

A SUBMISSION BY

**MR. ANTHONY HAMILTON - President**  
ON BEHALF OF **CIVIL SOCIETY BAHAMAS**

TO THE  
CONSTITUTIONAL COMMISSION ON CONSTITUTIONAL REFORM

ON  
THURSDAY, 21<sup>ST</sup> MARCH, 2013

AT  
THE CONSTITUTIONAL COMMISSION OFFICE  
Second Floor of the Fort Nassau Centre of

THE BRITISH COLONIAL HILTON

NASSAU, NEW PROVIDENCE, BAHAMAS

**“TAKING RESPONSIBILITY” – Re-Education, Training & Development!**

**Mr. Sean McWeeney QC, Chairman of the Constitutional Commission**, other distinguished members of the Commission, members of the Secretariat, ladies and gentlemen, good morning.

On behalf of Civil Society Bahamas, I wish to thank the Commission for inviting us to address the matter of Constitutional Reform for The Bahamas.

Our approach in making this representation is one of “**Taking Responsibility**”, while expressing concern for an environment and atmosphere of “**Distress, Debt & Discontentment**” through the operational theme of Civil Society Bahamas which is “**Re-education, Training & Development**” – *a different way of thinking, national lifestyle adjustments & a results oriented national focus.*

The primary concerns that Civil Society Bahamas wishes to represent for consideration, were birth out of (a) **a national need for Tri-part Good Governance** and (b) **development of**

**a consultative and inclusive non-partisan national development plan** reflective of our constitution as follows:

## 1. **The Preamble**

The Preamble of the Constitution of the Bahamas speaks to “*the preservation of freedom*”, “*an abiding respect for Christian values*”, and the “*Rule of law*” all guaranteed by **a national commitment** viewed by Civil Society Bahamas as critical and demanding a “**National Plan - Tri-part Governance Partnership**”.

Therefore, we endorse fully the Preamble of the constitution of The Bahamas in conjunction with a National Plan for the balanced and sustained national development of the “**People of The Family of Islands**”.

This is to be encouraged through the following areas consisting of *Priority Family Focus - marriage between male & female, Educational Focus – higher learning national education system, Business & Commerce Focus - national standards &*

*procedures for accountability of projects through systematic process management, **Media Focus** – responsible and relevant freedom of the press, **Arts & Entertainment Focus** – sustained quality cultural expression, **Good Governance Focus** - tri-part consultative and inclusive non-partisan national leadership.*

## **2. Executive Powers**

It is a critical objective of well meaning individuals for both themselves and other members of the Bahamian Society that efficient, effective, accountable, professional and democratic governance is executed by the National Leaders in particular, the Prime Minister of the Bahamas and Cabinet Members.

Therefore, Civil Society Bahamas recognizes the urgent need to reconcile executive power in our Bahamian democracy as a priority for the Bahamas.

The expressed expectation for a **tri-part national governance plan** and a greater power sharing, decentralization, openness and accountability **to eradicate apparent corruption and conspiracy as an accepted culture** must also be inclusive of the Official Opposition and its quality of leadership.

(a) **The Prime Minister:**

Civil Society Bahamas supports the view of limited tenure and **recommends** that a Prime Minister should serve in that office for a period of no more than two consecutive terms, which is not exceeding in the current system ten (10) years.

(b) **Appointments by The Prime Minister:**

The office of The Prime Minister currently has too much control by way of appointments to key positions as recognized by Civil Society Bahamas. Therefore, it is our **recommendation** that key national positions be to civil servants or public officers and not political appointments

guided by results orientated performance based tenure (*Attorney General responsible for criminal prosecutions and other such technical positions – Auditor General having direct control of his staffing and vested in the constitution to encourage results orientated operations - Ombudsman system introduction*).

**(c) Independence of the Judiciary:**

The above **recommendation** is supported with the appointment of an in Cabinet Minister of Legal Affairs, having the direct support of a qualified technical legal officer (*unique government legal advisor*) to facilitate greater delivery of justice to the community and facilitate independence of the Judiciary.

