 to join the crusade to free Nelson Mandela and let his people go. The rest you know. It is already history.

1992 - 2017

We are already six years into the post-1992 era. 1992 to 2017, the next twenty-five, will be the REFINING years. Just like the political revolution paved the way for majority politic control, the combined political and social revolutions have smoothed the path for the oncoming economic revolution which will ultimately proclaim itself in majority economic control.

We must be careful, therefore, to prepare ourselves and our laws for this. Already, thought is being given to a fourth constitution which will refine how we want to be governed. To achieve this Bahamians will have to agree on a workable compromise remembering that the previous constitutions were compromises between Britons and Bahamians.

The cumulative experience of twenty-five years of Independence has been of immense value to Bahamians, however. It has given them a great insight into the workings of government and they may now have some fresh thoughts on how they would prefer to see their country run. Those thoughts may vary in their detail but there seems to be a growing consensus on the need for a deeper and wider democracy and a more open and dynamic system of government which better reflects the will of the people; enhances freedom

through greater equality and broader opportunity; establishes through appropriate checks and balances a fair and reasonable balance of power between the Executive, Legislative and Judicial branches of the government; and creates a Parliament which is strong and effective and can hold accountable the government of the day that is responsible to it.

I should like to try to stimulate your thoughts and provoke debate by putting forward some thoughts, not necessarily original, but crystallised from my experience of more than forty years in the practice and science of government.

THE MONARCHY

To begin, let me say that I think the Monarchy in The Bahamas should be abolished. Bahamians may not have voted for Independence in 1972 if the Queen were not in the constitutional picture but I doubt the position is the same today.

Let's face it. The Head of State of The Bahamas is Elizabeth 11, Queen of The Bahamas, but a new generation questions the role of a Queen who was not born in The Bahamas; is not a Citizen of The Bahamas; and does not live in The Bahamas. They also question the anomaly that the Queen of The Bahamas is also Queen of a number of other countries (only one of which is

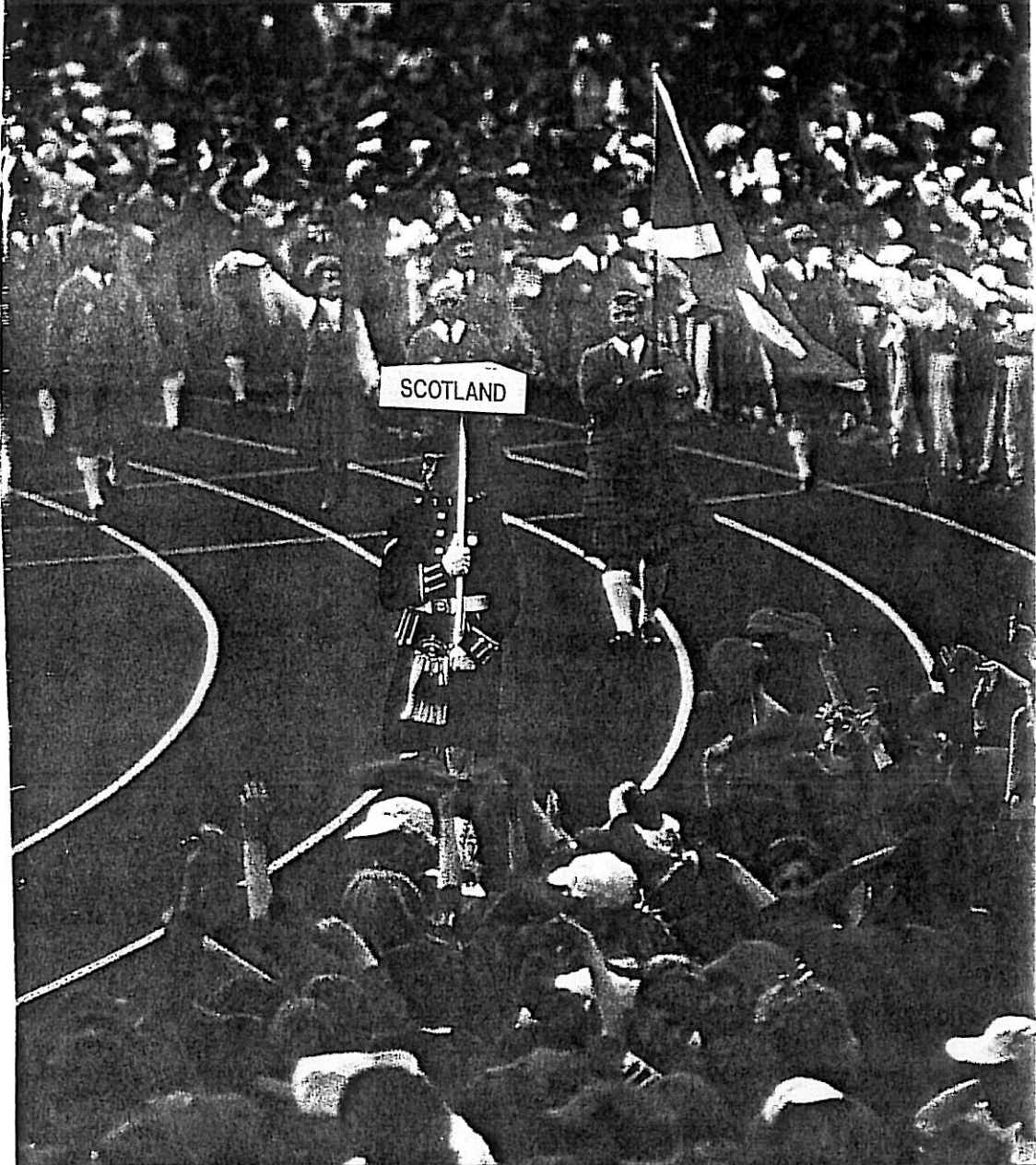
the United Kingdom of Great Britain and Northern Ireland) which do not share a common nationality and citizenship.

