

Cybelle Cenac-Maragh

Constitutional Reform of the Parliamentary System in
Saint Lucia: A Comparative Analysis of Constitutional
Changes in the Caribbean

Institute of Advanced Legal Studies
School of Advanced Study
University of London

Cybelle Cenac

**Constitutional Reform of the Parliamentary
System in Saint Lucia: A Comparative
Analysis of Constitutional Changes in the
Caribbean.**

LLM 2015-2016
LLM in Advanced Legislative Studies (ALS)
Student number: 1441647

TABLE OF CONTENTS

INTRODUCTION	4-9
CHAPTER 1	10-20
<ul style="list-style-type: none">• Historical Background• Parliamentary System in Saint Lucia• Separation of Powers• Checks and Balances in the Parliamentary system	
CHAPTER 2	21-25
Reasons for Reform: <ul style="list-style-type: none">• Separation of Powers• Despotic Government• Parliamentary Corruption• Proposal for Change	
CHAPTER 3	26-47
<ul style="list-style-type: none">• Westminster versus Washington• Scrutiny of Legislation as a bar to Parliamentary Abuse• Westminster/Republican Model in the Caribbean: Dominica, Trinidad & Tobago and Guyana	
CHAPTER 4	48-55
<ul style="list-style-type: none">• Can a distinct Separation of Powers be achieved?• Could the Westminster Model Survive Successfully in a Caribbean context?• Are there greater benefits to be derived from a unicameral or bicameral Parliament? Checks and Balances in a Unicameral Parliament.	

CHAPTER 5	56-64
• Recommendations	
CONCLUSION	65-67
BIBLIOGRAPHY	68-75

INTRODUCTION

The parliamentary system under the Saint Lucian constitution is not fulfilling its purpose as intended, due to its perverse application, resulting in multiple abuses which can only be cured by a revision of that model to a hybrid parliamentary presidential one.

Many commonwealth countries throughout the world, and indeed many Caribbean countries share a common parliamentary system, entrenched in their constitution, handed down by Britain. This Westminster system has been working for the British people since its Reform Act of 1832. In the last 30 years, as Caribbean countries began to assert themselves internationally there came a desire to move away from colonial rule to a more perfect independence, marked in large part by the replacement of a parliamentary system with a constitutional monarchy, to a parliamentary republic with a constitutional president.

These reforms by neighbouring Caribbean countries, together with the disenfranchisement felt by the people of Saint Lucia have fuelled the initiative for constitutional reform which officially commenced in 2004 and ended with the report of the Constitutional Reform Committee of 2011.¹

In Saint Lucia there have been serious issues raised by the electorate in the Westminster constitution which can be said to be due to the Parliament's failure to apply it as it was intended, and/or, that it no longer serves the best interests of the country, which has evolved both economically and politically over the last 37 years, following independence.

As a result, the electorate have felt and continue to feel a growing disconnect with the constitution, believing that once persons are elected to office they no longer have the power to influence these decision makers, due, primarily, to the

¹ Report of Saint Lucia Constitutional Reform Commission (August 2015) [Online]. (URL: <http://www.govt.lc/media.govt.lc/www/resources/publications/FINAL%20REPORT%2030-03-2011.pdf>) hereinafter 'the Report'

overwhelming amount of power which is seen to reside in the Cabinet and its Prime Minister.

In Saint Lucia, the parliamentary process is governed by the Constitution Order of 1978 and the Standing Orders of the House of Assembly 1979. These establish the manner in which the framers of the constitution envisaged the Parliament would operate so as to reap maximum reward for the people in the realisation of a system based on *“merit, ability and integrity,”*² which would guarantee a meritocracy, wherein, *“the operation of the economic system [would] result in the material resources of the community being distributed so as to subserve the common good....”*³ It is clear from the Report that this has not been the outcome that was foreseen.

This dissertation will prove that there now lies, in the application of the constitution, serious deficiencies, which give rise to the concerns of the electorate and which have led to *“widespread belief that [the] constitution condemns us to a situation in which our governments, once elected seem beyond our ability to restrain or to influence.”*⁴ This deficiency has come about primarily because of the abuse of the constitutional process in *“overwhelmingly concentrating power in the hands of a small cabinet”* out of which all its attendant problems have emerged.⁵

To prove this hypothesis the following methodology will be followed:

- Chapter 1 will examine the parliamentary system in Saint Lucia based on the Westminster model, highlighting how it is intended to operate.

² Constitution of Saint Lucia, Cap. 1.01 of the Revised Edition of the Laws of Saint Lucia 2001, preamble, para. (f),

³ *Ibid*

⁴ *Supra* fn.1, p. 24

⁵ *Ibid*

- Chapter 2 will set out the main issues concerning the Saint Lucian electorate regarding the parliamentary system which has given rise to the call for reform as outlined in the Report.
- Chapter 3 will critically examine the advantages and disadvantages of the current Westminster model in Saint Lucia and the Washington/Republic model of government, and, in so doing, this discourse will look at the Caribbean countries of Dominica, Guyana and Trinidad and Tobago in examining their objectives for reform, the mischief it was intended to cure, if any, and whether those objectives have been achieved and can be used as a predictor for the outcomes expected in Saint Lucia.
- Chapter 4 will contrast the findings made in chapter 3 with the proposed parliamentary presidential model.
- Chapter 5 will discuss whether the recommendations made in the Report best suit the current needs of the country and what other recommendations can be made to improve the constitutional design.

Other than the Report, there have been no other extensive reports or writings on this subject-matter in Saint Lucia. Consequently, there will be a limit to the use of abundant tangible resources to be relied upon, particularly in the assessment of the model proposed which will be unique to Saint Lucia, if implemented. The main source will accordingly be the 2011 Report which is extensive in its examination and recommendations based on a wide pool of data obtained through interviews with Saint Lucians across the diaspora. The information obtained from the Report will be supplemented by interviews with former parliamentarians with experience working within the parliamentary system as well as relevant legislation, articles and texts touching and concerning the constitutional context in general.

*“The good or bad fortune of a nation depends on three factors: its constitution, the way the constitution is made to work, and the respect it inspires.”*⁶ In that statement we can see the major elements that are necessary for good governance.

While the craftsmanship of the document is important, it cannot stand alone to assure its citizens of the equality and liberty that is theirs, for the document is mere paper and ink. In the end, it will be how that document is made to work which will guarantee those rights, for it will ultimately be men who will determine the path that will be taken and which will consequently raise the stature of the document to which men will feel beholden.

The world’s first written constitution, the Bible, reveals its power, not purely in its words but in the lives lived out through that Word; by the men who went before and after it and who lived to testify to its efficacy and who brought love, peace and freedom to the people who desired it. The Bible is said to be the living word of Christ and continues to inspire even the dauntless, because it is not inactive, but continues, even 2000 years after Christ to bear relevance, and, through its Shepherds, promotes and gives the freedoms it promises. This is how constitutions are meant to work. This is how constitutions inspire, for it is men who will bring to life that living, breathing organ within that document. If they suffocate it, if they abuse it, if they treat it with scant respect it will no more be worth the paper that it is written on.

For most of her young life Saint Lucia has lived, as a ward, at the ends of her mother’s apron strings following independence in 1979 with generous economic arrangements by way of trade preferences and aid.⁷ It was therefore no surprise that upon independence Saint Lucia would have opted for the safe haven of the

⁶ Georges Bidault, Prime Minister of France 1948 and 1958

⁷ N. Girvan, *“Assessing Westminster in the Caribbean: then and now”* p.102 [Online] (URL: <http://www.tandfonline.com/doi/pdf/10.1080/14662043.2014.993162>)

Westminster British model of government.⁸ While it was an easy transition from a colonial past overseen by the Masters which gave the country some insight into the workings of the British system it was not, as Jack Straw has said of the unwritten constitution of Britain, a constitution that exists “*in the hearts and minds and habits*” of the people “*as much as it does in the law.*”⁹ How could a fledgling democracy hope to garner to herself centuries of understanding born out of years of an almost haphazard development from Magna Carta in 1215 to EEC membership in 1973? How could an island steeped in slavery and colonialism hope to understand a system premised on the notion of a free Englishman? When life starts out with the expectation that you are free and all things will come in time through patience and evolution it engenders a different world perspective and belief that hard work and effort will get you to the finish line. When life starts with the expectation that no matter how hard you work or how much effort you expend you will never reach the finish line, your world perspective becomes about gathering and fighting for your survival even within a civilized, free society.

Montesquieu speaks to the fact that democracies can be corrupted in two ways:

1. By “*the spirit of inequality,*” and
2. By “*the spirit of extreme equality.*”¹⁰

He espouses the view that the former occurs (the latter not being of moment for present purposes) where citizens no longer feel an affinity with the interests of their country and consequently seek only to advance their own personal desires at the expense of their fellow citizens and to acquire political power over them.¹¹

⁸ R. Elgie, “*Checks and Imbalances: Executive Design and Political Stability,*” p. 1 [Online] (URL: <http://www.worldpoliticsreview.com/articles/13276/checks-and-imbances-executive-design-and-political-stability>)

⁹ N. Morris, “*The Big Question? Why doesn't the UK have a written constitution, and does it matter?*” [Online] (URL: <http://www.independent.co.uk/news/uk/politics/the-big-question-why-doesnt-the-uk-have-a-written-constitution-and-does-it-matter-781975.html>)

¹⁰ The Baron was considered one of the ‘great political philosophers of the Enlightenment’ and his most famous writing ‘*The Spirit of the Laws*’ (1748) Book XI, Chp. 6 entitled “Of the Constitution of England” explained human laws and social institutions. He has been widely credited with the doctrine of separation of powers. “Baron de Montesquieu” Stanford Encyclopedia of Philosophy, p. 4 & 5 [Online] (URL: <http://plato.stanford.edu/entries/montesquieu/>)

¹¹ *Ibid*, p.4

To fully understand this doctrine one would have to reach back into that theory, where he first states that real democracy is unnatural to our passions and that the only way that it can flourish is where our personal ambitions are subsumed by a greater ambition, the virtue to serve ones country. To accomplish this feat, the power imposing democracy must educate the masses to show them how and why their interests must align with the interests of the state.¹²

The value of this theory in the Saint Lucian context is to gain some insight into the difficulties encountered and still being encountered within the Westminster system. An inherited system, intended to gloss over a colonial past, with no re-education from a slave mentality, under which men behaved in consonance with their natural passions, which could be said to have been “*nasty and brutish*,”¹³ for a seemingly civilized system that did not teach them, that its success was determined by converting those passions for the higher ideals of country first and self last, would inevitably conclude tragically.

To appreciate the Westminster system it would be necessary to look back into history at its development in order to see how its systems came about and why they came about as they did. This would give a comprehensive overview into the workings of the British system and how it was therefore expected to work in the British colonies like Saint Lucia.

¹² *Ibid*

¹³ T. Hobbs, “*Of the Natural Condition of Mankind as concerning their felicity and Misery*” (1588-1679) [Online] (URL: <http://www.bartleby.com/34/5/13.html>)

CHAPTER 1

HISTORICAL BACKGROUND

Quite before the 8th Century, Britain was always ruled by Kings, whose word was the law and his acts above reproof, but from about the 8th to the 11th century one could see the emerging's of what would later become the Westminster Parliament, in which the King would seek advice of his nobles¹⁴ on issues affecting the country. And though the nobility did not make the laws, but merely consented to those which the King had ultimately decided to pass, it became clear to the King that if he wished to continue to enjoy the favour of these nobles in the territories which they governed, without contest, he had to find a way to balance his power with theirs.

Following the Norman Conquest, successive Kings began to rule with permanent inner councils made up of nobles and churchmen and others selected by the King from whom he would seek approval, particularly on matters of taxation. They became known as the Great Council,¹⁵ forming what would later become known as the House of Lords. Here we begin to see the symbiotic relationship between the King and his council developing.

The Barons, whom the King relied on for loyalty and support to foster unity in his territories, began to feel oppressed by the excessive taxation of King John which became the catalyst that birthed the Magna Carta and effectually reined in the power of the King, and definitively stated that the King and his government were not above the law,¹⁶ thereby placing the law above the power of the King, which effectively meant limiting that power so as to prevent any future exploitation of it to the detriment of the kingdom.¹⁷

¹⁴ This group of leading advisors and nobles were known as the Witan and only offered up this advice when particularly summoned by the King. *"Birth of the English Parliament; Anglo-Saxon origin"* [Online] URL: <http://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/origins/>

¹⁵ *Ibid*

¹⁶ *Ibid*, Magna Carta

¹⁷ *How did Magna Carta come about?* [Online] (URL: <https://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/magnacarta/>)

From 1275 the first parliament was called, made up of noblemen and churchmen with two representatives from each county and two from each town. Their primary role was to approve the King's plan for taxation. It later developed that those who were most affected by any intended taxation regime had to first give their consent to the parliament.¹⁸

It would appear therefore that the origins of parliament came out of a need to impose taxation on the populace to fund the King's wars and the parliament began to use this need of the King to present their own requests. The consequence was therefore, that the King would have to weigh his need for the imposition of this tax against the favour requested of parliament, which essentially acted as a check on the demands of the King. Here again may be observed a second symbiotic relationship between the King and His parliament. From then on, the parliament was always made up of the Lords, The Commons and the Monarch.¹⁹

When Edward III came to the throne in 1327 he declared that the parliament should meet annually, and by the 14th century, both the Lords and the Commons felt that their role should be more than consenting to the taxation requests of the King.²⁰

The year 1376 saw the rise of a Speaker of the Commons who would act as the spokesman for the Lords before the King.²¹ As the power of the Commons grew, they initiated an impeachment process to prosecute the King's corrupt Ministers and later the Lord Chancellor.²² In 1407, the King officially confirmed the right of

[magnacartahow/](http://www.bl.uk/magna-carta/articles/britains-unwritten-constitution/)) and R. Blackburn, "Magna Carta: Britain's unwritten constitution"[Online](URL: <http://www.bl.uk/magna-carta/articles/britains-unwritten-constitution/>)

¹⁸ *Supra*, fn.15, "Edward I"

¹⁹ *Ibid*

²⁰ *Ibid*, "Rise of the Commons"

²¹ *Ibid*

²² *Ibid*

the Commons to initiate all money grants, a right which they have retained to this day.²³

The Commons also acquired the equal standing to make laws and over time became the principal initiators of bills to be presented to the Upper House²⁴ (House of Lords). By 1414 the power of the Commons began to grow through their insistence to the King that the wording of any bill should not be amended by Him or His Lords except with the consent of the Commons.²⁵ By the 15th century, the Commons had secured the right to control the supply of money to the King.²⁶ Slowly but surely, the sovereignty of the King was eroded and the sovereignty of Parliament grew.

As time marched on there were more and more developments into the parliamentary system we know today. What became known as Henry VIII's "*Reformation Parliament*"²⁷ of 1529 to 1536 spectacularly changed the nature of parliament and government; arising primarily out of the King's desire to divorce his then wife to marry Anne Boleyn so as to sire an heir. This move was frustrated by the Church of Rome and influential men like Sir Thomas Moore.²⁸ However, in his effort to secure the divorce, the King assumed power as the Head of the Church through parliament and began to make laws affecting all areas of life especially religious practice and doctrine.²⁹ By taking away that authority from the Church the parliament effectually made itself "*omnicompetent*,"³⁰ and thereafter set out to initiate a "*programme of social, religious and economic reform*."³¹ This last stand by the King, together with Parliament, is a strong indicator of the power that parliament had now acquired, in all facets of governance.