**(d) Independent Constituencies Commission:**

Civil Society Bahamas is in support of an independent constituency's commission that will reflect a cross section of individuals from civil society. This is critical to eradicate as much as possible the question of apparent gerrymandering of constituencies as it is protected by the constitution.

**1. The Senate**

Civil Society Bahamas recognizes the apparent challenge of the national decision making process, which appears to be shrouded in secrecy as important decisions are taken on serious issues without the general public or civil society being aware that these issues are being discussed.

The senate in our current governance structure appears not to be as effective and perceived by civil society in many instances to be a rubber stamp.

## 2. Parliamentary Term

In conjunction with a comprehensive national plan of tri-part partnership and governance, the constitution should provide for a fixed date for General Elections encouraging performance based accountability.

## 3. Death Penalty

Civil Society Bahamas is in support of capital punishment as reflected in the laws of The Bahamas for enforcement. Additionally, as expressed in the wider civil society community, expanded methods may be engaged for its execution.

## Conclusion

Mr. Chairman and members of the Commission, thank you for the opportunity to make a contribution on behalf of Civil Society Bahamas as we anticipate a great future for the



**“People of the Family of Islands”** and the Nation of The  
Bahamas.

**THE FOCAL AREAS OF “TIME – MONEY & NATIONAL RELATIONSHIPS”, CAPTURE THE CATAGORIES OF CONSIDERATION FOR OUR REPRESENTATION TODAY.**

- **The Preamble of the Constitution to Remain** (*value system & national accountability tool*)
- **Mandatory Constitution Education** (*at primary through all levels of a comprehensive national educational system*)
- **Re-enactment of The Bahamianization Policy** (*Bahamians to have OWNERSHIP IN ALL Direct Foreign Investment*)
- **Freedom of information** (*national access to key rights & benefits for all Bahamians*)     **BOODLE**
- **Economic empowerment opportunity should be made common for all Bahamians** (*national financial policy decisions to reflect same through a sustained structured process for small businesses start up & expansion encouragement focus*)
- **Labour Laws Reform** (*employees apparent disadvantage through legal system favoring the rich & famous – a cry, a*

*call & response for equal justice / Ombudsman  
consideration)*

- **Bahamians Intellectual property as well as other forms of creative property should be protected** (*to encourage national creativity*)
- **National Parenting Plan** (*family & community strengthening sustained initiatives*)
- **National Service Plan after high school for at least 1 year** (*male & female mandatory participation*)
- **Government monetary funding for Civil Society Bahamas** (apex body of NGOs & CSOs – strengthening democracy in the Bahamas)
- **Entertainment (Cultural Heritage) Encouragement Act.** (*to be maintained*)
- **Political Financial Campaign Reform Policy** (*See Paper from CSB Town Meeting*)
- **National Immigration Plan** (*increased illegal immigration and migration concerns - See Paper from CSB Town Meeting*)
- **National Health Plan** (*aged & economically challenged citizens increased medical needs*)

- **Public Service Reform** (*General orders relevance revision – mass corruption & conspiracy culture needs urgent eradication through strict process management accountability*)
- **Death Penalty (enforcement of the Bahamian law – method of execution modification)**
- **Ministerial autonomy & accountability** - for income generation and self-sustainability
- Members from Civil Society Bahamas and wider community (**Tri-part community leadership**) participation in all negotiation on new development, Foreign Direct Investments (*labor registry board improved process to inspect all work permits prior to approval*)

### **Additional thoughts:**

- **Allocate provisions for Land and Open Sea area** for Aqua-Culture development.
- **Removal of the age discrimination from banking** - more incentives to encourage bank ownership by Bahamians
- **Bahamians direct access to foreign capital** (*encourage buying and selling of international stocks and bonds*)

- **Lower interest rates for government homes** and no age discrimination on mortgages
- **Incentives improvement** for local manufacturing and factories by Bahamians
- Family Island hotel act for Bahamians only, whereas Bahamians own and **operate hotels and casinos** in the family islands, or at least 50% ownership by Bahamians
- All hotels to support first locally grown and produce/ products supplied by Bahamians, before importing that particular item
- Constitution be made a part of the school curriculum beginning from the primary level
- **Banking, Fishing, Tourism and technology** be made a part of curriculum in school
- **Foreign Languages** should be made a mandatory curriculum item from primary school

There were three (3) approaches considered in preparation for the presentation as follows:

1. Spiritual
2. Historical
3. Socio-economical

The Primary Focus is Tri-part Governance and the development of a comprehensive consultative national plan for the People of the Family of Islands, the Bahamas.

