**GRENADA CONSTITUTION REFORM ADVISORY COMMITTEE**

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31 March 2016

Ms. Sandra C. A. Ferguson

Inter Agency Group of Development Organisations

C\o P.O. Box 750

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Dear Ms. Ferguson

 Re: Submissions on behalf of Grouping of CSOs Review of CR Amendment Bills

1.1 The Grenada Constitution Reform Advisory Committee (‘the Committee’) gratefully acknowledges receipt of your letters of 26 February 2016 and 8 March 2016 to its Chairman and Members, together with Submissions from ‘Grouping of Civil Society Organisations’ of 26 February 2016 and 8 March 2016.

2.1 The Notice of Meeting for the Meeting of the Committee of 24 March 2016 sent to you, Ms. Ferguson, and other members of the Committee detailed as item 5 on the Agenda ‘Letter from Civil Society’. The Meeting was held, and that item was taken. That had to be done without your contribution, Ms. Ferguson, the IAGDO representative on the Committee, as you were absent.

ALWAYS APPRECIATIVE

3.1 The Committee is always appreciative of ideas on Constitution Reform, from whatever source.

3.2 That is why the Committee responded the way it did to a certain idea which emerged from the Seminars with CSOs organised by the United Nations Development Programme (‘UNDP’) held at the Grenada National Stadium in January 2016.

3.3 That idea was that one of the Constitutional Amendment Bills which had been given their First Reading by the House of Representatives on 4 December 2015 should be split into three separate Bills. The Committee so recommended to the Cabinet of Ministers. The recommendation was accepted by Cabinet. The three new Bills were given their First Reading in the House on 2 February 2016.

3.4 So, even though the ninety-day delay period had to be started all over again, the Committee acted on the proposal from CSOs.

4.1 NAME OF STATE BILL

The Name of State Bill makes no reference at all to ‘public islands’. The reference to ‘public islands’ is in the Explanatory Memorandum to the Bill.

4.2 Related to the matter of the name of a state is the issue of the territorial expanse of a state. This was shown at the meeting by adverting to the constitutional instruments of several Caribbean countries.

4.3 At the Educational Forum in Carriacou on 6 March 2016 I pointed out publicly that the reference to ‘public islands’ would be removed from the Explanatory Memorandum and the issue raised on that clarified. That was in response to the matter being raised at that Forum by a member of the public. The clarification would be done in clause 4 of the Bill, by putting in a sub-clause on the territorial expanse of the State. That would be a simple clarification, not a substantial change; and as such it would not entail an interruption of the ninety-day delay period.

GENDER EQUALITY

5.1 The Submission of 8 March 2016 says, in para 4.2(i), that the provisions on Gender Equality are ‘not enforceable’.

5.2 Those provisions would be enforceable under section 101 of the Constitution; a section as wide as section 16.

CHILD IS A CHILD

6.1 The Submission of 8 March 2016 para 4.3(v) asks whether it is necessary to have a constitutional provision on ‘a child is a child’. Yes, this is necessary; putting a measure in the Constitution affords it protected entrenchment against being abolished or otherwise altered by an ordinary Act of Parliament.

PUBLIC INTEREST IN SECTION 1.

7.1 The Submission of 8 March 2016 para 4.4(i) wants the term ‘public interests’ defined in the Constitution. The Constitution speaks of ‘the public interest’ in section 1. It also repeatedly refers to ‘the interests of’ certain subjects such as defence, as in sections 7 (2)(a), 9(5)(a), 10(2)(a) and 11(2)(a).

PIECEMEAL CR PROCESS

8.1 The Submission of 26 February 2016 para 4 refers to the current CR process as ‘piecemeal’’.

8.2 The choice of separate Bills for CR rather than having one omnibus ‘take it or leave it all’ makes perfectly good sense and is overwhelmingly welcomed by Grenadians of all walks of life.

THE REST

9.1 The rest of the Submissions are duly noted by the Committee. The Committee, however, is unable to accept them.

9.2 The Committee again thanks IAGDO for the Submissions, receiving them in the spirit of appreciation referred to in paras 3.1 -3.4 above.

LET US PRAY

10.1 Let us all pray that God richly bless Grenada with wisdom and sound judgment to put Grenada first and give glory to God as Grenada proceeds along the Road to Referendum.

Yours Sincerely



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Francis Alexis

Chairman

Constitution Reform Advisory Committee

cc: Dr. The Rt. Hon. Keith Mitchell, Prime Minister

The Hon. Mr. Elvin Nimrod, Minister of Legal Affairs

The Hon. Mr. Cajeton Hood, Attorney-General

 Ms. Juliette Maughan, UNDP in Barbados