You are perhaps aware that early in the 21st Century, the United Kingdom will become a part of and yield some sovereignty to the European Union and The Bahamas will not be included in the that Union. The British Monarchy itself is undergoing fundamental structural change as Britain searches for a written constitution. And while this is taking place, Australia, New Zealand, Jamaica and Barbados are moving closer and closer to becoming Republics. Furthermore, Scotland will certainly leave the United Kingdom and become an independent, sovereign nation. I think The Bahamas would be wise to anticipate these and other oncoming changes and govern herself accordingly.

I therefore suggest that the Queen of The Bahamas be replaced by a new Head of State called the "President of The Commonwealth of The Bahamas" who would be a Citizen of The Bahamas, born in The Bahamas and permanently resident in The Bahamas. I do not suggest, however, that the "President" in the new Constitution be a carbon copy of the Governor General in our existing Constitution. The President of the Commonwealth of The Bahamas might be elected for a term of say, seven years, by an overall majority of the membership of each of the House of Assembly and the Senate;

SCOTLAND

on the move



next step Independence!

and I think the President could and should play a more strategic national role.

I would not mind if he or she were empowered to make executive appointments to certain high public offices, after wide consultation, but in his or her own deliberate judgment thereby removing, to the maximum extent possible, the persons so appointed from partisan political obligation and influence and fortifying their independence. Such offices might include the Chief Justice, Justices of the Court of Appeal, the Commissioner of Police, the Governor of the Central Bank, Independent members of the Senate, and the Members of an independent Electoral Commission.

FUNDAMENTAL RIGHTS AND FREEDOMS

Experience has taught me that the list of Fundamental Rights and Freedoms set out in Chapter 3 of the existing Constitution should be expanded to include matters such as :-

- (1) The right of a citizen to vote and the right to the equal exercise of political choice.
- (2) The right of a citizen to a passport.

- (3) The right of a citizen to secondary education.
- (4) The right of a citizen to good health and a clean environment.
- (5) The right of a citizen to seek and to obtain public information.
- (6) The right of a citizen to equal access to opportunity.
- (7) The right of a citizen to be free from fear and from victimisation.
- (8) The right of a citizen to fair competition.

All the laws of The Bahamas, both old and new, should then be required to pass the litmus test of the revised constitution and any Bahamian citizen who wishes to institute proceedings to defend or enforce any of the Rights and Freedoms should be able to do so without having to obtain the prior consent of the Attorney General.

In this Information Age, the Right of a citizen to seek and obtain public information should require the repeal of the Official Secrets Act and

the enactment of a Freedom of Information Act. It should also be noted that, the Right of a citizen to fair competition has become an imperative with the globalisation of world trade. Indeed, the Free Trade Area of the Americas and the World Trade Organisation may regard the early passage of a Fair Competition Act as an essential prerequisite to membership.

