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Revisiting the 2009 Referendum

Introduction

The recent event to mark the elevation of Vincentian Justice Adrian Saunders to the position of President of the Caribbean Court of Justice has served to refocus the debate in the country, on the choice between the Caribbean Court and the London based Privy Council. It has also brought into the spotlight, the referendum in relation to the proposed 2009 Constitution, in which the ULP government sought to make several progressive changes to the 1979 Constitution.

This followed a period of consultations from February 2003 lasting almost five years, during which the views of Vincentians at home and abroad were canvassed, on the 1979 Constitution, and the changes which were required, in keeping with a modern sophisticated country. Indeed, this was a broad-based approach by the ULP administration, which crossed political, religious or racial lines. To be sure, the entire process had the full support and participation of the opposition New Democratic Party.

The proposed Constitution contained many of the things that the NDP is calling for, including the matter of integrity legislation. It also addressed a number of other matters, including time limits for the Office of Prime Minister, the matter of the teacher's service commission, local government, the establishment of an Ombudsman, and the determination of the final Court of Appeal for the country.

It was in October 2002 that a motion was moved in the House of Assembly calling for the review of the 1979 Constitution. That motion was moved by Prime Minister Dr. Ralph Gonsalves and seconded by the Leader of the Opposition Arnhim Eustace. So from the beginning there was support from all members of the House, for constitutional reform.

This was further exhibited when the House moved a motion on July 2007 requesting that the drafters proceed with the changes to the 1979 Constitution. Again this was moved by Prime Minister Dr. Ralph Gonsalves and the leader of the Opposition, Arnhim Eustace. Once again there was political unanimity in the House on this critical issue.

The Referendum

All this was progressing very well until just around 2007/2008 when the opposition NDP suddenly developed a change of heart. Their advisers told them that if they supported the constitutional process, and if it was successful, then that would be a huge feather in the cap of Ralph Gonsalves and the ULP. Presumably, the NDP was advised that this would be a huge advantage for the ULP in the general elections due in 2010.

In July 2007, Arnhim Eustace wrote to Prime Minister Dr. Ralph Gonsalves, stating that his party was not going to participate further in any constitutional reform unless certain things were addressed to the satisfaction of the NDP. They called for the resignation of the then Supervisor of Elections Rodney Adams, and the dismantling of some ULP billboards. They wanted to see the final report of the 2005 general elections and further demanded an explanation from Senator Julian Francis, as to how he got access to the number of Syrians who voted for the ULP, in 2001 and 2005.

It was clear then, that the NDP had changed its position on constitutional reform, and was bent of torpedoing the entire process, using these weak excuses. It was unfortunate that the NDP chose not to participate in this historic exercise, choosing rather to retard the people's march towards a new and progressive era.

From that moment, the NDP began its "Vote NO campaign", urging citizens to oppose the 2009 draft constitution. They crafted, or caused to be crafted a dirty campaign that was incredible in its nature, claiming that citizens voted yes, the face Ralph Gonsalves will be posted on the EC currency 100 dollar bill, and that expats from the United Kingdom will no longer receive their pensions.

The Vote

The rest is history. Vincentians went to the polls in the referendum on November 25th 2009, and in the face of a dirty campaign by the NDP, voted against the 2009 proposed constitution. 52,262 persons voted, with the "NO" vote getting 29,167 and the "YES" vote 22, 646. Some 449 votes were rejected. This was a massive blow for the forward march of our country, away from the final vestiges of colonialism, to become truly independent.

Of course, the NDP rejoiced, perhaps predicting that this was a sign of things to come, in the 2010 elections. They were sadly disappointed, and received a shock just about a year later, when Prime Minister Ralph Gonsalves rang the bell in December 2010. Just a year after the referendum, the people of St. Vincent and the Grenadines returned the ULP to office for a third successive term. It was a huge reversal for the NDP. They were relying on the results from the referendum to swing them into office. They people of St. Vincent and the Grenadines decided otherwise.

Following the referendum in 2009, several pundits predicted that the country will return to discussing the contents of the proposed Constitution. This has happened in a number of ways. There have been discussions on the death penalty, the removal of the Queen as our Head of State, and more recently, the Privy Council. In every case, there was a remedy in the proposed Constitution.

But for the dastardly move by the NDP, to oppose the reform process, the people of this country could have been experiencing the features of a modern sophisticated Constitution. Let us end with the words of St. Clair Leacock, a senator for the NDP in 2009.

He said "Mr. Speaker let me say from the onset that I have no compulsion to a "yes" Vote, or a "no" Vote, but I am a deep and abiding party man, and I understand the imperatives of the argument that has been proposed by my party. Mr. Speaker, where we go with this Constitution? Have there been significant improvements in this Constitution? The answer is yes."