²³ *Ibid*, "The Commons as Law Makers"

²⁴ *Ibid*

²⁵ *Ibid*

²⁶ *Ibid*

²⁷ *Ibid*, "Reformation Parliament"

²⁸ G. B. Wegemer, "*Thomas More: A Portrait of Courage*" Scepter Publishers, Princeton 1950

²⁹ *Supra* fn. 27

³⁰ *Ibid*; An omnicompetent parliament now had overarching authority to make laws; the King acknowledging that his "*Royal power was at its strongest when it was expressed through parliamentary statute*."

³¹ *Ibid*

This brief foray into Britain's historical past gives decisive insight into the lengthy processes that gave way to the Westminster system of today, which accounts for men, like Jack Straw, being able to say that the constitution of Britain is essentially written on the tablets of the hearts of the British people, because it has been instilled there through struggle and strife, and handed off from one generation to another to strengthen and to build upon from century to century. It is, as Prime Minister Asquith described in 1928 of Britain's constitutional practices, not derived from any Bill emanating from the Commons or the Lords but *"on usage, custom, convention, often of slow growth in their early stages, not always uniform, but which in the course of time received universal observance and respect."*³²

As the Whitehall system now stands, it is recognised by the following features: its Head of State is the Monarch in theory, but in practice, the Prime Minister. The Prime Minister is a Minister but he enjoys the ranking of being first among equals and has the function of selecting his members of Cabinet out of the elected members of the House of Commons. The Prime Minister and his Cabinet thenceforth form the Executive branch of the government, with the elected members of the Commons forming the Legislative branch through which all laws must pass before moving on to the House of Lords. The parliament is made up of a number of committees that sit throughout the year scrutinising legislation that neither the Commons nor the Lords have the parliamentary time to devote to reviewing.

Based on the British model, from its development to now, it is clear that the parliament's initial purpose for being was to serve the almost hedonistic needs of its King. They were a façade. They gave the appearance of a sort of democracy before the eyes of the people, but more so, were intended by the King to woo his Lords and Nobles to do his bidding, particularly in money matters. Over time, the parliament began to realise the power they could wield over the King because of

³² Prime Minister of the United Kingdom: Constitutional Background, p. 3, [Online](URL: https://en.wikipedia.org/wiki/Prime_Minister_of_the_United_Kingdom)

the lands they controlled and so began a relationship between them of give and take. Like a good wife, parliament knew when to yield and when to advance until it succeeded in becoming so powerful that Kings could no longer act without its nod of approval. Through the sweat of its brow the parliament crafted out its place, reined in the power of the King, including his power of veto which had, by then, fallen into disuse³³ and acquired the equal footing to decide how the monies of the kingdom would be spent and the laws that would be passed. The role of the Lords was to assist the Commons to ensure that good and better laws were passed and the establishment of committees to scrutinise legislation more thoroughly. This guaranteed that parliament was always working and working efficiently.

PARLIAMENTARY SYSTEM IN SAINT LUCIA

Saint Lucia shares all the same features with the British system, though on a much lesser scale. The marked difference between the two is in the manner in which legislation is scrutinised, the most important and the primary function of any Parliament.

Currently, the number of constituencies represented in Saint Lucia's House of Assembly (the Commons) stands at 17. Of the 11 seats won by the majority party, 10 of the elected have been selected by the Prime Minister to hold ministerial office alongside their parliamentary responsibilities. 4 additional members have been appointed as Ministers from the Senate, making a 15 member Cabinet.³⁴

The Senate in Saint Lucia (the equivalent of the House of Lords) comprises 11 Senators; 6 appointed by the Governor-General on the advice of the Prime Minister, 3 appointed by the Governor-General on the advice of the Leader of the Opposition, and 2 appointed by the Governor-General acting in her own

³³ *Ibid*, p. 4

³⁴ House of Assembly, Saint Lucia [Online](URL: <http://www.govt.lc/house-of-assembly>)

deliberate judgment.³⁵ The three senators chosen for the Opposition are all former candidates in the last election.³⁶ Of the 6 senators chosen for the government, 5 were former candidates in the last election. The Speaker of the House Leonne Theodore is a high-ranking member within the United Workers Party (the ruling party) and the President of the Senate Andy Daniel is a former candidate with the ruling party and a member within its executive.³⁷ It is therefore clear that the parliament is not only controlled by the Executive but overwhelmingly so. In other words, the parliament would appear to be a mere puppet in the hands of the Executive.

While the parliamentary model calls for ministers to be selected from members of the House, it is clear that this provision is only workable in a parliament like the United Kingdom which commands a far larger parliament with its 650 elected members³⁸ in comparison with a parliament of only 17. The cabinet of the UK³⁹ boasts almost the same number as Saint Lucia and its remaining members of the House of Commons are utilised in the numerous committees set up to scrutinise legislation and oversee the workings of government.

Pre-legislative and legislative scrutiny, a significant legislative mechanism recognised by parliaments around the world as crucial to good governance and the passage of better laws is ill-used by the Saint Lucia parliament, not because its value is unrecognised but, to strictly adhere to it would mean little opportunity for the majority party to bully its way through parliament.⁴⁰ Further, the majority of the members of parliament, being, as stated above, ministers of government, are stymied in the contribution which they may otherwise make to the House through the use of its committees.

³⁵ *Supra* fn. 2, S.24

³⁶ St. Lucia News Online, "SLP Names Senators" [Online](URL: <http://www.stlucianewsonline.com/slp-names-senators/>)

³⁷ St. Lucia News Online, "Andy Daniel Tipped to be New Senate President" [Online]URL: <http://www.stlucianewsonline.com/andy-daniel-tipped-to-be-new-senate-president/>

³⁸ House of Commons; [Online] (URL: <http://www.parliament.uk/business/commons/>)

³⁹ There are currently 22 members of Cabinet: Cabinet Ministers, [Online] (URL: www.gov.uk/government/ministers)

⁴⁰ M. John-Theobalds, "The Causes and Effects of the deficiency in the Pre-Legislative and Legislative scrutiny processes in St. Lucia" [Online] (URL: http://sas-space.sas.ac.uk/4712/1/Michelle_John_Theobalds_LLM_ALS_Dissertation.pdf)

In the UK, question time is frequently employed as a means for opposition members to demand accountability of the government in respect of its works and actions - to the parliament and ultimately the British people. It is an inherent part of the British parliamentary culture. In Saint Lucia, question time is rarely used and when it is, it is more often an opportunity for the majority party to gloss over or artfully avoid issues and attack other members of the House rather than address matters pointedly.⁴¹

It is quite apparent therefore, that while Saint Lucia has all the vital organs of the Westminster system they have been so abused and maltreated as to be a *“grotesque distortion of the original.”*⁴²

SEPARATION OF POWERS

Fundamental to any true democracy is the doctrine of the separation of powers. It would be impossible to discuss any model of government without reference to this doctrine. A doctrine first coined and attributed to Baron de Montesquieu.⁴³

This doctrine was posited on the belief, that *“constant experience shows us that every man invested with power is apt to abuse it.....it is necessary from the very nature of things that power should be a check to power.”*⁴⁴ In other words, those in the greatest positions of power could only have that power curtailed by persons with similar or greater power.

In his writings, Montesquieu did not take credit for the formulation of the doctrine, it having evolved out of the British system. What he did was merely to give name to it and expound upon it from the perspective of a critic, holding out

⁴¹ Unpublished Interview: Cenac, Emmanuel Neville. Leader of the Opposition and Political Leader of the Saint Lucia Labour Party 1982-1987), Chairman of the Public Accounts Committee till 1982 and Minister for Foreign Affairs of Saint Lucia (1987-1992) and President of the Senate of Saint Lucia (1992 to 1997) and political commentator from 1997 to date. Interview with author. Skype. Vanuatu-Saint Lucia, July 28 and 30, 2016, August 1, 10, 14, 23 and 28, 2016

⁴² *Supra*, fn. 7, p. 7

⁴³ *Supra*, fn. 10, p. 3 and 6

⁴⁴ *Supra*, fn. 10, p. 6

the British constitution as the criterion or *"mirror of political liberty."*⁴⁵ His meaning therefore could only be interpreted in the context of the evolution of that doctrine, from within the society and environment from which it developed.

A look back into the development of the doctrine would quickly reveal that Montesquieu could not have intended that the three powers be kept separate and independent, for this was not what pertained in Britain. The executive was integrally connected to the legislature, in that while the executive could make treaties with foreign powers they could only have the force of law upon passage in the House. The executive appointed the judiciary and while it could remove the judiciary, that removal could only be effected through a joint order of the Houses.⁴⁶ The House of Lords contained the highest appeal body to which cases of impeachment would come and the judges themselves often attended and participated in legislative sittings though they had no power of the vote.⁴⁷ His meaning is aptly captured in the following:

*"There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates," or "if the power of judging be not separated from the legislative and executive powers."*⁴⁸

*"...that where the WHOLE power of one department is exercised by the same hands which possess the WHOLE power of another department, the fundamental principles of a free constitution are subverted."*⁴⁹

His vision - that the legislature alone should have the power to tax the people as this was the singular way to deprive the executive of funding should it choose to arbitrarily impose its will; and the executive should have the power to veto acts of the legislature; and the judiciary should be independent of both in their

⁴⁵ Madison (1788), "Federalist No. 47," p. 1-2, [Online] (URL: <http://www.foundingfathers.info/federalistpapers/fed47.htm>)

⁴⁶ *Ibid*

⁴⁷ *Ibid*, p. 2

⁴⁸ *Ibid*

⁴⁹ *Ibid*

application of the law which should be done in a fixed and consistent manner.⁵⁰ This doctrine had a profound impact on the framers of the United States constitution, which will be discussed in more detail at chapter 3.

Montesquieu's view can be likened to the Holy Trinity; three persons in one, but separate and distinct from the other. The legislature (the Father) from whence the Executive (the Son) derives its authority and the Judiciary (the Holy Spirit), which proceeds from the legislature, and the Executive. Consequently, Montesquieu saw no improper blending of the three but in fact recognised that the efficiency of government deemed it to be so. It did not appear therefore that the man who gave flesh to this doctrine truly believed or expected there to be a complete separation of powers. The better and seemingly more correct interpretation would be that he recognised that a literal and distinct separation was a legal fiction and could, as such, only be partial for the arms of government to be truly workable, accompanied by controls.⁵¹ As Walter Bagehot posits; "*the peculiar excellence of the British Constitution lies in a balanced union of three powers.*"⁵² It is not so much therefore that the powers be so distinctly separated but that each power is designated to separate bodies and neither has the right to impinge upon the work of the other.⁵³ He in fact contends that the efficiency and merit of the English system is the "*nearly complete fusion of the executive and legislative powers.*"⁵⁴

CHECKS AND BALANCES IN THE PARLIAMENTARY SYSTEM

To understand the reality of the separation of powers it is incumbent to look to its complement controls.

⁵⁰ *Supra*, fn. 10, p. 6

⁵¹ G. Carney, "*Separation of Powers in the Westminster System*" p. 4 [Online] (URL: <http://www.parliament.qld.gov.au/aspg/papers/930913.pdf>)

⁵² W. Bagehot, "*The English Constitution*" p. 23 [Online] (URL: <http://www.gutenberg.org/files/4351/4351-h/4351-h.htm>)

⁵³ *Ibid*

⁵⁴ *Ibid*, p. 26

In the spirit of Montesquieu's understanding of the doctrine we shall look at how each department in Britain operates on the basis of partial agency to control the other.

As we have seen, the monarch retains sovereign power, albeit in name only, though the power enjoyed by the government comes through Her. While she may have a seat in government her power is now restrained to advising and warning, with a constitutional right to be kept informed.⁵⁵

The House of Commons (the legislature) is made up of elected members, and of that number the Queen, by convention, selects one member who is capable of commanding the support of the majority of the members of the House to be Prime Minister.⁵⁶ The Prime Minister will thereafter be responsible for naming his cabinet (executive) out of those members who form the legislature.⁵⁷ The members of the House of Lords (Senate) are nominated⁵⁸ and usually have tenure.

In the trinity of powers, it is self-evident that the Father must check the Son, and the Son and the Father, the Holy Spirit.⁵⁹ If the primary and singular function of the legislature is to initiate and pass laws, how then does the system guarantee that there is not a return to the bygone era of Kings whose will and laws were legitimated without the murmur of the Assembly? It is through the oversight of the House of Lords who must scrutinise every bill that initiates from the Commons. The Lords have the power to amend and refuse to give their approval

⁵⁵ *Supra*, fn. 33, p. 3

⁵⁶ *Supra*, fn. 2, S.60 (2)

⁵⁷ *Ibid*, subsection (3) & (4)

⁵⁸ Since the 1999 House of Lords Act lifetime peerages are no longer hereditary though lifetime peerages still exist and the number of peerages have been reduced to 92: "House of Lords Reform" [Online] (URL: <http://www.parliament.uk/about/living-heritage/evolutionofparliament/houseoflords/house-of-lords-reform/overview/hereditarypeersremoved/>). In Saint Lucia senators are appointed at the pleasure of the Prime Minister, the Leader of the Opposition and the Governor-General and may be removed at any time, *Supra*, fn. 35

⁵⁹ While parliamentary checks on the judiciary are limited, the parliament does have the authority to remove judges but only for gross misconduct: International IDEA, "Judicial Tenure, Removal, Immunity and Accountability." [Online] (URL: http://www.constitutionnet.org/files/judicial_removal_0.pdf)

to bills.⁶⁰ Committees set up to pointedly scrutinise legislation can further embolden the Lords to refuse to approve certain bills depending on the outcome of the reports from these committees.⁶¹

The Commons, from whom the executive is pulled, acts as a check on the Prime Minister and his cabinet. The Commons is the first step in the scrutiny process. They can refer bills to the committees for more in-depth scrutiny, they can ferociously debate the merits of the law and highlight its defects in an effort to embarrass and/or move the executive to reconsider or recall the law.⁶² Question time is a “*salutary discipline*”⁶³ for good governance and is an opportunity to place the Prime Minister and his Ministers on the spot regarding matters of great national import and demand details of transactions undertaken or being undertaken by the government,⁶⁴ and the large numbers of members in both Houses assures little overlap of committee members and the guarantee that parliament is always working with the aim of passing better laws.

With the exception of large numbers in both Houses and standard scrutiny committees, the system of checks in Saint Lucia is the same as that which pertains in the United Kingdom.

Whether this time weathered system is adequate as a check on each branch will be examined in more detail at chapter 3.

⁶⁰ *Supra*, fn. 2, S.50, The Senate has the power to reject or amend any bill except a money bill. Notwithstanding, the legislature may send a bill for the approval of the Governor-General if the bill has been rejected a second time by the senate and at least 6 months has elapsed between its 1st passage through the House and its 2nd passage. This proviso is a failsafe way of ensuring that the Senate does not unnecessarily hold on to or delay bills.