Since we can't stop the world and get off, we should prepare ourselves comfortably to live and energetically to compete in it. To do this, I think the rights of Bahamians workers urgently need to be redefined and confirmed now before it is too late. I think National Trade Unions need to be encouraged now so that they may better balance the scale with the conglomerates and monopolies, not all of which are avoidable in a small archipelagic country. And I, think foreign-owned companies doing business in The Bahamas should be required to have a minimum of one-third of their Board Members as Bahamians.

CITIZENSHIP

While defining the Rights of Bahamian citizens for the 21st Century, don't you think favourable consideration will have to be given to the question as to whether children born outside The Bahamas to Bahamian mothers and foreign fathers should become Bahamian citizens on the same terms as children born outside The Bahamas to foreign mothers and Bahamian fathers? Simultaneously, should not serious consideration be given to those

provisions in our Constitution which now make people stateless?

PARLIAMENT

Should we decide to abolish the Monarchy and established a Republic, the Parliament of The Republic of the Commonwealth of The Bahamas would in all probability consist of the President, the Senate and the Houses of Assembly. When we come to consider the composition of the two Houses of Parliament, however, I think we need to revisit the basic principles of majority rule, one man- one vote and gender equality and better enshrine them in our new Constitution. If that objective were agreed, you would need to be aware that fundamental changes would be required to achieve it.

Enshrinement of the principles of "majority rule" and gender equality in a constitutional provision should mean that the membership of the Senate and the House of Assembly should reflect as nearly as is reasonably practical the gender balance in the population. And, better to enshrine the principle off "one man-one vote", would require, I suggest, that the voting system for election to the House of Assembly and the appointment system for selection to the Senate be based, in the main, on proportional representation.

THE HOUSE OF ASSEMBLY

The House of Assembly is the brightest mirror of the Nation. Should it not, it therefore, sharply reflect both the will of the majority and the wishes of the minority? The way we now choose the members of the House causes it not to reflect as true an image as it should. I think a better, fairer and more accurate reflection would be obtained if the current "first-past-the-post" election system were replaced with a system of proportional representation. Bahamians love elections; voter turnout has always been high. This system will help to keep it that way because it will deepen and widen our democracy, strengthen our Parliament, prevent the rise of an elected dictatorship and offer the fairest and most effective electoral system for a small country like The Bahamas.

In Proportional Representation voters consciously choose Candidates and Parties for The Bahamas. To meet the peculiar need of The Bahamas perhaps the Mixed Member System of Proportional Representation would be suitable. If so, in a General Election, say, two-thirds of the seats in the House of Assembly might be filled by Members of Parliament voted for and elected in the customary manner and the remaining one-third of the seats would be filled by Members of Parliament elected from the Lists of Parties' Candidates on the basis of the overall percentage of votes polled by a Party in that General Election provided that the Party won at least ten per cent of the total votes cast in the election.

In this way the ultimate composition of the House of Assembly would more accurately reflect the virtual 50/50 balance between voting males and females as well as the overall pattern of voting in the country. Thus in a straight fight, a Party winning, say, sixty per cent of the votes would hold approximately sixty per cent of the seats in the House and a Party winning, say, forty per cent of the votes would hold approximately forty per cent of the seats in the House. The percentages of seats are necessarily approximate because a Party will be required to win not less than ten per cent of the total votes casts to earn a proportional seat in Parliament.

So, if there were forty-two seats in the House of Assembly, in a General Election, twenty-eight (28) of the forty-two will be Constituency Seats and fourteen (14) will be Proportional Seats, all seats carrying the same rights, privileges and obligations. The candidate who wins the most votes in each of the twenty-eight constituencies will become the Constituency M.P. The fourteen remaining seats in the House will be allocated by an independent Electoral Commission to the candidates named in a Parties' lists of Candidates in their order of preference in such a way that the final composition of the House would mathematically reflect approximately the percentage of votes won by each Party in the General Elections having regard to the fact that a Party will only qualify for a Proportional Seat if it polls ten

percent or more of the total votes in the General Election.

THE SENATE

I have suggested that the Senate be retained as an integral part of our Parliament. I believe the Senate has a useful role to play and could play that role even more effectively if its composition were slightly restructured. I would suggest that fourteen of the sixteen Senators be appointed by the President on the advice of the Leaders of Political Parties with members in the House of Assembly roughly in proportion to the percentage number of votes each Party won in a General Election and the remaining two Senators be appointed by the President, acting in his or her own deliberate judgment, to represent religious, social, or economic interests or, such other interests that the President, in his or her own judgment, thinks ought to be represented.

