

*Constitution of Saint Lucia—Resolution of the House of Assembly
and the Senate on the Establishment of a Commission to Review
and Reform the Constitution of Saint Lucia*

SAINT LUCIA

STATUTORY INSTRUMENT, 2004, No. 50

[16th July, 2004]

WHEREAS The Constitution of Saint Lucia (hereinafter referred to as “the Constitution”) is a schedule to the Saint Lucia Independence Order (S.I. 1978 No. 1901), made by Her Majesty-In-Council, pursuant to the West Indies Act 1967(a) and received into Saint Lucia pursuant to a resolution passed in the House of Assembly on the 24th of October 1978 and came into operation on the 22nd of February, 1979;

WHEREAS the Saint Lucia Constitution is now approaching twenty-five (25) years old and there is a need to take stock and to examine what changes, if any, should be made in order to widen and to deepen democracy in Saint Lucia;

AND WHEREAS this review of the Constitution is in part a fulfillment of an undertaking by the present government to engage in Constitutional Reform since its assumption of office in 1997;

AND WHEREAS in the Throne Speech of Her Excellency on March 21, 2000, Her Excellency announced that the Government intended to establish a Constitution Reform Commission to review and reform the Constitution of Saint Lucia in order to encourage effective governance, to ensure that the institutions of State remain strong and responsive and that the rights and freedoms guaranteed to all persons are respected;

NOTING THAT the objectives of the reform exercise are principally:

- (1) to promote a meaningful expansion and widening of democratic participation by citizens in government;
- (2) to address possible weaknesses in the Constitutional framework which political practice has highlighted over the years;
- (3) to re-fashion the Constitution so that it better accords with our changing social and political circumstances; and
- (4) to promote better governance and greater equity in the constitutional framework generally;

AND NOTING THAT to ensure popular legitimacy, the process of reform will necessarily have to be bi-partisan and accommodate broad based participation by citizens of Saint Lucia, at home and abroad;

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BE IT RESOLVED that the House of Assembly and the Senate do approve the establishment of a Constitutional Reform Commission (hereinafter referred to as “the Commission”):

BE IT FURTHER RESOLVED :

1. That the Commission be guided by the following Terms of Reference:

- (a) to examine, consider and enquire into strengthening Saint Lucia’s democratic institutions and other related laws and matters. After due examination and study, to report in writing giving its opinions, making recommendations, and providing for consideration of any amendments, reforms and changes in the Constitution and related laws as are in the opinion of the Commissioners necessary and desirable for promoting the peace, order and good government of Saint Lucia, and in particular for:
 - (i) strengthening democratic institutions, and ensuring that parliamentary and multi-party democracy is given such constitutional protection as may be necessary and desirable;
 - (ii) encouraging a wider and deeper participation by the citizens of Saint Lucia in the democratic processes of government, both at the parliamentary and other levels;
 - (iii) strengthening the accountability of parliamentary representatives to their respective constituents;
 - (iv) the retention or abolition of a second Chamber of the Legislature; the method and means of increasing the representativeness of Parliament, not excluding such changes in the manner of electing representatives as may lead to a more equitable distribution of seats among political parties on the basis of votes received at general elections;
 - (v) strengthening the fundamental and basic rights, liberties and freedoms of the individual and ensuring that there is no discrimination in the national life of the State;
 - (vi) maintaining and strengthening the independence of the judiciary at all levels;
 - (vii) strengthening the relevant government machinery in order to ensure maximum transparency and strict accountability in the management of public funds, including appropriate sanctions for corruption;

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- (viii) reviewing the independence and impartiality of the Public Service, having particular regard to the need for the efficient and responsive administration of government business;
 - (b) Additionally, the Commission shall:
 - (i) advise and make recommendations concerning the appropriateness or otherwise of maintaining Saint Lucia's links with the British Crown;
 - (ii) advise and make recommendations concerning a structure for the executive authority of Saint Lucia that is best suited to protect the independence and authority of Parliament and the fundamental rights and freedoms of its citizens;
 - (iii) advise and make recommendations concerning the patriation of the Constitution so as to ensure that it draws its authority and validity from an Act of the Parliament of Saint Lucia;
 - (iv) protect parliamentary democracy, the fundamental rights and freedoms of the citizens of Saint Lucia and to achieve effective and efficient government so as to position Saint Lucia to meet the challenges of the twenty-first century and beyond;
 - (vi) prepare and include in the written report, if the Commissioners so determine, draft legislation to effect any amendments, reforms or changes to the Constitution and related laws.
2. That the Commission be constituted as follows:
- (a) a Chairperson to be appointed by the Governor General, acting on the advice of the Prime Minister who shall consult with the Leader of the Opposition before tendering his advice to the Governor General;
 - (b) a Deputy Chairperson appointed by the Governor General, acting on the advice of the Leader of the Opposition who shall consult with the Prime Minister before tendering his advice to the Governor General;
 - (c) five persons appointed by the Governor General acting in accordance with the advice of the Prime Minister;
 - (d) two persons appointed by the Governor General acting in accordance with the advice of the Leader of the Opposition;

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- (e) one person from each of the following organizations, appointed by the Governor General, acting on the advice of the Prime Minister who shall consult with each organization:
 - (i) the Saint Lucia Christian Council;
 - (ii) the Saint Lucia Chamber of Commerce, Industry and Agriculture;
 - (iii) the Saint Lucia Medical and Dental Association;
 - (iv) the Civil Service Association;
 - (v) the Saint Lucia Bar Association;
 - (vi) a representative of Women’s Organisations;
 - (vii) the National Youth Council of Saint Lucia;
 - (viii) the Saint Lucia Teachers Union;
 - (ix) a representative from Farmers’ Organisations;
 - (x) a representative from the Credit Union League;
 - (xi) a representative from Sporting Organisations;
 - (xii) the National Workers Union;
 - (xiii) the Saint Lucia Seamen and Waterfront Workers Union;
 - (xiv) a representative from Cultural Organisations;
 - (xv) up to two other representatives from non-governmental organizations including those from overseas.