⁶¹ “The Work of the House of Lords” (2005-2006); In 2005 a private member’s bill “The Assisted Dying for the Terminally Ill” bill was proposed. A highly emotive subject, it was referred to a special select committee which report was debated in October 2005. This assisted in informing its second reading where an unprecedented vote was taken and the bill was defeated. [Online](URL: <https://www.parliament.uk/documents/lords-information-office/holwork0506.pdf>)

⁶² *Ibid*

⁶³ Professor Rhodra Reddock is a Professor of Gender, Social Change and Development and Deputy Campus Principal at the University of the West Indies, St. Augustine Campus and contributor to “*Evolution of a Nation-Trinidad & Tobago at Fifty*,” p. 43 [Online] (URL: <http://www.ttparliament.org/documents/2183.pdf>)

⁶⁴ *Ibid*, p. 43 and *Supra* fn. 33, p. 16

CHAPTER 2

Reasons for Reform

Separation of Powers

The discontent of the electorate with the constitution of Saint Lucia appears to have arisen out of a restlessness with the political culture rife within the establishment, born out of the belief that they had transposed a system with its large parliament and small executive, defended by a healthy number of backbenchers into a country with a relatively small parliament, made up of only 17 elected members and 11 nominated senators, with an often top heavy executive.⁶⁵ Their overall discontent is evident in the apothegm statement: that the “*overwhelming concentration of power in the hands of a small cabinet, was [seen as] an unacceptable situation which cried out for change.*”⁶⁶ The electorate disparagingly referred to themselves as window-shoppers, passively standing outside the storefront of government, unable to influence them once the election was won.⁶⁷

They felt that the executive had to be restrained, for the extent and expanse of their powers seemed too wide and too great. They believed that the time-honoured discretion of the Prime Minister to name the date for elections placed the Opposition at a disadvantage and consequently the electorate.⁶⁸ They believed that this latter power was often dangled before the Opposition parties and the electorate in an almost irreverent manner and hyped to the point of sensationalism; the seriousness of their franchise was degraded to a mere comic strip.

Despotic Government

For years, the people had been subjected to what they referred to as the victimisation by the government, headed by leaders who held on to power as

⁶⁵ *Supra* fn. 1, p.23-24

⁶⁶ *Ibid*, p. 24

⁶⁷ *Ibid*

⁶⁸ *Ibid*, p. 25

long and however they could.⁶⁹ The electorate thus called for term limits for the Prime Minister in an effort to avoid what they felt had been the tyranny of other Prime Ministers.⁷⁰

One leading politician offered up one of the many examples of this oppressiveness.⁷¹ He states that in 1971, prior to independence, when Saint Lucia was still an Associated State under the Premiership of John Compton, who later became its first Prime Minister, the Public Order Act⁷² was passed. Its intent was to quell freedom of expression and freedom of speech of the members, and leaders of the Opposition Saint Lucia Labour Party who were leading nationwide demonstrations against the government for the resignation of the Premier. The demonstrations were instigated by the act of the Premier in deporting a British citizen, Deborah Hatchet, who had spoken on the platform of the Opposition party. On account of the Premier's majority in the House, the Act was passed in short order. It established a special, more aggressive branch of the police force to deal with dissident citizens and required permission to be sought for any future demonstrations, which essentially meant that members of the public would be disbarred from holding any future demonstrations as the Premier was seen to control the police force through its Commissioner⁷³ and, therefore, the word of the Commissioner was the word of the Premier.

In the Report, the people asked for easier access to the courts and/or other institutions to address abuses, human rights violations or breaches of the constitution, and felt that increasing the powers of the Opposition would

⁶⁹ *Supra* fn. 41: Former Prime Minister Kenny D. Anthony had told the electorate when he first sought office that he would only serve a 2 year term as dictated by his party's constitution ["Article X (g) of the Constitution and Rules of the St. Lucia Labour Party"]. Following his 2 terms when the electorate expected him to step down and defer to the Hon. Mario Michel, the incumbent Deputy, he instead sought to amend his party's constitution to justify a 3rd and 4th term in office. As a result, he lost favour with the people and the incumbent Deputy subsequently left the party and did not seek re-election.

⁷⁰ *Supra*, fn. 68

⁷¹ *Supra* fn. 41

⁷² Cap. 14.05 of the Revised Laws of Saint Lucia 2001

⁷³ *Supra*, fn. 2, Under S. 94(1) of the Constitution the Commissioner is appointed by the Governor General on the advice of the Public Service Commission who must consult with the Prime Minister. If the Prime Minister has an objection the Commission will not advise the Governor General to appoint.

operate, in part, to limit the powers of the Prime Minister and his cabinet,⁷⁴ making the government more parliamentary focused. The people were aggrieved by what seemed a cavalier approach to selling, leasing or otherwise compromising property regarded as sacred by them.⁷⁵

In short, the people felt that opportunities for them to participate in the process of government were limited to non-existent, and considered the government much too powerful; with no obligation to account to them.⁷⁶

In that regard, reference is made to what was referred to as the “*Rochamel Affair*” which arose under the then St. Lucia Labour Party administration. To facilitate the construction of a new hotel in St. Lucia, The Hyatt Regency, the Executive, through its Prime Minister, apparently unlawfully,⁷⁷ agreed to guarantee a loan of US\$20 million to the company prior to construction, without seeking the permission of the parliament to charge the consolidated fund. Following its completion, the company went bankrupt and into receivership. The government made no claim for the guaranteed loan and the country lost these monies. Aside from the devastating financial loss to the country, the then Prime Minister, Dr. Kenny Anthony, later came to parliament to obtain permission for these monies to be deducted from the consolidated fund. Permission was granted. The country was outraged because they felt that the Prime Minister had acted unilaterally in guaranteeing this loan, which monies were subsequently lost and for which parliament did not demand a thorough investigation. They felt that the Prime Minister had shown no remorse for the loss and had in fact misled the Nation.⁷⁸

⁷⁴ *Supra* fn. 1, p. 25

⁷⁵ *Ibid*, p. 28. There had arisen the issue of the government selling the Queen’s Chain which would mean that no Saint Lucian would be allowed to frequent any beach where the Queen’s Chain was privately owned: B. Williams, “The Queen’s Chain And Our Survival” *The Star* (Saint Lucia, 14 February 2011) [Online]. (URL: <http://stluciarstar.com/the-queens-chain-and-the-strict-laws-of-survival-for-us/>)

⁷⁶ *Supra*, fn. 70

⁷⁷ *Supra* fn. 1, p. 29. It was contrary to the Finance Act and the Constitution to charge the consolidated fund without parliamentary approval first, D. Lebourne, “Finance Administration Act Amended” [Online](URL: <http://stluciarstar.com/finance-administration-act-amended/>) and C. Barrow-Giles “*Regional Trends in Constitutional Developments in the Commonwealth Caribbean*” fn. 27 [Online] (URL: <http://www.cpahq.org/cpahq/cpadocs/Cynthia%20Barrow.pdf>)

⁷⁸ *Supra* fn. 41

The “Grynberg Affair” again implicated the then Prime Minister for having unilaterally entered into an arrangement with billionaire, Grynberg, to lease 53 million acres of the sea-bed to scour for oil. The Prime Minister had, once again, committed the consolidated fund to payments; this time, to survey the sea-bed prior to the commencement of works by Grynberg. This arrangement had been in place for some 11 years and during that time neither the Governor General, nor the cabinet, nor the parliament nor the people were made aware of its existence.⁷⁹

It is therefore clear why the electorate have become so increasingly concerned with the power of Prime Minister’s and their cabinet.

Parliamentary Corruption

It was felt that political parties were allowed to run elections with no requirement to declare their source of funds.⁸⁰ More and more the electorate was losing interest and confidence with what appeared to be flagrant exhibitions of corruption by parties and candidates, particularly during election campaigns, in their excessive and unaccounted for expenditure. The Report went on to state that there appeared to be no ethical standard required for elected officials in parliament⁸¹ and no available means to recall dishonest or ineffective parliamentarians.⁸²

⁷⁹ *Supra* fn. 1, p. 28; R. Wayne, “Grynberg: Was Ausbert Suckered?” [Online] (URL: <https://stluciarstar.com/grynberg-was-ausbert-suckered/lbid>)

⁸⁰ M. George, “UWP Chairman sued” (2014, February 1) [Online] (URL: http://www.thevoiceslu.com/local_news/2014/february/01_02_14/UWP.htm#sthash.nBBvDNCm.dpuf). In Attorney-General of Saint Lucia v Allen Chastanet et al Claim No SLUHCV 2015/1035 the Attorney-General claimed that Chastanet, while a Minister of the Government and a candidate for the UWP, requested, advised, received or expended or permitted or acquiesced in the receipt of the sum of EC\$38,119.00 of public funds of the Soufriere town Council for the unlawful purpose of a campaign and political event for his personal and political benefit or the benefit of his political party, the UWP. The matter was summarily dismissed in part on the 26 May, 2015 and thereafter reversed on appeal. [Online]. (URL: <http://www.stlucianewsonline.com/breaking-news-case-against-allen-chastanet-thrown-out-of-court/>) and [Online] (URL: <http://thevoiceslu.com/2016/07/chastanet-react-court-next-week/>)

⁸¹ *Supra* fn 1, p. 28; (1) R. Wayne, “Knowledge Crucial to Informed Decisions” [Online] (URL: <http://stluciarstar.com/knowledge-crucial-to-informed-decisions/>) A former elected representative had misrepresented his credentials to the electorate that he had a PhD when he in fact did not. He was defended by his party the SLP and allowed to run a second term (2) Choiseul/Saltibus Press Release, [Online] (URL: <http://choiseul-inform.blogspot.com/2015/08/we-do-not-support-rufus-anymore.html>) The Voice Newspaper, “Rufus Bousquet told: ‘Stay Away’” [Online] (URL: <http://thevoiceslu.com/2015/08/rufus->

Consequently, the people proposed a Presidential type system of government, similar to the United States or the creation of some hybrid of the two, where the presidential model could be grafted unto the existing parliamentary model creating a suitable system⁸³ that would allow them to select a Prime Minister at large,⁸⁴ and claim more direct access to participation in the political process.

[bousquet-told-stay-away/](#) Rufus Bousquet was found to have had a criminal record in his youth in the United States which he never disclosed. When it was discovered the UWP did not demand his resignation from the party or the government nor did he opt to resign. He instead chose to run a second election.

⁸² *Ibid*, p. 24; *Supra* fn. 77: SEE: Housing Minister and Health Minister scandal

⁸³ *Supra*, fn. 1, p. 26-27

⁸⁴ *Ibid*, p. 26-27

CHAPTER 3

Westminster versus Washington

For many democracies around the world discussions are now widespread regarding the best constitutional model for their country, that is, parliamentary, presidential or a hybrid of the two. Many who viewed the British model as the best there was, having endured for 800 years, now posit the view that it is characterised more by a lack of accountability than as a model of inclusiveness and justice of and for the people. This chapter will juxtapose the parliamentary model against that of the United States presidential model by concentrating largely on the relationship between the Executive and the Legislature.

“The parliamentary system of government refers to a system of government having the real executive power vested in a cabinet composed of members of the legislature who are individually and collectively responsible to the legislature.”⁸⁵

It is a system where the three branches are intrinsically connected, where one derives its authority from the other and they all operate as a bar to abuse of each other.

Under the parliamentary design the Queen in Britain or the Governor-General in Her territories is the titular Head of State, the Prime Minister being its true Head. The Prime Minister is central to the entire parliament. He names the Ministers who are appointed by the Governor-General and assigns their portfolios, and they all sit at his pleasure, with the power to dismiss them at any time, without reason.⁸⁶ In this system, the Prime Minister can be said to be all-powerful, with the means to be tyrannical if he so chose.

⁸⁵ R. Khurshid, *“Is Parliamentary form of Government good enough for India?: Need for a Change”* [Online] (URL: <http://www.lawctopus.com/academike/is-parliamentary-form-of-government-good-enough-for-india-need-for-a-change/>)

⁸⁶ *Supra* fn. 2, S.60(3)

In defence to that power, the parliament can move a motion of no confidence in the Prime Minister, which, if successful, would mean he would be forced to step down or advise the Governor-General to dissolve parliament.⁸⁷

This may be considered by some to create a state of instability, that is, with the power to advise a dissolution the Prime Minister can wield this as a sword of Damocles over the heads of his majority rule in the House and over the Opposition, particularly, if neither the government nor the Opposition is ready to face an election; and as there is no limit nor criteria to move such a motion it can be done as often as members choose.

A prescient constitution has provided for this eventuality in the titular Head of State, authorising Her, in Her own judgment, to refuse to dissolve parliament if she feels that there is another in the House capable of commanding the majority. In that way, a government is safe-guarded on both points; it can go to an election after a no confidence vote to gain a fresh mandate or the Prime Minister can be substituted for another, and the business of government continue, uninterrupted.⁸⁸

Under a presidential system the people must stay with their choice for the entire term of office no matter how unpopular their president is, unless he is impeached by the congress. So inflexible is the US presidential system in this regard that President Johnson was criminally impeached in an effort to oust him from office as the congress saw this as the only available option to have him

⁸⁷ *Ibid*, S. 60(6)

⁸⁸ (1) Following the death of Sir John Compton on September 8 2007 a new Prime Minister was selected in Saint Lucia in the person of Stephenson King which allowed stable government to continue without election: M.I Martin, "*Saint Lucia Remembers Sir John*" [Online] (URL: <http://www.npr.org/templates/story/story.php?storyId=14380957>) (2) Between 1979 and 1982 following political upheaval after independence the Prime Minister-ship of Saint Lucia changed hands 3 times in less than 5 years: Allan Lewis to Winston Cenac and finally Michael Pilgrim - all without election; "Prime Ministers of Saint Lucia" [Online] (URL: http://en.wikipedia.org/wiki/List_of_Prime_Ministers_of_Saint_Lucia#Prime_Ministers_of_Saint_Lucia_.281979.E2.80.93present.29) (3) Following Brexit and the resignation of David Cameron a new Prime Minister was selected in the person of Theresa May, again allowing stable government to continue without election - A. Dewan and L. Isaac, "*David Cameron to Resign Wednesday as Theresa May to Become British PM*" [Online] (URL: <http://edition.cnn.com/2016/07/11/europe/britain-politics-may-leadsom/>)

removed.⁸⁹ For much of the 20th century presidential governments have developed a bad reputation due to the failure of their system, largely due, it would seem, to issues with governance.⁹⁰ On account of what is said to be inflexibility within this system coups have resulted in an effort to remove feckless Presidents.⁹¹

Within a parliamentary system there is an interconnectedness between the executive and the legislature and therefore it cannot be said that they are wholly independent of each other. The Prime Minister chooses the Executive from the parliament and they remain accountable to the preponderant Assembly for their actions through a time-honoured process of question time, which entitles the House to enquire of and ask detailed information regarding the work of these Ministers. If they fail to perform, the whole executive can be held accountable and the Prime Minister with them and a vote of no confidence can be moved, the House dissolved and the entire government removed, or, the Prime Minister may choose to dismiss that individual or individuals if the sacrifice on the political altar is more palatable, or, that Minister may do the honourable thing and resign his seat altogether. Because the integrity of each member within the cabinet is tied to the other, there is an obligation and incentive to check each other, hence the doctrine of collective responsibility in which Ministers must “*sink or swim together*.”⁹² The latter option is rarely, if ever used in Saint Lucia, as politicians generally choose to fight rather than flee.⁹³

⁸⁹ *Supra* fn. 52, p.18 and 19: Following the assassination of Lincoln Johnston the then Vice President became the President. According to Bagehot’s account, the congress was gravely hostile towards him because his plan to pacify the south was contrary to theirs and the congress then employed the only means at their disposal-impeachment. They were never able to succeed.

⁹⁰ *Supra* fn. 8, p. 4

⁹¹ 2000 and 2005-Ecuadorian coup by indigenous people to protest the economic policies of the president; 2002-Venezuela coup under which the president was detained; 2004- Haitian coup to oust president Aristide in his 2nd term of office; 2004, 2006 & 20013- coup in Chad to oust President Deby; 2005 & 2008-coup in Mauritania to overthrow president; 2006- coups in Philippines and Madagascar to overthrow president and 2010- coup in Egypt to oust president and his government. [Online] (URL:

https://en.wikipedia.org/wiki/List_of_coups_d%27état_and_coup_attempts
https://en.wikipedia.org/wiki/List_of_coups_d%27état_and_coup_attempts_since_2010)

⁹² *Supra* fn. 86, p. 3.