I also think it would be better if all sixteen Senators were appointed for the life of the Parliament in the same way as Members of the House of Assembly are elected for the life of that House. Once they are properly appointed, Senators should not be liable to be removed from office during the life of a Parliament, either by the President or the Party Leader nominating them for appointment, on any grounds that are not applicable, by

and large, to Members of the House being removed as members of that Chamber.

GENERAL ELECTIONS

The House of Assembly should continue to be elected for a term of five years but, having regard to the experience gained since the introduction of self-government in 1964, I should like to propose a new protocol for the 21st Century. Firstly, I think it would be better if all General Elections were held on a day certain say, the third Thursday in October, every five years and, in the absence of a vote of "No Confidence" toppling the government, the House of Assembly should run its full five-year term.

Secondly, some conventions in the Westminster system of responsible government should be formalised. Should a government fall on a vote of "No Confidence", for instance, the Prime Minister should resign within twenty-four hours and advise the President either (a) to dissolve Parliament and cause a new General Election to be held within say, forty-five days or (b) to invite another leader of a Party in the House to form a government that has the confidence of the House.

And, thirdly, if a new Government cannot be formed within say, fourteen days, the President should dissolve Parliament and cause a new General Election to be held within forty-five days.

In the event of vacancies occurring in Constituency Seats in the House of Assembly, these would be filled by bye-elections and vacancies occurring in Proportional Seats would be filled by the next Candidate in line on the Candidates' Lists of the departing Members' Party.

PARLIAMENTARY RULES OF PROCEDURE

While consideration is being given to a revised Constitution, it should be recognised that the Rules of Procedure of the Senate and the House of Assembly are in urgent need of revision. Perhaps the Speaker of the House and the President of the Senate could be persuaded to cause the necessary steps to be taken for the preparation of modern Rules of Procedure for their respective Chambers.

In this regard, I would hope that early consensus could be reached on matters such as, for example, a weekly Question Time for the Prime Minister; Oral Supplementary Questions to all Ministers; the funding of Standing Committees so that they might hold public hearings from time to time on matters of great importance; and the right of members of the public to defend themselves against unfair Parliamentary attacks and to have their responses read into the record of the Chamber in which the attacks were made.

THE ELECTORAL COMMISSION

I think we are now ready for and ought to have an independent Electoral Commission responsible for the preparation for and conduct of elections in The Bahamas. I think there should be at least three Commissioners. The Chairman should be a Justice of the Supreme Court, or some person who is qualified to be a Justice, and the remaining Commissioners should be appointed by the President from a list of persons recommended by the Leaders of Parties in the House in equal numbers. The Commission would be independent and not subject to the direction or control of any person or authority except the Courts; and its members would be removable from office only in situations similar to those now in place for the Commission of Police. A Director of Elections, appointed by the Commission, would be its Chief Executive Officer.

Our 21st Century Constitution should make provision for constituency boundaries to be reviewed, drawn and submitted to Parliament every five years by the independent Electoral Commission. To prevent political parties from drawing creative constituency boundaries which facilitate easier re-election, you might think that a new procedure is called for. If the responsibility for the job rested with an Electoral Commission, the procedure would be simple and transparent.

Firstly, Political Parties, Members of Parliament and Members of the public would be invited to make their recommendations which would be published by the Commission.

Secondly, after due consideration and deliberation, the Electoral Commission would publish a Preliminary Report on which it would invite comments from political parties and interested members of the public.

Thirdly, after consideration of the comments received, the Commission would submit a Final Report to the House of Assembly at least six months before a General Election.

Fourthly, the House would have the power either to accept or reject the Report but not the power to amend it, since that would defeat the whole purpose.

The Electoral Commission should also be charged with the responsibility to regulate campaign financing and expenditure. Legislation to guard against the possibility of control by powerful vested interests may well be necessary. Experience gained at home and abroad suggests that there should be put in place a democratic regime for the public and private financing of election campaigns; the limitation of the size of private contributions; the limitation of the total amount spent on elections campaigns; and the reporting of all contributions and expenditures.

THE CABINET

By now you may realise that a significant weakness of the Westminster Model of Cabinet Government, especially when operated in a small Parliament in a small country like The Bahamas, is that the Cabinet can too easily become all powerful. This can happen in a House of Assembly where the Legislative Branch becomes so merged with and dominated by the Executive Branch that the Executive Branch supersedes and usurps the powers of the Legislative Branch.