3. That in the performance of its functions, the Commission shall govern itself as follows:

- (a) no member or officer of the House of Assembly shall not be eligible for membership of the Commission;
- (b) a member of the Commission may at any time resign his or her office by notice in writing to the Chairperson who shall notify the Governor General;
- (c) if at any time any member of the Commission is for any reason unable to exercise the functions of his or her office, the Governor General shall in accordance with the provisions of paragraph 2 hereunder appoint a person to replace such member;
- (d) the appointment of members of the Commission and the termination of office of any member shall be notified promptly in the *Gazette*;
- (e) the Commission shall regulate its own procedure subject to the following:

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- (i) the Chairperson, or in his or her absence the Deputy Chairperson, shall preside at all meetings of the Commission;
- (ii) the quorum shall be thirteen persons including either the Chairperson or the Deputy Chairperson;
- (iii) the decisions of the Commission may be by consensus, but where consensus cannot be achieved the decisions shall be the votes of two-thirds of all the members present;
- (iv) all documents and all decisions made by the Commission shall be signed by the Chairperson, or in his or her absence the Deputy Chairperson and the Secretary or in his or her absence, the Assistant Secretary of the Commission;
- (g) the Commission shall meet at such times and places as may be necessary or expedient for the transaction of its business, and such meetings may be held in public or in private as the Commission itself may determine;
- (h) the Commission may delegate to any sub-committee or sub-committees the authority to carry out on its behalf such duties within the mandate of the Commission as may be appropriate;
- (i) no personal liability shall attach to a member or staff of the Commission in respect of anything done or suffered in good faith in the execution of his or her duties with the Commission;
- (j) the Commission shall be served by a Secretary and an Assistant Secretary both appointed to the Commission by the Governor General upon the advice of the Prime Minister;
- (k) the Prime Minister, after consultation with the Chairperson, may assign any Consultant or Technical Advisor to the Commission to assist in the carrying out of its functions or mandate;
- (l) such sum or sums of money as the House of Assembly may deem appropriate for the performance of the duties of the Commission shall be a charge on the Consolidated Fund;
- (m) the members and staff of the Commission shall be paid such stipends for services and reimbursement of expenses as the Government on the recommendation of the Commission may determine;

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- (n) the Commission may from time to time make representations to the Government for the payment of allowances and expenses for such persons who have assisted the Commission in the performance of its duties as may be deemed appropriate;
 - (o) it shall be the responsibility of the Chairperson to account to the Government for all monies in accordance with the provisions of the Financial Regulations;
 - (p) the Commission shall submit to the Speaker of the House of Assembly such Interim Reports as the Commission may determine on a quarterly basis and shall further submit its Final Report to the Speaker of the House of Assembly no later than twenty-four months after the date of its first appointment;
 - (q) upon receipt of any Interim Report or of the Final Report from the Commission, the Speaker shall forthwith cause copies thereof to be prepared and shall circulate such copies to all Members of the House of Assembly for consideration at the next meeting of the House of Assembly following such circulation;
 - (r) the Prime Minister after consultation with the Leader of the Opposition may give appropriate operational directions to the Commission on its functioning, including the time lines, but not as to its recommendations on constitutional reform.
4. That in pursuing its Terms of Reference the Commission is also mandated to:
- (a) consult widely with the citizens and organizations of Saint Lucia whether in Saint Lucia or abroad, by such manner and procedure as the Commission determines;
 - (b) receive and examine proposals from the general public;
 - (c) prepare and disseminate such material as might be relevant so as to widen public knowledge and appreciation of the Constitution;
 - (d) generate public interest in the subject matter by means of public meetings throughout the island, radio “call-in” programmes, other public discussions, pamphlets and information kits, or any other methods of communication which the Commission deems appropriate in both English and Kweyol;

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- (e) facilitate the arrangements for advertisements by the Government Information Service and other private media; and to plan and organize media briefings, seminars and other outreach programmes and activities;
- (f) interface with the Organisation of American States, United Nations Development Programme, University of the West Indies, OECS, CARICOM, Commonwealth Secretariat and other collaborators to the Constitutional Review Process;
- (g) set up sub-committees to :
 - (i) to assist with the organization and management of the public consultations;
 - (ii) to advise on the preparation of *ad hoc* documentation for keeping the general public and specific interest groups apprised of the Constitutional Reform activities, and overseeing the production of the same;
- (h) manage the overall budget and authorize payments as needed;
 - (i) maintain the financial integrity of the Constitutional Review Process by reporting timely on all financial issues to the Government and the Speaker of the House of Assembly.

Passed in the House of Assembly this 17th day of February, 2004.

BADEN J. ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 14th day of April, 2004.

HILFORD DETERVILLE,
President of the Senate.