⁹³ *Supra* fn. 82

While a certain incestuous element may appear to be evident in the relationship, it makes for easier passage of laws and steadier growth for the country because the Prime Minister is assured of the support, of not just his cabinet, but also the majority of the legislature. It may seem contrary to the principle of scrutiny when one's decision hangs, not only on the matter of good governance and whether a bill before it meets the standard, but may depend more on the question of dismissal from the cabinet, the party and re-election if one was to go against the grain⁹⁴ but it does afford a degree of unity and stability necessary for good and steady governance and economic growth.⁹⁵

One method by which every Prime Minister is checked within the parliamentary system, aside from votes of no confidence, is the right of every member of the House to change his allegiance. A Prime Minister is therefore always cognizant of the fact, that should he consistently choose to ignore the advice and guidance of his Ministers or his members in the House they can retaliate by switching their allegiance. This can go towards either weakening his government by reducing his majority or else creating a situation wherein the composition of the House changes and the Opposition party could become the ruling party.⁹⁶

Some might argue that changing allegiance is a dangerous precedent and an act of betrayal, because the people voted, not just for the man, but the party. But arguably, the important constitutional protection of freedom of association ought not to be whittled away on a whim and a fancy, with little understanding of

⁹⁴ In 2004 the then Minister for Gender Relations Sarah Flood-Beaubrun vehemently opposed the passage of what was known as the Abortion Bill. From the floor of the House she castigated her fellow cabinet and legislative colleagues yet refused to resign from the cabinet. She was reshuffled out of the Cabinet months later. She subsequently resigned from the party and never ran an election for the Saint Lucia Labour Party again: Caribbean Net News "*St. Lucian Cabinet Minister fired from her post*" [Online] (URL: <http://www.caribbeannewsnow.com/caribnet/2004/01/13/minister.htm>)

⁹⁵ *Supra* fn. 41; Sir John's almost uninterrupted leadership in Saint Lucia saw significant development in the country over an almost 30 year span.

⁹⁶ *Supra*, fn. 2, Section 11(1) provides that a person cannot, without his consent, be hindered in his enjoyment of his freedom of assembly and association and in particular to form or belong to political parties or other political associations. Opposition Leader in the House, Neville Cenac, "crossed the floor" in 1987 from the St. Lucia Labour Party to the United Workers Party following two general elections in the same month in which the ruling party in the House won by a majority of only one seat which meant the majority party was significantly weakened in the House. This change gave the ruling party a more comfortable majority of two seats. N. Cenac, "*He Who is Double-Crossed Crosses*" [Online] (URL: <https://stluciarstar.com/32490/>).

the safeguards against oppression and tyranny therein contained. And while every check is not promised to be full-proof and without its risk, it is far better to have more checks to protect the people than less, for in the end, it is not the checks by themselves that will make the system work but the vigilant eye that is kept by the men who have been elected and nominated to watch over it. In such instances the education of the electorate is key to understanding the laws and why they are present so as to avoid misguided reforms.⁹⁷

The legislature on the other hand is checked by the Senate which scrutinises all bills, except money bills⁹⁸ initiated through the House of Assembly and which bills the Senate can amend or refuse to approve.

Under a presidential system there is said to be real, genuine scrutiny as no member of the Congress or Senate are beholden to the President and each is allowed to vote his individual choice or conscience.⁹⁹ While the President may retain his right of veto he is always conscious of the fact that he needs Congress and this right must be exercised judiciously and not arbitrarily to frustrate Congress. Congress may override this veto with a two-thirds majority.¹⁰⁰

This system unfortunately does not guarantee the President a majority to allow him easy access to pass laws. On the contrary, there is more opportunity for stalemate and gridlock,¹⁰¹ particularly when the President and the Congress are formed from different parties.¹⁰² For example, during President Obama's term of office as a Democratic President, a majority Republican Congress made it much more difficult for him to pass the laws he wanted, like Obamacare.¹⁰³ As Bagehot

⁹⁷ *Supra* fn. 10 p. 3 & 4

⁹⁸ *Supra* fn. 2, S. 50(2) and S. 48 and 49

⁹⁹ T. O. Sargentich, "The Presidential and Parliamentary Models of National Government" American University International Law Review, 8(2), p. 581. [Online] (URL: <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1870&context=auilr>)

¹⁰⁰ "Presidential Vetoes" [Online] (URL: <http://history.house.gov/Institution/Presidential-Vetoes/Presidential-Vetoes/>)

¹⁰¹ *Supra* fn. 8, p. 3

¹⁰² M. Kranish, "UK's Parliamentary System offers clues for escaping gridlock" and *Ibid*, p. 2

¹⁰³ W. Ray and T. Norbeck, "Forbes commentary on a look back on the passage of Obamacare" [Online] (URL: <http://www.forbes.com/sites/physiciansfoundation/2014/03/26/a-look-back-at-how-the-president-was-able-to-sign-obamacare-into-law-four-years-ago/#1edf1d2d4096>)

states, the President *“is elected in one way, at one time, and congress (no matter which House) is elected in another way, at another time. The two have nothing to bind them together and in fact continually disagree.”*¹⁰⁴

Both the parliamentary and presidential systems have a two-chamber scrutiny process; the British model, a House of Commons and House of Lords; and the Washington model, the Congress and the Senate. This two-tiered system ensures that each chamber maintains a watchful eye over the other so that proposed bills do not become law without the proper inspection, inquiry and close examination. There is no greater check on the preponderant legislative assembly than that imposed by the second chamber, the Senate. In a similar regard the all-powerful Assembly can seek to curb the power of the cabinet by denial of funds to carry out its projects, or by the control of expenditure out of the consolidated fund.¹⁰⁵

In the parliamentary system in Saint Lucia this has been found to be almost farcical since the government enjoys the majority vote in both the House and the Senate and would undoubtedly always receive the votes it required to authorise its expenditure, its members being more interested in toeing the party line than acting in the best interest of the people and the country.¹⁰⁶ In discussing the role of the Prime Minister over that of an elected President Arthur Schlesinger had this to say:

*“Parliament’s superiority over congress in delivering whatever the executive requests is a function of weakness, not of strength..... the Prime Minister appoints people to office without worrying about parliamentary confirmation, concludes treaties without worrying about parliamentary authorisation, withholds information without worrying about parliamentary subpoenas, is relatively safe from parliamentary investigation and in many respects has inherited the authority that once belonged to absolute monarchy..... a Prime Minister with a majority of parliament behind him has much more authority than an American President.”*¹⁰⁷

¹⁰⁴ *Supra* fn. 52, p. 18

¹⁰⁵ *Supra* fn. 2, S. 79(2). Under the US constitution, Article 1, Section 7, Clause 1 states that *“All bills for raising revenue shall originate in the House of Representatives.....”* [Online] (URL: <http://history.house.gov/Institution/Origins-Development/Power-of-the-Purse/>)

¹⁰⁶ *Supra* fn. 41

¹⁰⁷ *Supra*, fn. 99, p. 581

Notwithstanding, its usefulness is in its agility to realise quick decisions and quick action¹⁰⁸ unlike a presidential system, designed more to guard the freedoms of the people than to produce efficiency.¹⁰⁹

Within the Washington model are all the ingredients to create gridlock¹¹⁰ and prevent a President from efficiently and effectively carrying out his mandate, particularly where the President and either or both of the chambers do not sit under the same party banner.

The flexibility inherent in the British system allows for votes of no confidence in the Prime Minister, dismissal of cabinet Ministers with a reshuffle and replacement of a Prime Minister, all within a 5-year term, which would not automatically lead to a recall to the polls. Such a safety valve assures stability.

The intransigence of the Washington model means that unpopular Presidents must be suffered till the end of their term of office¹¹¹ and appointment and removal and re-appointment of members of the Cabinet and other prominent

¹⁰⁸ For the first time in the history of the Saint Lucian Parliament the Opposition have found an ingenious tool to gridlock the Parliament by using the delayed appointment of a Deputy Speaker to state that the parliament cannot, under S. 35 conduct any business until this is done. As many of the elected members of the majority party now form the cabinet it would mean that the Deputy Speaker would have to be appointed from the Opposition side who are refusing to accept any such appointment. Saint Lucia Times "Opposition Leader clears the air on Deputy Speaker issue" [Online] (URL: <http://stluciatimes.com/2016/07/16/opposition-leader-clears-air-deputy-speaker-issue>) and N. Cenac "The Recurrent Stupidity Surrounding the Office of Deputy Speaker" [Online] (URL: <http://www.pressreader.com/saint-lucia/the-star-st-lucia/20160730/281801398331796>)

¹⁰⁹ J. Madison, "Federalist Paper No. 51," [Online] URL: <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-51>

¹¹⁰ The different ways in which the American system causes gridlock are as follows: (1) By filibustering to frustrate the House to either pass or pass over a law, (2) individual voting with no responsibility to the collective (collective responsibility), (3) President and chambers from different parties and therefore can make it more difficult for passage of laws.

¹¹¹ J. M. Carey, "Presidential versus Parliamentary Government" p. 94, [Online] (URL: http://www.colorado.edu/ibs/es/alston/psci4028/fall_2010/Presidential%20versus%20Parliamentary%20Government%20by%20Carey.pdf)

positions must be approved by the Senate.¹¹² This could mean delaying the business of government while the Senate undergoes its approval process.¹¹³

On the other hand, this process of senatorial approval is a good way to ensure that the best man is appointed to the job, unlike under a parliamentary model, where it is not usually about the best man getting the job, but the man who is more than likely willing to support the position of the Prime Minister, come what may.¹¹⁴ The era of Thatcherism saw the “iron lady” restocking her entire cabinet with supporters to her cause.¹¹⁵

Notwithstanding, the fact that Presidents are allowed to live out their full term, without contest, save for impeachment for serious breach of office makes for a fairly stable government capable of making long term policy plans and seeing them through.¹¹⁶ But, for this stability, the risk must be, that President’s, with the whole of executive power concentrated in their hands, even with a cabinet, whose advice the President is under no obligation to take, coupled with his power of veto, can become almost dictatorial in his management of the affairs of the country.¹¹⁷ The opportunity for abuse and misuse of power is far greater in a presidential system, with the executive being almost unaccountable to the legislature and in turn the people. If the legislature feels stymied in taking the long and difficult route to impeachment their only safeguard is to stalemate the President through a lack of cooperation, by drawing out and making processes more lengthy and more difficult than they need to be,¹¹⁸ and resorting, finally, to unconstitutional means to remove the president which tends to threaten the stability and democracy of the country.¹¹⁹

¹¹² “Presidentially Appointed Jobs Require Senate Approval” [Online] (URL: <http://usgovinfo.about.com/od/the-president-and-cabinet/a/senate-confirm.htm>)

¹¹³ *Ibid*

¹¹⁴ *Supra* fn. 41

¹¹⁵ The Economist, “Margaret Thatcher: A cut above the rest” [Online] (URL: <http://www.economist.com/blogs/blighty/2013/04/margaret-thatcher-0>)

¹¹⁶ *Supra*, fn. 111

¹¹⁷ When George W. Bush became president in 2001 there was a move to appoint judges to the Supreme Court with a more conservative leaning. It raised issues of separation of powers and these were challenged at congressional hearings and the nominees put down.

¹¹⁸ One example to stymie the process is through filibustering in the Senate to stall or prevent the passage of a law.

¹¹⁹ *Supra* fn. 107

A British model is largely premised on a two-party system, which gives a clear majority in the House and makes it easier for the government to implement its policies. Its danger lies in its checks and balances either being ignored or little used. In other words, the stronger the government's majority in the House, the weaker the checks. A multi-party system, while not foreign to this political culture is not ideal, for it leads to a need to form coalition governments, which can prove chaotic and unstable. The coalition is built on the common goal to form a government and not on common ideals. This unfailingly leads to a plethora of differing positions and the likelihood of numerous votes of no confidence in the government from within the very coalition.¹²⁰

It has been further argued, that unlike the Washington system which sees individuals well-seasoned in political life, either through personal experience or vicariously through family heritage, either politically or in their respective area of expertise, the parliamentary system sees more men and women elected based on a social scale, that is, their popularity in the field.¹²¹ This inevitably means persons being selected without the requisite qualifications to operate in a highly competitive and technical system, leaving the real running of the country to bureaucrats who have been known to prey on the ignorance of these elected members and misuse the resources at their disposal.¹²²

There is much to be said both for and against each system but there seems to be a tendency to idealise the presidential system because of the United States, one

¹²⁰ The Republic of Vanuatu, with a constitutional President under a modified Westminster model is a prime example where coalition governments are frequently formed leading to numerous no confidence votes. It has become almost part of the parliamentary culture to move such votes and is encouraged by those ambitious members seeking Prime Ministerial office. In the stated case members had been paid for their vote of no confidence: J. Tahana, "*Vanuatu Shaken by Mass Corruption Convictions*" [Online] (URL: <http://www.radionz.co.nz/international/pacific-news/286695/vanuatu-shaken-by-mass-corruption-convictions>) and "*Vanuatu Sentences 14 MP's to jail for corruption*" [Online] (URL: <http://www.bbc.com/news/world-asia-34600561>)

¹²¹ *Supra* fn. 41

¹²² *Supra*, fn. 111

of the few Republics that has successfully maintained this model without economic destabilization and political chaos.¹²³

Scrutiny of Legislation as a Bar to parliamentary abuse

Pre-legislative scrutiny is “generally acknowledged to be one of the most successful innovations in the legislative process in recent years.”¹²⁴ And at a reading of a Bill, one of the Chairmen of the Joint Committee said of the process:

*“I remain a real convert to the pre-legislative process... That process is far less partisan and far more open to analysis and debate, and, as a consequence, makes, where it is possible, for far better law....”*¹²⁵

It is clear from the above, that the supporters of legislative scrutiny, one of the major functions of any parliament, believe that without any proper scrutiny bad laws will result, which in and of itself can open doors to potential abuse. When the option for committees to more closely scrutinise laws is not utilised, when opposition members are given late notice of bills to be debated so that insufficient consultation and research can be undertaken, when parliamentary time is limited so that bills cannot be fully debated and when the public are either not consulted or consulted little, it allows a government to initiate and pass laws that may prove adverse to the nation.¹²⁶ These oft used tactics by a ruling party in the parliament undermines the parliamentary system and only cause the electorate to lose faith in that system and its process and causes them to call for drastic changes that may not necessarily be needed in an effort to seal the gap that appears evident.

¹²³ *Supra* fn. 8, p. 4

¹²⁴ Select Committee on Modernisation of the House of Commons, 1st Report of Session (2005-2006), The Legislative Process, HC1097 para. 12, [Online] (URL: <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmmodern/1097/1097.pdf>)

¹²⁵ *Ibid*

¹²⁶ *Supra* fn. 77 and *Supra* fn. 40

Westminster/Republic Model in the Caribbean

Before Saint Lucia leaps into the unknown it would be useful to examine similar jurisdictions within the Caribbean that shared a not dissimilar past, who have gone the way of a partial or full republic and what their results have been to ascertain whether we can learn from them the best way forward. The author will examine the Republics of Dominica, Trinidad & Tobago and Guyana.

DOMINICA

When independence was obtained on 3rd November 1978 Dominica became the Commonwealth Republic of Dominica.¹²⁷ Their Republic was a fusion of the Parliamentary with the Presidential model of government.