Experience has shown that where the Westminster Model's requirement of collective responsibility converges with the need for majority party unity the result could be de facto dictatorship, simply because the leader of the Cabinet requiring collective responsibility and the leader of the majority party requiring party unity are one and the same. If it ever were desirable to give practical and true meaning to the democratic principle that the Executive Branch is responsible and answerable to the Legislative Branch, it follows like night follows day that the over-whelming presence and heavy hand of the Executive Branch in the Legislative Branch need to be reduced and lifted.

It is my suggestion, therefore, that our 21st Century Constitution mandate that the number of Parliamentarians who hold executive office as Minister, Parliamentary Secretary or Executive Chairman be limited to a maximum, of say, thirty-five percent of the membership of the House and, say, twenty percent of the membership of the Senate. And, to ensure instant accountability, I suggest that the Constitution might provide, not only that the Prime Minister and the Minister of Finance must be Member of the House of Assembly but also, and for the same obvious reasons, the Ministers responsible for Tourism, Education, Health, Works and the Police.

REFERENDA

You may find, that as our democracy matures and our level of sophistication rises, more and more people would wish to send clear messages to their government from time to time on matters of great social, economic or even political importance on which public opinion seems to be starkly divided. I would, therefore, suggest that a revised Constitution make provision for the holding by the Government of Referenda from time to time on difficult and potentially divisive issues as a democratic mechanism for the direct involvement of voters in the choice between competing views.

THE MINISTER OF FINANCE

As our democracy deepens and economics becomes more widely understood, I think you will also find an increasing demand for greater accountability and more transparency in the conduct of the country's finances.

Wisdom accumulated over the last twenty-five years suggests the urgent need for legislation which codifies the new conventions which have developed over the expenditure of public funds by a Minister of Finance. That such legislation would ensure accountability and force transparency is beyond question; and it might make the Minister of Finance personally responsible for public funds spent in breach of the legislated guidelines.

Perhaps the time is also opportune to take steps to ensure that the Central Bank of The Bahamas does not become just another Department of the Government in the Ministry of Finance or any other Ministry. If we are serious about the need for a non-partisan monetary policy, the Central Bank Act would need to be amended to make it autonomous, de jure and de facto, in all matters concerning monetary policy.

THE LEADER OF THE OPPOSITION

As a creature of the Constitution from January, 1964 this important Office of State should be institutionalised. I would hope that appropriate financial provisions are made each year in the Budget for an adequately equipped and staffed Office of the Leader of the Opposition. This is a vitally important step towards democracy, inducing transparency and ensuring the free flow of information.

Being Leader of the Opposition is now a full time job. The salary for the office should, therefore, not be less than that of a Minister of State.

THE JUDICIARY

Experience has shown that the age of retirement for Justices of the Supreme Court and the Court of Appeal should be increased to seventy (70) and seventy-five (75) years respectively.

With the anticipated continued growth in Administrative law and its impact on the lives of Bahamians, it is becoming increasingly clear that constitutional and legal provision needs to be made subjecting all such decisions to judicial review.

It is not yet widely apparent, but I am sure it will become increasingly clear, especially as we move closer and closer to the Caribbean Common Market and the Free Trade Area of The Americas, that the Judicial Committee of the Privy Council will no longer be an appropriate final court of appeal for The Bahamas. In the 21st Century the most appropriate final Court of Appeal for The Bahamas will almost certainly turn out to be a Caribbean-wide Court of Appeal or Supreme -Court. The greater relevance of such a court to the life and times of The Bahamas and the English-speaking Caribbean is obvious.

THE FLAG

You know that Genocide, Slavery, Exploitation, Segregation and

Discrimination featured prominently in the lives of Bahamians since October, 1492 and ruined the past of tortured millions. The Twenty-first Century gives us the opportunity to leave such ugly and degrading features behind us and to highlight the beautiful prospects and noble promise of a new Millennium for Healing, Reconciliation and Integration and dramatise it to the World.

Should Healing, Reconciliation and Integration be the resolve of Bahamians in the Twenty-first Century and the new Millennium , I cannot think of a more dramatic symbolisation and a more fitting expression of the hopes and aspirations of that resolve than to enshrine it, embody it and display it for Bahamians and the World to see in the inclusion of a White triangle within the Black triangle in a new Flag for the Republic of the Commonwealth of The Bahamas. The colours of the flag will then be Black, White, Aquamarine and Gold and the Flag itself would be one and half times longer than it is wide.

May God continue to bless The Bahamas!