# CONSTITUTION

- **an established law(s) or custom(s) (Ordinance, Commandments), the mode in which a state or society is organized and the manner in which its sovereign power is distributed (Governance), the basic principles and laws (Statutes & Judgments) of a nation – state or social group that determine the powers and duties of the government and guarantee certain rights of the people it governs (Equality & Justice for all citizens / residents).**

# **TAKING RESPONSIBILITY**

- **Mr. Sean McWeeney QC, Chairman of the Constitutional Commission, other distinguished members of the Commission, members of the Secretariat, ladies and gentlemen, good morning.**
- **On behalf of Civil Society Bahamas, I wish to thank the Commission for inviting us to address the matter of Constitutional Reform for the Bahamas.**



**CIVIL SOCIETY BAHAMAS**  
**OPERATIONAL THEME**

**TAKING RESPONSIBILITY IN AN ENVIRONMENT  
AND ATMOSPHERE OF DISTRESS, DEBT AND  
DISCONTENTMENT THROUGH**

**Re-education, Training & Development**

**2012-2013**

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# **TAKING RESPONSIBILITY**

- The Cry, The Call & The Response
  - A perception .....
- “It is a waste of our time...The Government is going to do what they want to do”!
- “INVESTING IN PEOPLE” .....THE BEST INVESTMENT IS IN PEOPLE!

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## **TAKING RESPONSIBILITY!**

- **“BE-GO-DO / BE-DO-GO” represents a concept that speaks to an excellent quality of Bahamian leadership and followership through an inclusive, consultative and engaged environment for good governance (*tri-part governance / Government, Private Sector & Civil Society Stakeholder Partnerships – specialist volunteers*) of the Commonwealth of the Bahamas with truth and integrity.**

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## **TAKING RESPONSIBILITY**

- **Objective: to inspire and challenge Bahamians to manifest excellence and good success through the development and implementation of a tri-part governance national plan in the best interest of each Bahamian**
- **Commitment of Civil Society Bahamas: to encourage Bahamians to demonstrate ACCOUNTABILITY for their individual and collective abilities and their willingness to address the need for an improved UNDERSTANDING of POLITICS through the highest quality of “*people skills and effective national communication*”.**

# **TAKING RESPONSIBILITY**

- **The apparent negative national experiences of “*Distress, Debt and a Discontented*” environment by citizens of the Bahamas, demands that each individual take responsibility for corruption and conspiracy, as good governance, accountability through sustained critical review programmes and quality control processing accountable systems for ensuring the implementation of strategic corrective management action plans are executed.**

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# **TAKING RESPONSIBILITY**

- The primary strategic action is to promote equal **opportunities for men, women and youth to obtain respectful and productive work opportunities**, in an environment of balanced freedom, equality, personal security and spiritual, socio-economic empowerment.
- Therefore, Civil Society Bahamas in keeping with its operational theme of **“RE-EDUCATION, TRAINING AND DEVELOPEMNT”** embraces the opportunity afforded by the Constitutional Commission through the Chairman, Mr. Sean McWeeney QC to present its views on constitutional reform this morning.

