

CONSTITUTION REFORM FORUM

The CRF

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CONSTITUTION REFORM FORUM (CRF) STATEMENT ON THE OCCASION OF REPUBLIC DAY, 2012

This year's observation of Republic Day is significant for two reasons. First, it comes within the year that the country is celebrating its fiftieth anniversary of Independence. The assumption of Republican status thirty-six years ago means that constitutionally the country had taken a further step away from its status as a colony, was moving towards assuming greater political control of its affairs and establishing itself as a sovereign state in its own right on the world stage. As the Republican Constitution superseded the Independence Constitution, Trinidad and Tobago was sending a signal to the international community that it was prepared to assume greater responsibility for self-government and self-determination.

Secondly, the observation comes at a point when an increasing number of citizens are questioning the credibility and integrity of the government. One may ask what this has to do with the change-over to a Republican constitution. In an important fundamental sense a constitution serves as a social contract between the people and their government. It embodies the principles and institutional arrangements that underpin and give life to that contractual relationship. Thus, the growing dissonance and unease in the day-to-day relationship between the people and the government must be viewed as a signal that the social contract is being eroded.

Since May 2010, this country has witnessed a steady stream of occurrences at the level of the government that have put the constitution as social contract to the test. Most recently, we have witnessed the fallout surrounding the unexpected early proclamation of Section 34 of the Administration of Justice (Indictable Proceedings) Act. While the Prime Minister's subsequent dismissal of the Minister of Justice is to be recognised, the fact is that this latest debacle is another in a series of acts that have raised questions about the extent to which government is committed to proper behaviour in public office and is serious about honouring the contract.

Soon after the beginning of its term of office, there was the fallout over the very suspect appointment of Ms. Reshmi Ramnarine as head of the Security Intelligence Agency (SIA). To date, the Prime Minister and government have ignored the continued calls by all sectors of the society that Mr. Jack Warner should resign or be removed from his Cabinet post given the serious allegations of misconduct levelled against him in his former position as a FIFA Vice President. As if this was not enough, Mr. Warner is openly announcing his intentions to enter into a business arrangement to acquire shares in a media house even as he remains a Minister of government and notwithstanding the requirements of the Integrity in Public Life Act. Then, while no formal charges have been laid, there are the allegations about the former junior Minister in the Ministry of National

Security failing to comply with the orders of policemen on duty to take the breathalyser test.

In 2012, the country is observing Republic Day against the backdrop of strong accusations of public misconduct being made against members of government. The CRF therefore calls on the government to take these accusations seriously and to commit itself to getting to the root of the problem. Paying lip service to the ideals of accountability and good governance is simply masking the situation. What the population is looking for is clear evidence that the government is willing to monitor and regulate itself, to adopt a zero-tolerance position to misbehaviour of any kind, and to send a clear message to all its members that any deviation from acceptable standards of behaviour will be dealt with harshly. These measures are an absolute necessity if the social contract between government and people is to be strengthened.

While the CRF recognises that the current constitution has an important role to play in this regard, it is also very aware that the institutional arrangements within it do not appear to be able to provide the necessary safeguards against the excesses by public officials that unfortunately have come to be a feature of political life in this country. The CRF is therefore calling on the Prime Minister and the government to immediately place the issue of constitutional reform as a priority activity in the national arena. In doing so, the government must ensure that the structures that it sets up to facilitate the process must allow for the maximum participation of the people. Such participation is essential to ensure that the changes being made are consistent with an intention to strengthen and give teeth to the social contract between the people and its government.

People participation in the reform process is also necessary to ensure that institutions that allow for the direct involvement of the people in the governance of the country are strengthened and brought within the framework of the constitution. In this regard, the CRF continues to call for local government reform and for the inclusion of this institution within the constitution of Trinidad and Tobago.

Let the occasion of Republic Day, 2012 provide us with the opportunity to re-visit of our respective roles as people and government in shaping the constitutional arrangements required for good governance in our country.

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