The history of Dominica is revealing in itself as to why the country, once ruled by Britain, would not have immediately rolled out the Westminster system. Dominica has been one of the only Caribbean countries which conferred political and social rights on free coloured blacks as early as 1831, prior to the abolition of slavery which resulted in the first three black men being elected to the Legislative Assembly in 1835, only one year after slavery was abolished. By 1838 the elected Assembly was mostly controlled by blacks. Although their power was systematically eroded over time and their rights curtailed, Dominica was eventually able to take control of its internal affairs even while still an Associate State of Britain, till it gained its independence and opted to become a Republic State.¹²⁸

Unlike other Caribbean countries controlled by Britain, it is clear from early on that black Dominicans worked hard to acquire control over their affairs. Having achieved some level of freedom since 1831 the black Dominicans had the faith that they were more than comfortable taking their new steps into independence without being maternally attached to Britain. The best route they felt was to cut all colonial ties to the United Kingdom and assert their sovereignty by naming a ceremonial President as their Head of State rather than the Queen.

¹²⁷ "Dominica History" [Online] (URL: <http://thecommonwealth.org/our-member-countries/dominica/history>)

¹²⁸ "Dominica" [Online] (URL: <https://en.wikipedia.org/wiki/Dominica>)

The institution of the Presidency is the most significant common element between Dominica and a Republic State like the United States. Save for that, every other element resembles a parliamentary system.

Under the Dominica Constitution, which is an almost exact replica of that of Saint Lucia, save for the aforementioned difference, the President is elected by the House of Assembly to serve a five-year term.¹²⁹ The House itself is made up of elected representatives to correspond to the number of their constituency seats and nine Senators who may be either nominated or elected.¹³⁰

With the exception of a very brief tumultuous event from May 1979 to 21st June in which, what was referred to as a “civilian coup”¹³¹ took place, Dominica has experienced a relatively peaceful existence, unmarked by any serious upheaval.

TRINIDAD & TOBAGO

Before 1961, the parliament of Trinidad & Tobago was unicameral. A decision to return to the Westminster bicameral system may be explained by the inimitable Dr. Eric Williams when he spoke on Constitutional Reform in the country. He stated that unicameralism was colonial in form and operation and that to keep it would be to continue to extend colonialism, but that democracy dictated the abolition of the single chamber for the two.¹³² He has been recorded as having said, that if Westminster is good enough for the British people it is good enough for them.¹³³ Some saw this as a backward move to return the parliament to its subordinate role to the Executive, thereby extinguishing the independence of the

¹²⁹ Section 18(1) of the Constitution of the Commonwealth of Dominica:[Online] (URL: <http://www.parliament.dm/library/sahmanadrutyunner/dominika.pdf>)

¹³⁰ *Ibid*, S. 30 and 34. Though the Senators can be appointed (5 by the President on the advice of the Prime Minister and 4 by the President on the advice of the Leader of the Opposition), the House can opt to have the Senators put to election by the Parliament.

¹³¹ “A Study in Peaceful Extra-Constitutional Change on the Caribbean Island of Dominica” [Online] (URL: <http://presidentoffice.gov.dm/former-presidents/25-his-excellency-dr-nicholas-j-o-liverpool-2003-2012/24-a-study-in-peaceful-extra-constitutional-change-on-the-caribbean-island-of-dominica>)

¹³² *Supra*, fn. 63, p. 39

¹³³ *Supra* fn. 7, p.97 and *Ibid*, p. 87

legislature, accountability to the people and essentially democracy.¹³⁴ Writers like Dr. Meighoo are of the view that the fundamental question to be addressed has and is the *“unequal power of the representatives and the power of the Executive, particularly with regard to the expenditures of public funds, but also with the making of laws and policy.”*¹³⁵

The Republic of Trinidad sees its President appointed by the Electoral College made up of the House of Representatives and the Senate¹³⁶ who is removable only upon a two-thirds vote of the members of both Houses.¹³⁷ The President retains the prerogative powers of the Queen to advise and warn and to be informed¹³⁸ and acts always on the advice of, except where he is designated to act in his own deliberate judgment.¹³⁹

The President selects the Prime Minister and the Opposition Leader as well as the Senate and Ministers of government in the same manner as in the Westminster model,¹⁴⁰ and the Prime Minister can be removed with a no confidence vote.¹⁴¹

The Ombudsman¹⁴² and members of the Public Service Commission¹⁴³ are appointed for a term of 5 years and removable only for the reasons specified in the constitution.

The constitution makes provision for the selection of joint committees to, among other things, oversee the works of government ministries. They must be appointed no later than 3 months following a general election,¹⁴⁴ must sit in

¹³⁴ *Supra* fn. 63, p. 35

¹³⁵ *Ibid*

¹³⁶ Constitution of the Republic of Trinidad and Tobago, Cap. 1.01, S.29 and 28 [Online] (URL: www.oas.org/juridico/english/mesicic3_tto_constitution.pdf)

¹³⁷ *Ibid*, S.36

¹³⁸ *Ibid*, S.81

¹³⁹ *Ibid*, S.80

¹⁴⁰ *Ibid*, S.76(1), S40, S76(3) and 79 respectively

¹⁴¹ *Ibid*, S.77

¹⁴² *Ibid*, S.91(3)

¹⁴³ *Ibid*, S.126(3)(a)

¹⁴⁴ *Ibid*, S.66A(A)

public¹⁴⁵ and their reports must be laid before the House.¹⁴⁶ All Service Commissions, including the Judicial and Legal Services Commission (JLSC) and government ministries must submit annual reports to the President.¹⁴⁷

In this system it is important to note that the members of the Police Commission are appointed by the President in consultation with the Prime Minister and Leader of the Opposition¹⁴⁸ which appointment cannot be made until the affirmative resolution of the House.¹⁴⁹

GUYANA

Guyana's independence in 1966 was not immediately marked by a move from a constitutional monarchy to the Republic they have today. This change did not come till the 23rd February 1970. Prior to that Guyana had enjoyed, as early as 1831 till 1928, some form of British run government under the control of a Court of Policy (a Dutch concept) made up of a Governor and seven officials and eight elected members with the Governor presiding over the Court of Policy.¹⁵⁰

In 1928 when a new constitution was passed, Guyana officially became a British Crown Colony and a Legislative Assembly was set up¹⁵¹ This new parliament was suspended and was not reconstituted till the 1961 constitution, which re-established the bicameral legislature made up of a Legislative Assembly and a Senate, the latter consisting of 13 members appointed by the Governor of which 8 were appointed in accordance with the advice of the Prime Minister, 3 appointed by the Governor to represent the minority view in consultation with such persons as he saw fit and 2 by the Governor acting under his own counsel. The Assembly consisted of 35 members with a council of Ministers selected from the Legislature comprising the Premier and 9 other Ministers who had general

¹⁴⁵ *Ibid*, S.66(d)

¹⁴⁶ *Ibid*, S.66(e)

¹⁴⁷ *Ibid*, S.66(B & C) and S.66(D) respectively

¹⁴⁸ *Ibid*, S.122(c)

¹⁴⁹ *Ibid*, S.122(4)

¹⁵⁰ Between 1831-1928 Guiana consisted of 3 colonies: Demerara, Essequibo and Berbice collectively known as the colony of British Guiana. "History of Parliament (Guyana)," [Online] (URL: <http://parliament.gov.gy/about-parliament/about-parliament-history/>)

¹⁵¹ *Ibid*

direction and control of the country and were collectively responsible to the Legislature.¹⁵²

The country later changed to a unicameral parliament, a move that was influenced by Britain which had always maintained a single chamber in an effort to better concentrate and centralize power.¹⁵³

The Guyanese system is a hybrid of the Westminster and Republican system in that its parliament operates within a Westminster model, with the same rules and procedure with even the system of finance following that of the United Kingdom.¹⁵⁴

Since becoming a Republic the Guyanese constitution has a President elected by the people¹⁵⁵ and as the head of the Executive he is the “*supreme executive authority and commander-in-chief of the armed forces*”.¹⁵⁶ Full Executive authority is vested in him¹⁵⁷ and the Cabinet is made up of the President, the Prime Minister and such other Ministers as the President may designate.¹⁵⁸ Under the constitution, wherever the President must act it is always in his own deliberate judgment save where the constitution specifies otherwise.¹⁵⁹

The President of this Republic clearly enjoys a wide range of powers beyond the ceremonial:

- He can only be removed for a violation of the constitution or gross misconduct.¹⁶⁰
- He alone can prorogue and dissolve parliament.¹⁶¹

¹⁵² *Ibid*

¹⁵³ Unpublished interview: Manzo Nadir (Former Leader of the United Force in Guyana from about 1980 to 2011, a former Member of Parliament from 1991 to 2015 and Cabinet Minister for Tourism, Industry and Trade and then Minister for Labour), Interview with author. Skype. Vanuatu-Guyana, 18th August 2016 at 11am.

¹⁵⁴ *Ibid*

¹⁵⁵ Constitution of the Co-Operative Republic of Guyana Act, Cap. 1.01, S. 91 [Online] (URL: <http://parliament.gov.gy/constitution.pdf>)

¹⁵⁶ *Ibid*, S. 89

¹⁵⁷ *Ibid*, S. 99

¹⁵⁸ *Ibid*, S. 106

¹⁵⁹ *Ibid*, S. 111

¹⁶⁰ *Ibid*, S. 94

- He selects the Prime Minister and Ministers.¹⁶²
- Assigns ministerial portfolios.¹⁶³
- Presides over cabinet meetings.¹⁶⁴
- Can invite any other person to sit in on any cabinet meeting.¹⁶⁵
- Allowed to act in most matters taking into account is own judgment.¹⁶⁶

The constitution establishes a number of committees (Standing and Sectoral committees and sub-committees of cabinet) dedicated to the work of parliament and cabinet.¹⁶⁷ They are said to work quite effectively in informing the work of the parliament and the cabinet.¹⁶⁸

According to Mr. Nadir, the hybrid Republican system has been working well for Guyana *“as there has been no public outcry for change.”* Nonetheless, he pointed out that while the people take no issue with the powers of the President and his decisiveness in wielding that power, the people still feel that there is a need to have more checks and balances within the system.¹⁶⁹

The checks and balances currently operating within the system are:¹⁷⁰

- The use of the committees of parliament and cabinet. While reports of the committees are not bound to be accepted, they can carry considerable sway particularly when published, and receive the backing of the public. In that regard parliament is then motivated to address any concerns raised in the committee reports.
- No bill can be passed to the President for approval unless it has first gone through the parliament and undergone all the necessary scrutiny of investigations, consultations and debate.

¹⁶¹ *Ibid*, S. 70. Section. 180 sets out the procedure for removal which could be likened to the impeachment process in the United States.

¹⁶² *Ibid*, S. 101(1)

¹⁶³ *Ibid*, S. 107

¹⁶⁴ *Ibid*, S. 100 and 106(3)

¹⁶⁵ *Ibid*, S. 106(5)

¹⁶⁶ *Ibid*, S. 111(2)

¹⁶⁷ *Ibid*, Sections 118 and 119

¹⁶⁸ *Supra*, fn. 153

¹⁶⁹ *Ibid*

¹⁷⁰ *Ibid*

- Judicial Review is available against actions of the government deemed unlawful.
- There is an ombudsman but he is considered a “toothless poodle”¹⁷¹ but since any reports emanating from his office can be published it gives his recommendations some persuasive authority with parliament as it can cause a public outcry if recommendations of national import are ignored.
- Key positions like the chancellor and police commissioner must receive the agreement of the Leader of the Opposition before the President can make a selection.

Figure 1: Similarities and Differences between Saint Lucia and the contrasting jurisdictions

GUYANA	DOMINICA	TRINIDAD & TOBAGO	SAINT LUCIA	COMMENTS
President elected at large for 5 years and can be removed for incapacity or gross misconduct or by a successful vote of no confidence against the government	President elected by both Houses for 5 years but can be removed for gross misconduct	President elected by Electoral College for 5 years and can be removed on a 2/3's vote of both Houses	Governor-General appointed by the Queen on recommendation of Prime Minister	In Saint Lucia no mention of the actual procedure regarding the Governor General's appointment and how she may be removed
Unicameral Parliament	Bicameral Parliament	Bicameral Parliament	Bicameral Parliament	
No Senate. All members of the Assembly are elected	Senators appointed at pleasure of the Prime Minister and Leader of the Opposition. President does	Senators appointed at pleasure of the Prime Minister, Leader of the Opposition and President	Senators appointed at pleasure of the Prime Minister, Leader of the Opposition and Governor General	

¹⁷¹ *Ibid*

	not have the power to make any senatorial appointments in his own discretion			
N/A	No provision for president to appoint any senators in his own judgment. Majority party in the House has only a one person majority in the Senate over the Opposition	President gets a 3 person majority in the Senate over the Opposition. The Opposition has no majority.	Leader of the Opposition has only a one person majority in the Senate over the Governor General appointees but no majority over the ruling party's appointees.	
No mandatory provision for committees to be in place by a designated time but may co-opt experts to assist in their work	No requirement for the establishment of any Committees but according to Dr. Basdeo they are utilised	Committees must be in place 3 months after elections and can delegate to sub committees and select specialist advisers	No mandatory provision for committees to be in place by a designated time except to say that they will be appointed by the House as soon as may be after the beginning of parliament. NB: this provision is not in the constitution but only the Standing Orders of the House	
Proportional Representation	First past the Post	First past the Post	First past the Post	
Executive	Executive	Executive	Executive authority	

authority vests in the president and cabinet and the cabinet is collectively responsible	authority vests in the president and the cabinet and the Cabinet collectively responsible	authority vests in the President and Cabinet and the Cabinet collectively responsible	vests in the Cabinet and the cabinet is collectively responsible	
President has numerous powers which he is free to invoke without seeking or acting upon advice.	President always acts on advise except in limited circumstances where he can act in his own deliberate judgment	President always acts on advise except in limited circumstances where he can act in his own deliberate judgment	Governor General always acts on advise except in limited circumstances where she can act in her own deliberate judgment	
Inference that president can remove Prime Minister	Prime Minister can be removed on a no confidence vote by the House	Prime Minister can be removed on a no confidence vote by the House	Prime Minister can be removed on a no confidence vote by the House	
Ombudsman appointed for 4 years. Does not speak to removal	Ombudsman has tenure for 5 years and only removable if incapable of performing functions	Ombudsman has tenure for 5 years but does not speak to removal	Ombudsman has tenure for 5 years and only removable if incapable of performing functions	
President has a much larger role [SEE: p. 40-41 of thesis]	President retains prerogative power to advise, warn and be informed	President retains prerogative power to advise, warn and be informed	Governor General retains prerogative power to advise, warn and be informed	
Chairman of Police Commission appointed by president after	Police Commission chairman and deputy appointed by	Police Commission must have approval of Prime Minister	Public Service Commission must have approval of Prime Minister to appoint a Police	

consultation with Leader of the Opposition and 4 additional members nominated by National Assembly	president on advice of Prime Minister, 5 other members on the advice of Prime Minister in consultation with the Leader of the Opposition	and Leader of the Opposition and an affirmative resolution of the House of representatives to appoint Police Commissioner	Commissioner	
Prime Minister appointed by president from within the National Assembly	Prime Minister and Leader of the Opposition selected just as in Westminster	Prime Minister and Leader of the Opposition selected just as in Westminster	Prime Minister and Leader of the Opposition selected just as in Westminster	
No provision to set up Integrity Commission	No provision to set up Integrity Commission	Provision to set up a commission but no prescription for who will appoint its members but provides for parliament to be responsible for putting its procedures in place	Members of the Commission appointed by Governor General on advice of Prime Minister. No provision to consult Leader of the Opposition before tendering advice. Each member is appointed for 3 years and can only be removed for inability to perform functions	

Figure 1 reveals little by way of significant change or development occasioned by the move to a presidential/parliamentary model for the 3 jurisdictions of Dominica, Trinidad & Tobago and Guyana, save for their claim for independence from Britain by the appointment of their own presidential Head of State.