# TAKING RESPONSIBILITY

- Preamble to Bahamian constitution (*the people of this Family of Islands*)
- **WHEREAS** Four hundred and eighty-one years ago the \*rediscovery of **this Family of Islands**, Rocks and Cays heralded the rebirth of the New World;
- (context of Family, parentage and children of immediate and extended interactive community national relationships – HMC)

# **TAKING RESPONSIBILITY**

- **AND WHEREAS the People of this Family of Islands recognizing that the \*preservation of their Freedom will be guaranteed by a \*national commitment to Self-discipline, Industry, Loyalty, Unity and an abiding respect for \*Christian Values and the \*Rule of Law;**
- **(Individuals are encouraged to take responsibility for self and others through an efficient and effective practical value system in conjunction with the practiced rule of law – HMC)**



# **TAKING RESPONSIBILITY**

- **NOW KNOW YE THEREFORE:**
- **We the Inheritors of and Successors to this Family of Islands, \*recognizing the Supremacy of God and believing in the \*Fundamental Rights and Freedoms of the Individual, DO HEREBY PROCLAIM IN SOLEMN PRAISE the Establishment of a \*Free and Democratic Sovereign Nation founded on Spiritual Values and in which no Man, Woman or Child shall ever be Slave or Bondsman to anyone or their Labour exploited or their \*Lives frustrated by deprivation, AND DO HEREBY PROVIDE by these Articles for the \*indivisible Unity and Creation under God of the Commonwealth of The Bahamas.**

# **TAKING RESPONSIBILITY**

- **(We the Inheritors of and Successors; People as Citizens, Male and Female are to be empowered spiritually {sovereign authority / laws}, economically {financial authority / laws} and socially {relational authority / laws} having equal opportunity to become successful (*professionals*) and mature individuals as desired through and for indivisible Unity and under God of the Commonwealth of the Bahamas managing against distress, debt and a discontented national environment for the best interest of all Bahamians and their guest)**

# TAKING RESPONSIBILITY

- Scope of Recommendations:
- Summary areas consist of spiritual, socio-economic interest
- (The Bahamian Constitution – *an apparent lack of understanding as to what it is and its role or function for the Nation of the Bahamas/ re-education, training & national development focus needed*)
- Why ? need for a tri-part national agreed plan, greater power-sharing, decentralization, openness and accountability

# **TAKING RESPONSIBILITY**

- **The preamble of the Constitution to Remain**  
*(value system & national accountability tool)*
- **Mandatory Constitution Education** *(at primary through all levels of a comprehensive national educational system)*
- **Re-enactment of The Bahamianization Policy**  
*(Bahamians to have OWNERSHIP IN ALL Direct Foreign Investment)*
- **Freedom of information** *(national access to key rights & benefits for all Bahamians)*

# **TAKING RESPONSIBILITY**

- **Economic empowerment opportunity should be made common for all Bahamians (*national financial policy decisions to reflect same via small businesses encouragement focus*)**
- **Labour laws reform (*disadvantage through legal system favoring the rich & famous – a cry, a call & response for equal justice / Ombudsman consideration*)**
- **The intellectual and creative property of Bahamians should be protected (*to encourage national creativity*)**

# **TAKING RESPONSIBILITY**

- **National Parenting Plan** (*family & community strengthening sustained initiatives*)
- **National Service Plan after high school for at least 1 year** (*male & female mandatory participation*)
- **Government monetary funding for Civil Society Bahamas** (apex body of NGOs & CSOs)
- **Entertainment (Cultural Heritage)**
- **Encouragement Act.** (*to be maintained*)
- **Political Financial Campaign Reform Policy**  
(*See Paper from CSB Town Meeting*)

# **TAKING RESPONSIBILITY**

- **National Immigration Plan** (*increased illegal immigration and migration concerns - See Paper from CSB Town Meeting*)
- **National Health Plan** (*aged & economically challenged citizens increased medical needs*)
- **Public Service Reform** (*General orders revision – mass corruption & conspiracy culture*)
- **Death Penalty** (*enforcement of the law via Caribbean Court of Justice and not to the British Privy Council*)

- Ministerial autonomy & accountability for income generation and self sustainability.
- Members from Civil Society Bahamas (Tri-part community) participation in all negotiation on new development, Foreign Direct Investments (*labor registry board improved process to inspect all work permits prior to approval*)