Nonetheless, what is entirely evident is the confidence they have continued to repose in the Westminster system, notwithstanding certain minor modifications. It is therefore apparent that a parliamentary/presidential design has worked since independence and continues to work for them. Saint Lucia should therefore have no reservations except for a similar outcome.

Figure 2: Advantages and Disadvantages of the two models of Government

ADVANTAGES OF PARLIAMENTARY SYSTEM	DISADVANTAGES OF PARLIAMENTARY SYSTEM	ADVANTAGES OF REPUBLIC SYSTEM	DISADVANTAGES OF REPUBLIC SYSTEM
Prime Minister and Cabinet can be removed by a vote of no confidence	Concentration of power in hands of Prime Minister and cabinet with potential for abuse	A more distinct separation of powers	President almost unaccountable to the Legislature
Easier passage of laws with executive control of legislature	Executive controls legislature	President serves full term and this can offer stability	Cannot be removed even if unpopular except usually by a coup
Prime Minister can be changed without an election	No confidence votes can lead to instability	Presidential appointments subject to approval by Senate	Harder to pass laws as president has no guarantee of a majority in congress or senate
Prime Minister and his cabinet can be questioned on their work with question time	Prime Minister seen to have a hand in major appointments like Public Service Commission and Police Force with opportunity for nepotism and interference	Better chance for scrutiny of legislation	No collective responsibility among members. Individuals accountable only to themselves and this can lead to chaos and instability
Collective responsibility means each Minister has the incentive to check the other	Prime Minister's appoint Ministers without opposition from either House of Assembly or senate		Power concentrated in hands of president with no obligation to listen to parliament and with his power to veto bills this can make him almost dictatorial
Individual members can change allegiance to check Prime Minister	Favoured position of Prime Minister and his cabinet can hinder adequate legislative scrutiny		More opportunity for gridlock through methods like filibustering
Senate and committees act as a check on parliament	No stated method to remove corrupt members		United States system set up to guard freedoms of the people rather than

			produce efficiency
A predominantly 2 party system strengthens government so no need for coalition	Opposition has very little power in the House and no majority in either House		More instances globally of instability with this type of regime
Integrity Commission to stem corruption			
Ombudsman and Public Accounts Committee a powerful check on unlawful government acts and spending			
More instances globally of stability with this type of regime			

At **figure 2**, there seems to be as many advantages as there are disadvantages to the Westminster system, while the Republic/Presidential system shows more disadvantages than advantages. There also appear to be more checks existing within the parliamentary model than that of the Republic.

It is apparent therefore that a move to a hybrid presidential/parliamentary model would be a better option for Saint Lucia than a constitutional design purely implementing one over the other.

CHAPTER 4

The Report of the Constitutional Committee is most definite in its recommendations that the system, which currently prevails in Saint Lucia, is no longer working, is unsuited to polity and unwanted by the people.

The proposals are for our constitutional Monarchy, under the British Westminster model to be supplanted, with either a full Republic model or a hybrid Republic Presidential/Parliamentary model which would take the best of both worlds and apply it to our jurisdiction. Whether this is a plausible remodel will be examined below.

To discern the correctness of the proposition, a number of factors need to be examined:

1. Can a distinct separation of powers be realistically achieved?
2. Could the Washington model survive successfully in a Caribbean context?
3. Are there greater benefits to be derived from a unicameral or bicameral parliament?
4. What recommendations can realistically be made to bring about the constitutional change sought after?
5. Will changing the model of parliament really change the system and the way in which the country runs and functions?
6. Can a hybrid model of government be successfully implemented?

The matters raised at nos.4, 5 and 6 will be addressed at chapter 5.

Can a distinct separation of powers be achieved?

The short answer would be no.

It was not a distinction recognised or recommended by Montesquieu.¹⁷² It is a fallacy, an ideal that is unachievable. The three powers are separate branches of

¹⁷² *Supra* fn. 43

the same tree, they derive their power from the same source and it would be impossible to cut off one branch, either partially or entirely from that source and expect it to thrive without difficulty. Their distinction is not in their absolute separation but in the distinctness of their roles in relation to the whole.

An examination of the Washington model reveals that it is fraught with conflict and gridlock, and while it may assure freedoms it does not assure efficiency and expediency.¹⁷³ This is a product of their system, which is understood by the electorate, just as the British people understand their unwritten constitution. This is not a system that a fledgling democracy can tolerate.

The Washington model stemmed out of the need of the people to ensure that never again would they be subjected to tyrannical government under a King¹⁷⁴ and that they would so separate the powers that neither branch could overshadow the other and abuse its power in order to strike its own path. The freedoms of the people, carved out of fire and brimstone were thereby guaranteed against potential tyranny,¹⁷⁵ and they felt, that while the sacrifice of expediency was great, it was necessary and worth it.

The Westminster system on the other hand evolved, not out of a burning desire to rest their freedom from a King but from the necessity to assist the King and, then later, to curtail his power. It was not something created in a flash, but over centuries of deliberate manoeuvrings till, what was deemed an ideal system for their people was born, a system that has stood strong for the British people for the last 800 years.

¹⁷³ *Supra*, fn. 109

¹⁷⁴ "No Taxation without Representation" [Online] (URL: <https://www.loc.gov/exhibits/magna-carta-muse-and-mentor/no-taxation-without-representation.html>) and J. Madison, "Federalist Paper No. 48 [Online](URL: <http://teachingamericanhistory.org/library/document/federalist-no-48/>)

¹⁷⁵ *Ibid*

Could the Washington Model survive successfully in a Caribbean context?

It has been said that one of the reasons why the British system works so well is because it is easy to understand.¹⁷⁶ It is a system that indulges the imagination of the people. The people can understand the simple idea of a monarch and Her role, however oppressive or enlightened that monarch might be, but a Republic is an entity where the rule of law (the constitution) is the sword and shield on the battlefield, a more complex idea, *“difficult to know and easy to mistake.”*¹⁷⁷ The cultural backdrop to Westminster rises out of a legacy steeped in the legends of King Arthur and the Knights of the round-table, Lady Marion and Robin Hood, based on the honour of Knights and Kings. It is legacy told and retold till it formed the very marrow of the people and imbued them with this *“mystic reverence [and] religious allegiance”*¹⁷⁸ which could not be manufactured.

If this is an argument that can be canvassed it would be easy for the author to say therefore that a full Republic could not be successfully installed in Saint Lucia and neither can, it might appear, a pure Westminster system.

Saint Lucia is a State where degradation has been forced into the marrow of its bones rather than honour, and this may, in some small or large part, account for the unease with which the Westminster system is lived out. Carl Stone has said of Jamaican politics, a statement true of Saint Lucia, that *“Electors, especially those in constituencies consisting of the poor and socially excluded, exchange their votes for jobs and other benefits,”* and that *“the fiscal crisis of the State was drying up the flow of benefits to supporters of the Party in power.”*¹⁷⁹ Islands, like Saint Lucia, have never been taught the higher ideals of the Westminster system and so it is treated as a means to barter for self rather than for State.

Saint Lucians do not so much want an entirely new system. Based on the Report and its findings it is clear that what they want is a system that allows them

¹⁷⁶ *Supra* fn. 52, p. 34

¹⁷⁷ *Ibid*

¹⁷⁸ *Ibid*, p. 24

¹⁷⁹ *Supra* fn. 7, p. 100

greater participation and the means to address corruption and abuses within the government and the parliament.¹⁸⁰ A Republic is too wide and complicated a concept for them, which would account for the revision of their recommendation to a less dramatic change to a hybrid presidential/parliamentary model¹⁸¹ where they have the trappings of a president, albeit ceremonial, but they retain all the best parts of the parliamentary system with a few additions.

The data itself reveals that Republics around the world, with the exception of the United States are, more often than not, unstable, and the removal of the President often has to be done by an overturning of the government by a military coup.¹⁸² The Caribbean and Saint Lucia have neither the resources nor the economic means to risk such instability.

The Westminster model throughout the world has been held out as a beacon of peace and stability, and countries coming out of a colonial past, with centuries to catch up with the rest of the world in terms of social, economic and political development cannot afford to select a system that would not guarantee them stability first. This is not to say that the British model is perfect. Even the British are seeking to address their own issues for reform.¹⁸³ What is needed is a better appreciation of how the system is meant to work, how it can realistically work in Saint Lucia and what recommendations can be offered to improve and enhance its efficiency.

¹⁸⁰ *Supra* fn. 41: "My experience of 37 years in politics has shown me that St. Lucians want to feel and to touch their representatives and that those members of the House who reigned supreme in their constituencies were the ones who were constantly with the people on the ground, who sat in their homes and ate at their tables. The one term wonders were the ones who kept their distance."

¹⁸¹ *Supra* fn. 1, p. 27

¹⁸² *Supra* fn. 8 and *Supra* fn. 91

¹⁸³ J. Parker, "Progress Report: Constitutional Reform" [Online] (URL: <http://www.bbc.com/news/uk-politics-16748163>) and A. Defty, "Submission to select committee on inquiry on a new Magna Carta" [Online] (URL: <https://whorunsbritain.blogs.lincoln.ac.uk/2015/04/20/submission-to-select-committee-inquiry-on-a-new-magna-carta/>)

Are there greater benefits to be derived from a unicameral or bicameral parliament?

Checks and Balances in a Unicameral Parliament

The Saint Lucia constitutional Report discussed the issue of unicameralism over what currently subsists in Saint Lucia, bicameralism.¹⁸⁴ After review, it determined that unicameralism would offer no greater scrutiny or accountability within the Parliament and were of the considered opinion that it was not so much the existence of the two chambers that made the House of Assembly inefficient but rather the “*manner in which the senate was appointed*”¹⁸⁵ and that this could easily be cured by appointment of a larger number of senators who represented various interest groups such as the trade unions, business community, professionals, churches, sporting bodies and environmental interests¹⁸⁶ rather than partisan appointments. Their recommendation was not to affect the balance of power in favour of the majority party in the House of Assembly but simply to realise the original intent of the Senate to provide a “*sober, second thought*”¹⁸⁷ to the work of the Assembly.

But the question whether a unicameral or a bicameral parliament would be an effective constitutional construct for Saint Lucia can only be examined by a look at parliaments which have a single chamber.

It has been established that the purpose of a second chamber is to operate as a check on the work of the Assembly and provide effective guidance on the bills that come under their scrutiny in an effort to maintain and sustain good governance.

¹⁸⁴ *Supra* fn. 1, p. 134-135

¹⁸⁵ *Ibid*

¹⁸⁶ *Ibid*

¹⁸⁷ *Ibid*

The Constitution Unit in London¹⁸⁸ examined 6 jurisdictions¹⁸⁹ that had implemented a unicameral parliament as part of their constitutional design. The purpose of the Report came out of the belief that a unicameral parliament was essentially flawed.¹⁹⁰ In brief, the Unit concluded that it was, in the end, not so much whether the right design had been chosen but how well that design was structured to ensure “*a constant, credible and legitimate check on government,*”¹⁹¹ in order to curb corruption and stamp out abuse.

Some of the checks outlined as effective within the 6 jurisdictions are listed below:

1. In the jurisdictions of Sweden, Denmark, New Zealand and Quebec it was shown that a larger parliament made for a better committee system because it ensured there were sufficient numbers to populate the committees with little strain being placed on any one part.¹⁹²
2. All the jurisdictions had Special Independent Commissions of Inquiry and mention was made of Queensland where such an enquiry led to the imprisonment of a Police Commissioner and 4 State Ministers.¹⁹³
3. British Columbia implemented an especially powerful check on its members, which allowed for the electorate to dismiss any member of parliament in-between elections which was a significant way to assure accountability of each member to the people.¹⁹⁴

¹⁸⁸ The Constitution Unit, “*Checks and Balances in Single Chamber Parliaments: a Comparative Study*” [Online] (URL: <https://www.ucl.ac.uk/spp/publications/unit-publications/24.pdf>)

¹⁸⁹ *Ibid.* The Unit looked at the countries of Sweden, Denmark, New Zealand and the provinces of Queensland, Quebec and British Columbia.

¹⁹⁰ *Ibid.*, p. 6

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*, p.34

¹⁹³ *Ibid.*, p. 36

¹⁹⁴ *Ibid.*

4. While the Executive of all the jurisdictions was composed of members from the parliament, Sweden was the only jurisdiction, which sought to create a more distinct separation by replacing those members with substituted members and taking the right to vote from the Ministers even though they retained their seat in the parliament. Notwithstanding, this did not excuse those ministers from responding to questions and to debate bills.¹⁹⁵
5. In every jurisdiction it was concluded that a properly functioning committee system to review legislation and to initiate independent investigations as a check on new laws, review of old laws and on government practice was a powerful mechanism in a unicameral parliament.¹⁹⁶
6. In Denmark and Sweden the powers of the majority are annealed in favour of the minority members. Some of these procedural rights in Sweden are as follows: *“one third of the chamber can send a report back to a committee for further consideration. One tenth of MP’s can request a vote of no confidence. One third of a committee can request information and opinions from public authorities.”*¹⁹⁷
7. All jurisdictions have as part of their standard process, pre-legislative scrutiny processes as a safeguard to producing quality legislation.¹⁹⁸
8. All jurisdictions have either retained or implemented the Westminster system of question time which allows its members and ministers to be

¹⁹⁵ *Ibid*, p. 36-37

¹⁹⁶ *Ibid*, p. 37

¹⁹⁷ *Ibid*, p. 38

¹⁹⁸ *Ibid*

questioned on government policy and is of great assistance to the minority rule in checking the majority.¹⁹⁹

9. External checks by way of ombudsmen and auditors is provided in all jurisdictions. Some of the ombudsmen, e.g. in Sweden have the power to launch independent investigations and can request disciplinary action against officials or prosecute for breach of duty. The auditors not only conduct financial audits but have a wider mandate to review the economy and the efficiency and effectiveness of government programmes.²⁰⁰

The Unit observed that for those jurisdictions (New Zealand and Queensland) which were suggesting either a return to bicameralism or found that no change had been evident in that jurisdiction, it was due largely to the fact, that the introduction of unicameralism was not simultaneously accompanied with parliamentary and constitutional reforms.

This report is instructive to this discourse as it provides a relevant context in which the Saint Lucian design can be tailored to suit. Whether the Upper House is to be maintained or abolished for the good of the parliament and the country will be discussed at chapter 5.

¹⁹⁹ *Ibid*

²⁰⁰ *Ibid*, p. 39

CHAPTER 5

Recommendations

As has been canvassed in this discourse, Saint Lucia is a complex jurisdiction, straddling a system with has been informed by two world perspectives; one based on the notion of a free Englishman and the other, on the notion of an enslaved African. This has resulted in a subtle tension in the underbelly of the country, stemming out of its mixed heritage and misunderstood expectations.

In order to rise above this tension, the country must pave a new path, all its own, to a new constitution and a new way of being, which will engender in its people a feeling of ownership and understanding of a constitution informed by their own ideas and ideals.

This chapter will examine the recommendations in the Report made in relation to the change from a monarchy to a presidential system and the transformation that should be made to the parliament, taking account of all best practices and the avoidance of the obstacles discussed in chapters 1 & 3.

1. That the country should become a Republic with a President as its Head of State nominated and approved by both Houses of Parliament.²⁰¹ There may be a tendency to idealize a Republic, seen only through an American lens, which has not suffered the ignominy of other presidential regimes. Since the Report did not recommend a complete break with the Westminster system by the implementation of a full Republic as in the United States, it would seem relatively easy to install a President for the Governor-General as he would be merely ceremonial, with much the same powers as the Governor General under the constitution. There should be no need to increase those powers save to import that conventional practice which has been established in Britain for the Prime Minister to

²⁰¹ *Supra*, fn. 1, p. 26 and House of Commons, "Political and Constitutional Reform Committee: The UK Constitution" [Online](URL: <https://www.parliament.uk/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf>)

inform the President weekly of the happenings of the government. This will give the President an opportunity to invoke his retained power to advise and to warn, a function that should not be side-lined and underestimated by any government. The move to a Presidency would sever the last colonial cord with Britain and would be seen as a symbolic move to real, unfettered independence.

However, conversion to a full republic with an elected president may prove to be too cost prohibitive for a small country with limited resources.²⁰²

2. The independence of parliament can be maintained in four ways:

- (i) Through the establishment of robust committees made up of members of both Houses, together with independent persons from outside the House, including relevant experts to review the work of the Executive;²⁰³
- (ii) These committees should have the power to summon Ministers and Public Servants and call for any documents deemed necessary in their assessment and examination of the works of the departments of government. Once their Reports are submitted to the House they should be published and tabled for debate within one (1) month of submission.²⁰⁴
- (iii) Committee members once appointed should enjoy security of office for the duration of the parliament. In that way they would not be subjected to political machinations and could freely engage in the process without fear of reprisal.
- (iv) Members of the House appointed to Ministerial office should resign their seat in the House and that seat taken by their

²⁰² *Supra*, fn. 111, p.102

²⁰³ M. Basdeo, *"The Challenges Facing Committee Systems in Bicameral and Unicameral Parliaments in the Commonwealth Caribbean: A Comparison of Dominica and Trinidad and Tobago"* Chp. 5, p. 270 [Online](URL: http://uwispace.sta.uwi.edu/dspace/bitstream/handle/2139/41087/MaukeshBasdeo_AB.pdf?sequence=1&isAllowed=y)

²⁰⁴ *Ibid*

running mate in the election. The Ministers would, nevertheless, still be subjected to question time and required to entertain debates, but would lose their right to vote. This would essentially increase the numbers in the House qualified to sit on committees.

3. Members to be appointed to ministerial positions should be allowed to undergo a scrutiny process similar to the United States where they will be examined for suitability to serve in the cabinet to ensure that the best qualified persons are appointed to the posts. That being said, because of the size of the parliament and the political culture of selecting candidates based on popularity it may be difficult to source suitably qualified members within the two Houses. This can be cured by allowing the Prime Minister to select a limited number of members for nomination outside the Parliament as is done in the United States. This will therefore widen the pool available to the Prime Minister. He would thus have the option to select persons from both Houses as well as persons outside the House, as is permissible with the selection of a Speaker.²⁰⁵

4. Whether the senate is retained in a bicameral parliament or subsumed into the House of Assembly to create a unicameral parliament is of little importance if the necessary checks and balances are not put in place to ensure accountability of the legislature. If that is effectively achieved then the usefulness of the senate will be realised and its purpose solidified. As the members of the senate will be forming the greater part of the committees, the Report suggests that there should be an increase in its numbers, with the majority still being retained by the ruling party in the House. The Report does not however address the corresponding increase that must simultaneously occur in the House in order that the Senate does not outnumber the parliament, thus creating the potential to gridlock the

²⁰⁵ *Supra*, fn. 2, S. 35(2)

Executive and the parliament, defeating the very notion of flexibility inherent in the system.

While increasing the numbers of both Houses would inevitably increase the recurring expenditure of the government, its resultant benefit would be the greater efficiency of parliament, which in the long term would redound to the benefit of the entire country, not just financially but also politically in increasing the confidence of the electorate in the workings and results of parliament. Within that makeup there should be the appointment of more interest groups such as the National Youth Council, the Churches, Environmental groups, Chamber of Commerce, Agricultural and Tourism sector; and they should be a number equal or almost equal to the majority rule. Like committee members, senators should enjoy tenure of office for the life of the parliament so that no matter which side of the political divide they may fall they will suffer no fear of removal and will be able, therefore, to conduct the business of the senate and parliament as nearly independent and impartial as humanly possible.

5. The relationship between the cabinet and public administration must be reviewed:
 - (i) The fact that the appointment of a Police Commissioner cannot be effected without the strict approval of the candidate by the Prime Minister leaves a strong suggestion and strong evidence that therein lies the potential for grave abuse.²⁰⁶

²⁰⁶ It was alleged that former Prime Minister Stephenson King had supported the then Police Commissioner in "leaving no stone unturned" in catching criminals in what was called "Operation Restore Confidence" following a spate of killings in the country. In the said operation 5 of the 12 men shot by police were killed and none of the police was prosecuted: "PM: Investigators allege St. Lucia police had 'Death List,'" [Online] (URL: <https://www.yahoo.com/news/pm-investigators-allege-st-lucia-police-had-death-010147965.html?ref=gs>) and [Online] (URL: <https://www.yahoo.com/news/pm-investigators-allege-st-lucia-police-had-death-010147965.html?ref=gs>).

- (ii) The hand of the Prime Minister in the appointment of the Public Service Commission²⁰⁷ is sufficient evidence to the people that the danger for nepotism and victimisation can and is inherent in that system.

In both instances these two Commissions should be independent of any interference by the Prime Minister. The control of these Commissions does little to lend itself to better governance. Its current process opens more doors than it closes for potential abuse and leaves the people with a growing feeling of unease that the government has its hand in every facet of the country, with the power to elevate or deprecate at any time. It might be worth subjecting the intended Police Commissioner to the scrutiny of the Senate and the members of the Public Service Commission receiving the approval of both the Prime Minister and Leader of the Opposition. Consequently, appointments will be based on credentials and not favours to supporters.

6. There is no immediate or urgent need to limit the term of Prime Ministers. Due to the size of the population the pool of persons eligible to become Prime Minister is far smaller than in the United Kingdom or the United States. Further, this recommendation by the people has stemmed out of a frustration to remove what was seen as egomaniacal Prime Ministers who had too much power. With the implementation of some of the measures above to strengthen the parliament and cause it to work as it was intended this would be sufficient to pacify the people that there is little justification to legislate such a provision. Further, Saint Lucia has seen more good come out of the almost unbroken succession to the seat of Prime Minister with men like Sir John Compton in the long term policy decisions and development plans undertaken by him and his party.
7. Making illegal the change of allegiance by members in the House should not be allowed. As a powerful check on the Prime Minister it is invaluable.

²⁰⁷ *Supra*, fn. 2, S. 85(1)

A re-education of the people would be important to have them understand this vital safeguard for them. This power can be easily checked by a demand being made by the legislature and/or the people for the removal of non-performing or corrupt politicians. It is important to remember that the parliament does not recognise political parties and whereas it may be understood that persons often vote the man and the party, it is necessary that the electorate be made to understand that a member elected to a constituency represents more than just that constituency but the whole country, and any charge laid against him should not be for the simple fact that he changed his allegiance but as to why he felt the need to so. Members must be allowed to protest within the House acts of corruption and other breaches of the trust of the people by the government without having to face an election. After all, such protest would be for the people. And is it not that members are elected to best represent the interest of the people even if the people may not always see the benefit of those interests? This matter has been a very emotive one in Saint Lucia, it having only occurred once, in the manner it did, since independence. If a member is found to have acted contrary to good faith and changed his allegiance for personal gain then a charge should undoubtedly follow, and once proved, should result in the expulsion from the House of that member. This can be done by any member supported by a 2/3 vote in the House or by petition by a representative number of the people.

8. The Public Accounts Committee is so important to the economic health of the country that it should be entrenched within the constitution and not just part of the Standing Orders of the House. It should always be chaired by a member of the Opposition with an equal number of members from both sides. The finances of a State are too important to be trifled with by assuring a majority to the ruling party.

9. The Ombudsman should be given the power to investigate etc. as in Sweden, and his reports published and debated before the House within 3 months of submission.

10. The Integrity Commission must require a declaration by each member of the House within 1 month of taking office and every year thereafter. Non-compliance should result in the suspension of the member without pay until the declaration is submitted. Such a draconian sanction is necessary to insulate the parliament against corruption and to demonstrate to the people the seriousness which the government places upon its integrity. Members who fail to remedy the breach should be subjected to a charge being laid before the House and if found wanting expelled and their seat made vacant and open to election. This strict compliance will ensure that all persons seeking high office must be sure to have their affairs in order prior to taking up office and from then on during their life in public office.

Further, it will place a greater responsibility on the Party under which these members run to check them both before and after elections, as the loss of one member could mean the loss of an entire government.

Will changing the model of government change the system?

This thesis set out to prove that the system of government in Saint Lucia is no longer suited to its purpose due to its multiple abuses, and that only a revision of that model to some hybrid could cure the ills that had arisen.

What has in fact been proved is that it is not so much the system that is flawed but men, and as men have found more and more ways to subvert the processes and act against the good will of the people in wielding their power, and the intent of the constitution undermined, better and greater checks must be placed on the potential distortion of that power.

There is little that the author can see as fundamentally wrong with the Westminster system. That is not to say that it is perfect and does not now require some improvement, but more accurately, the system works in theory much more incisively than in practice. In fact, the Westminster system has been nothing if not innovative over the last 800 years in keeping pace with the needs of the British people. It is and has been an evolving system, and though the 20th century has seen its least number of reforms, change is not unknown to it. Even Whitehall has seen the need to revise some of its points.

There is no utopian model that can be transposed or created that man will not find some way of corrupting if that is his intent. What the framers of any constitution must do is to build a system that is not dependent on the goodness of man but a system that understands the psyche of the people it is building that system around. Montesquieu was of the view that:

“Laws should be adapted to the people for whom they are framed...,to the nature and principle of each government,...to the climate of each country, to the quality of its soil, to its situation and extent, to the principal occupation of the natives.....: they should have relation to the degree of liberty which the constitution will bear, to the religion of the inhabitants, to their inclinations, riches, numbers, commerce, manners and customs.....” ²⁰⁸

Based on the Report of the Reform Committee, it is clear, that save for the move to a nominated President, the Westminster system, by and large will remain intact with its institutions merely strengthened to give greater effect to the workings of parliament under that system. This will ultimately curb abuses and act as a shield against the domination of a majority rule parliamentary executive. It is evident for the free-flow of change and development to occur, particularly in less advanced democracies that there must be flexibility in its constitution so as to avoid deadlock, but in the end, the integrity of that constitutional system will depend as much on its original design as it does on the intelligent and magnanimous application of its parts.

²⁰⁸ Supra fn. 10, p. 3

Can a hybrid model of government be successfully implemented?

The hybrid suggested can be quite easily implemented with little change to the overall structure and appearance of the parliament or the political landscape of Saint Lucia. It has been called for by the people and the foundation for its restructure are already largely in place.

A hybrid would seem to be the happier option considering the evidence that the United Kingdom herself is seeking reform within her own model and even traditional, strict republics are recreating themselves by converging the two.²⁰⁹

²⁰⁹ *Supra*, fn. 111, p. 117

CONCLUSION

An examination of the constitution of Saint Lucia reveals that change is necessary.

Whether Saint Lucia chooses a President or retains its monarchical head will do little to transform the political environment but it may succeed in cutting the last vestige of colonial dependence. The suggestion in the Report to move to a presidential republic was born out of a strong desire to wrest some of the power from what was seen as Prime Ministerial monarchs and place it in the hands of an elected President. This was a suggestion coming out of little understanding of the dangers that could lie in that type of system. Even Bagehot recognised the futility that could arise in such an environment:

“The American Government calls itself a Government of the supreme people: but at a quick crisis, the time when a sovereign power is most needed, you cannot FIND the supreme people. You have got a Congress elected for one fixed period, going out perhaps by fixed instalments, which cannot be accelerated or retarded-you have a President chosen for a fixed period, and immovable during that period: all the arrangements are for stated times. There is no elastic element, everything is rigid, specified, dated. Come what may, you can quicken nothing, and can retard nothing. You have bespoken your Government in advance, and whether it suits you or not, whether it works well or works ill, whether it is what you want or not, by law you must keep it.”²¹⁰

Writers like Sargentich suggest that this supposed gridlock is a myth, for it is most infrequent and a solution is often found. After all, Ronald Regan, a Republican, he contends, was able to pass his economic plan in a largely democratic House.²¹¹ His position though does appear to be based on the largely unchallenged and stable constitutional design of the United States which would

²¹⁰ *Supra*, fn. 52, p. 33

²¹¹ *Supra*, fn. 107, p 586-587

appear to be the only republic in the world that has not been riven by social and political discord.

Maybe the writer and the electorate have been brainwashed “*in the rank urine of British culture*”²¹² with little understanding of how colonial governance has found its way into the constitution and rituals of an independent nation²¹³ or that the system given wholesale to us was an attempt to steer us away from “*revolutionary transformation,*”²¹⁴; but little economic or political gain can be achieved by removing one ceremonial head for another, but it cannot be ill for the people to substitute the one they were given for the one which they have chosen. It cannot be ill for the people to finally stand on an independent platform away from the shadow of the United Kingdom though, for a developing State, it may be only symbolic.

While the recommendations of the committee may bring useful change it cannot be thought that the system, of its own, will bring the change desired. It has been shown that a parliamentary system has been one of the most stable in the world but this cannot be in isolation of other determinants²¹⁵ such as countries that maybe highly polarized, countries where there are high incidences of human rights abuses or a corrupt police force, extreme poverty and other social ills. Parliamentary government is not “*a panacea for stable governance.*”²¹⁶ In conjunction with constitutional reform there must be, in addition, changes to the social and institutional structures within that community. And it is for this reason that recommendations for reform must extend beyond the parliament to the independence of the Police Force, to the Public Service, the largest employer in the country and to the Ombudsman to increase and strengthen its role as well as the Integrity Commission to ward off corrupt practices in all areas of public life.

²¹² *Supra*, fn. 7, p. 96

²¹³ *Ibid*, p. 96

²¹⁴ *Ibid*, p. 100

²¹⁵ *Supra*, fn. 8 and *Supra*, fn. 107, p. 582

²¹⁶ *Supra*, fn. 8, p. 5

And finally, while the people call for reform they must never forget and must believe in their inalienable right to use the instrument that is the constitution to restrain their government²¹⁷ and to use their voice and their vote in doing so.

²¹⁷ Patrick Henry (1736-1799) Patriot, Lawyer and Orator

BIBLIOGRAPHY

ARTICLES

Barrow-Giles, C., "Regional Trends in Constitutional Developments in the Commonwealth Caribbean" (*Conflict Prevention and Peace Forum*, January 2010) [Online]. (URL: <http://www.cpahq.org/cpahq/cpadocs/Cynthia%20Barrow.pdf>) (Accessed 30th July 2016)

Carney, G., "Separation of Powers in the Westminster System" (*Australasian Study of Parliament Group*, 13 September 1993). [Online]. (URL: <http://www.parliament.qld.gov.au/aspg/papers/930913.pdf>) (Accessed 1st August 2016)

Elgie, R., "Checks and Imbalances: Executive Design and Political Stability". (*World Politics Review*, 8 October 2013). [Online]. (URL: <http://www.worldpoliticsreview.com/articles/13276/checks-and-imbbalances-executive-design-and-political-stability>) (Accessed 16th August, 2016)

Girvan, N., "Assessing Westminster in the Caribbean: then and now" *Commonwealth & Comparative Politics* **53**(1) p. 95-107. [Online]. (URL: <http://www.tandfonline.com/doi/pdf/10.1080/14662043.2014.993162>) (Accessed 26th July 2016)

Khurshid, R., "Is Parliamentary form of Government good enough for India? Need for a Change." (*Loctopus' Law Journal & Knowledge Centre*, 14 February 2015). [Online]. (URL: <http://www.lawctopus.com/academike/is-parliamentary-form-of-government-good-enough-for-india-need-for-a-change/>) (Accessed 1st August 2016)

Morris, N., "The Big Question? Why doesn't the UK have a written constitution, and does it matter?" *Independent* (London, 13 February 2008) [Online]. (URL: <http://www.independent.co.uk/news/uk/politics/the-big-question-why-doesnt-the-uk-have-a-written-constitution-and-does-it-matter-781975.html>) (Accessed 26th July 2016)

Sargentich, T. O., "The Presidential and Parliamentary Models of National Government" *American University International Law Review*, 8(2) p. 581, [Online]. (URL: <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1870&context=auilr>) (Accessed 1st August 2016)

BOOKS

Bagehot, W., *The English Constitution* (Project Gutenberg Ebook 2009). [Online]. (URL: <http://www.gutenberg.org/files/4351/4351-h/4351-h.htm>) (Accessed 14th August 2016)

Carey, J.M., "Presidential versus Parliamentary Government," in Ménard, C and Shirley, M.M., (eds.), *Handbook of New Institutional Economics* (Springer-Verlag Berlin Heidelberg 2008). [Online]. (URL: http://www.colorado.edu/ibs/es/alston/psci4028/fall_2010/Presidential%20versus%20Parliamentary%20Government%20by%20Carey.pdf) (Accessed 14th August 2016)

Hamel Smith, T. and Mark, W., *Evolution of a Nation: Trinidad & Tobago at Fifty*, (hansib Publications 2012). [Online]. (URL: <http://www.ttparliament.org/documents/2183.pdf>) (Accessed 20th August 2016)

Wegemer, G.B., "*Thomas More: A Portrait of Courage*" (Scepter Publishers 1950)

REPORTS

Political and Constitutional Reform Committee: The UK Constitution (summary report) [Online](URL: <https://www.parliament.uk/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf>) (Accessed 5th August 2016)

Report of Saint Lucia Constitutional Reform Commission [Online]. (URL: <http://www.govt.lc/media.govt.lc/www/resources/publications/FINAL%20REPORT%2030-03-2011.pdf>) (Accessed 9th July 2016)

Select Committee on Modernisation of the House of Commons, 1st Report of Session (2005-2006), The Legislative Process, HC1097 [Online]. (URL: <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmmodern/1097/1097.pdf>) Accessed 3rd June 2016)

INTERVIEWS

Unpublished Interview: Cenac, Emmanuel Neville (Leader of the Opposition and Political Leader of the Saint Lucia Labour Party 1982-1987), Chairman of the Public Accounts Committee till 1982 and Minister for Foreign Affairs of Saint Lucia (1987-1992) and President of the Senate of Saint Lucia (1992 to 1997) and political commentator from 1997 to date).. Interview with author. Skype. Vanuatu-Saint Lucia, July 28 and 30, 2016, August 1, 10, 14, 23 and 28, 2016

Unpublished interview: Nadir, Manzo (Former Leader of the United Force in Guyana from about 1980 to 2011, a former Member of Parliament from 1991 to 2015 and Cabinet Minister for Tourism, Industry and Trade and then Minister for Labour). Interview with author. Skype. Vanuatu-Guyana, August, 18, 2016

OTHER SOURCES

A.W. and R.C., "Margaret Thatcher: A cut above the rest," *The Economist* (London, 8 April 2013). [Online]. (URL: <http://www.economist.com/blogs/blighty/2013/04/margaret-thatcher-0>) (Accessed 30th July 2016)

"A Study in Peaceful Extra-Constitutional Change on the Caribbean Island of Dominica". [Online]. (URL: <http://presidentoffice.gov.dm/former-presidents/25-his-excellency-dr-nicholas-j-o-liverpool-2003-2012/24-a-study-in-peaceful-extra-constitutional-change-on-the-caribbean-island-of-dominica>) (Accessed 27th July 2016)

Blackburn, R., "Magna Carta: Britain's unwritten constitution"[Online](URL: <http://www.bl.uk/magna-carta/articles/britains-unwritten-constitution>)(Accessed 30th July 2016)

Caribbean Net News "St. Lucian Cabinet Minister fired from her post" (13 January 2004). [Online]. (URL: <http://www.caribbeannewsnow.com/caribnet/2004/01/13/minister.htm>) (Accessed 28th July 2016)

Cenac, N., "He Who is Double-Crossed Crosses" *The Star* (Saint Lucia, 20 February 2013) [Online]. (URL: <https://stluciarstar.com/32490/>) (Accessed 28th July 2016)

Cenac, N., "The Recurrent Stupidity Surrounding the Office of Deputy Speaker" *The Star* (Saint Lucia, 30 July 2016) [Online]. (URL: <http://www.pressreader.com/saint-lucia/the-star-st-lucia/20160730/281801398331796>) (Accessed 24th August 2016)

Defty, A., "Submission to select committee on inquiry on a new Magna Carta" [Online]. (URL: <https://whorunsbritain.blogs.lincoln.ac.uk/2015/04/20/submission-to-select-committee-inquiry-on-a-new-magna-carta/>) (Accessed 26th July 2016)

Dewan, A. and Isaac, L., "David Cameron to Resign Wednesday as Theresa May to Become British PM". *CNN News* (London, 11 July 2016). [Online]. (URL: <http://edition.cnn.com/2016/07/11/europe/britain-politics-may-leadsom/>) (Accessed 22nd August 2016)

"Dominica" [Online]. [Online]. (URL: <https://en.wikipedia.org/wiki/Dominica>) (Accessed 27th July 2016)

"Dominica History" [Online]. (URL: <http://thecommonwealth.org/our-member-countries/dominica/history>) (Accessed 27th July 2016)

George, M., "Chastanet to React to Court Next Week" *The Voice* (Saint Lucia, 9 July 2016). [Online]. (URL: <http://thevoiceslu.com/2016/07/chastanet-react-court-next-week/>) (Accessed 14th August 2016)

George, M., "UWP Chairman sued" *The Voice* [Online]. (URL: http://www.thevoiceslu.com/local_news/2014/february/01_02_14/UWP.htm#sthash.nBBvDNCm.dpuf) (Accessed 20th August 2016)

History of Parliament (Guyana). [Online]. (URL: <http://parliament.gov.gy/about-parliament/about-parliament-history/>) (Accessed 14th August 2016)

Hobbs, T., "Of the Natural Condition of Mankind as concerning their felicity and Misery". (1588-1679) [Online]. (URL: <http://www.bartleby.com/34/5/13.html>) (Accessed 27th July 2016)

International IDEA, "Judicial Tenure, Removal, Immunity and Accountability." [Online]. (URL: http://www.constitutionnet.org/files/judicial_removal_0.pdf) (Accessed 30th July 2016)

John-Theobalds, M., "The Causes and Effects of the deficiency in the Pre-Legislative and Legislative scrutiny processes in St. Lucia". [Online]. (URL: http://sas-space.sas.ac.uk/4712/1/Michelle_John_Theobalds_LLM_ALS_Dissertation.pdf) (Accessed 5th August 2016)

Kranish, M., "UK's Parliamentary System offers clues for escaping gridlock" [Online] URL: <https://www.bostonglobe.com/news/politics/2013/12/08/parliamentary-system-provides-clues-for-way-out-gridlock/qf7tor3WEIrf54PhD22W1N/story.html> (Accessed 28 July 2016)

Lebourne, D. "Finance Administration Act Amended". *The Star* (Saint Lucia, 23 February 2011). [Online]. (URL: <http://stluciarstar.com/finance-administration-act-amended/>) (Accessed 18th August 2016)

"List of Coups d'état and coup attempts". [Online]. (URL: https://en.wikipedia.org/wiki/List_of_coups_d%27%C3%A9tat_and_coup_attempts https://en.wikipedia.org/wiki/List_of_coups_d%27%C3%A9tat_and_coup_attempts_since_2010) (Accessed 28th July 2016)

Madison, J. "Federalist No. 47". (1788). [Online] (URL: <http://www.foundingfathers.info/federalistpapers/fed47.htm>) (Accessed 1st August 2016)

Madison J. "Federalist Paper No. 48 [Online](URL: <http://teachingamericanhistory.org/library/document/federalist-no-48/>) (Accessed 1st August 2016)

Madison, J., "Federalist Paper No. 51". [Online]. (URL: <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-51>) (Accessed 1st August 2016)

Martin, M. "Saint Lucia Remembers Sir John". [Online] (URL: <http://www.npr.org/templates/story/story.php?storyId=14380957>) (Accessed 16th August 2016)

McFadden, D., "PM: Investigators allege St. Lucia police had 'Death List,'" *Yahoo News* (Kingston, 8 March 2015). [Online]. (URL: <https://www.yahoo.com/news/pm-investigators-allege-st-lucia-police-had-death-010147965.html?ref=gs> <https://www.yahoo.com/news/pm-investigators-allege-st-lucia-police-had-death-010147965.html?ref=gs>) (Accessed 20th August 2016)

"No Taxation without Representation". [Online]. (URL: <https://www.loc.gov/exhibits/magna-carta-muse-and-mentor/no-taxation-without-representation.html>) (Accessed 28th July 2016)

"Opposition Leader clears the air on Deputy Speaker issue" *St. Lucia Times* (Saint Lucia, 16 July 2016). [Online]. (URL: <http://stluciatimes.com/2016/07/16/opposition-leader-clears-air-deputy-speaker-issue>) (Accessed 24th August 2016)

Parker, J., "Progress Report: Constitutional Reform" *BBC News* (London, 1 February 2012) [Online]. (URL: <http://www.bbc.com/news/uk-politics-16748163>) (Accessed 14th August 2016)

"Presidentially Appointed Jobs Require Senate Approval" [Online]. (URL: <http://usgovinfo.about.com/od/the-president-and-cabinet/a/senate-confirm.htm>) (Accessed 30th July 2016)

"Prime Ministers of Saint Lucia". [Online]. (URL: https://en.wikipedia.org/wiki/List_of_Prime_Ministers_of_Saint_Lucia#Prime_Ministers_of_Saint_Lucia_.281979.E2.80.93present.29) (Accessed 28th July 2016)

Prime Minister of the United Kingdom: Constitutional Background. [Online]. (URL: https://en.wikipedia.org/wiki/Prime_Minister_of_the_United_Kingdom) (Accessed 30th July 2016)

Ray, W and Norbeck, T., "Forbes commentary on a look back on the passage of Obamacare" [Online]. (URL: <http://www.forbes.com/sites/physiciansfoundation/2014/03/26/a-look-back-at-how-the-president-was-able-to-sign-obamacare-into-law-four-years-ago/#1edf1d2d4096>) (Accessed 24th August 2016)

"Rufus Bousquet told: 'Stay Away'" *The Voice* (Saint Lucia, 22 August 2015) [Online]. (URL: <http://thevoiceslu.com/2015/08/rufus-bousquet-told-stay-away/>) (Accessed 20th August 2016)

Saint Lucia, House of Assembly. [Online]. (URL: <http://www.govt.lc/house-of-assembly>) (Accessed 16th August 2016)

Saint Lucia, Senators. [Online]. (URL: <http://www.stlucianewsonline.com/slp-names-senators/>) (Accessed 16th August 2016)

Stanford Encyclopedia of Philosophy, "Baron de Montesquieu". [Online]. (URL: <http://plato.stanford.edu/entries/montesquieu/>) (Accessed 26th July 2016)

SNO Staff, "BREAKING NEWS: Case against Allen Chastanet thrown out of court". *Saint Lucia News Online* (Saint Lucia, 26 May 2015) [Online] (URL: <http://www.stlucianewsonline.com/breaking-news-case-against-allen-chastanet-thrown-out-of-court/>) (Accessed 20th August 2016)

Tahana, J., "Vanuatu Shaken by Mass Corruption Convictions" *Radio New Zealand International* (New Zealand, 11 October 2015). [Online]. (URL: <http://www.radionz.co.nz/international/pacific-news/286695/vanuatu-shaken-by-mass-corruption-convictions>) (Accessed 26th July 2016)

The Constitution Unit, "Checks and Balances in Single Chamber Parliaments: a Comparative Study" [Online]. (URL: <https://www.ucl.ac.uk/spp/publications/unit-publications/24.pdf>) (Accessed 14th August 2016)

"The Work of the House of Lords" (2005-2006) [Online]. (URL: <https://www.parliament.uk/documents/lords-information-office/holwork0506.pdf>) (Accessed 16th August 2016)

United Kingdom, House of Commons. [Online]. (URL: <http://www.parliament.uk/business/commons/>) (Accessed 16th August 2016)

United Kingdom, House of Lords. [Online], (URL: <http://www.parliament.uk/about/living-heritage/evolutionofparliament/houseoflords/house-of-lords-reform/overview/hereditarypeersremoved/>) (Accessed 16th August 2016)

United Kingdom Parliament, "Birth of the English Parliament" [Online] (URL: <http://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/origins/>) (Accessed 28th July 2016)

United Kingdom Parliament, "How did Magna Carta come about?". [Online]. (URL: <https://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/magnacarta/magnacartahow/>) (Accessed 28th July 2016)

"Vanuatu Sentences 14 MP's to jail for corruption" *BBC News* (Asia, 22 October 2015). [Online] (URL: <http://www.bbc.com/news/world-asia-34600561>) (Accessed 26th July 2016)

Wayne, R., "Grynberg: Was Ausbert Suckered?" *The Star* (Saint Lucia, 6 September 2014). [Online]. (URL: <https://stluciarstar.com/grynberg-was-ausbert-suckered/>) (Accessed 20th August 2016)

Wayne, R., "Knowledge Crucial to Informed Decisions" *The Star* (Saint Lucia, 11 February 2013)[Online] (URL: <http://stluciarstar.com/knowledge-crucial-to-informed-decisions/>) (Accessed 28th July 2016)

"We Stand By Rufus No More". [Online]. (URL: <http://choiseul-inform.blogspot.com/2015/08/we-do-not-support-rufus-anymore.html>) (Accessed 20th August 2016)

Williams, B., "The Queen's Chain And Our Survival" *The Star* (Saint Lucia, 14 February 2011) [Online]. (URL: <http://stluciarstar.com/the-queens-chain-and-the-strict-laws-of-survival-for-us/>) (Accessed 28th August 2016)

LEGISLATION

Dominica

The Constitution of the Commonwealth of Dominica, [Online]. (URL: <http://www.parliament.am/library/sahmanadrutyunner/dominika.pdf>) (Accessed 5th August 2016)

Guyana

Constitution of the Co-Operative Republic of Guyana Act, Cap. 1.01, S. 91 [Online]. (URL: <http://parliament.gov.gy/constitution.pdf>) (Accessed 5th August 2016)

Saint Lucia

Constitution of Saint Lucia, Cap. 1.01 of the Revised Edition of the Laws of Saint Lucia 2001

Public Order Act Cap. [14.05](#) of the Revised Edition of the Laws of Saint Lucia 2001

Standing Orders of the House of Assembly of Saint Lucia 1979

The Finance (Administration) Act Cap. [15.01](#) of the Revised Edition of the Laws of Saint Lucia 2001

Trinidad and Tobago

Constitution of the Republic of Trinidad and Tobago, Cap. 1.01, [Online]. (URL: www.oas.org/juridico/english/mesicic3_tto_constitution.pdf) (Accessed 5th August 2016)

United States of America

Constitution of the United States [Online]. (URL: http://www.archives.gov/exhibits/charters/constitution_transcript.html) (Accessed 14th August 2016)