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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Third International Decade for  
the Eradication of Colonialism: current realities and prospects

Quito, Ecuador  
30 May to 1 June 2012

STATEMENT

BY

THE REPRESENTATIVE OF MONTSERRAT

STATEMENT BY PREMIER REUBEN T MEADE  
To the C24 UN Decolonisation Committee meeting in Quito Ecuador  
May 29-June 01, 2012.

The walk has been a long one from colonial governance to a level of full internal self government. Whereas we have reached this particular milestone of having a new constitution, we still have a long way to go on this journey. It is my hope, that those who will lead the walk in the future will continue on the path to sustainable development and the eventual milestone of self determination. Many of our forebears were brought to Montserrat as slaves. Many of them sacrificed their lives in their quest for their and our freedom from slavery and the humiliation and exploitation later, as a colonized people with no rights. Since emancipation our forebears have toiled to build our island amidst all of the challenges, but through the grace of GOD, continued commitment and hard work, we will get there.

The initial elements of our constitutional development started with the letters patent of the 17th century, which were legal instruments conferring the right to set up governing instruments and to rule. The earliest patents were general and open and therefore ideal for oppressing and exploiting native people. Prior to emancipation there was a legislative assembly comprised of planters and merchants elected from among themselves. It was an oligarchy of the wealthy and privileged. The qualification to be an elected member of the Legislative Assembly was based on wealth. In 1866 the franchise was withdrawn and the governor or his deputy, the Lieutenant governor ruled with the advice of a totally nominated Council comprised of planters, merchants and some officials. Government by the colonizers with no reference to the local populace.

Constitutional changes came in a very slow and evolutionary way. In 1936 representative government was reintroduced. However elected members were in the minority. In 1943 the first local was elected into the Legislative Assembly.

The 1951 Letters Patent brought about more significant changes as a consequence of protests and riots throughout the region. These protests and riots led to the birth of the trade union movement in the Caribbean. The letters patent of 1951 also saw the introduction of universal adult suffrage, allowing for elections without the requirement for wealth as a qualification. It is worthy of note that these changes came as a result of protests by the people. This ushered in the Legislative Council where the majority comprised elected members for the first time. In 1952 W H Bramble and his group were elected into the Legislative Council.

The Letters Patent was further amended in 1959 to allow for a Ministerial system of government. This gave a greater level of local self government. W H Bramble then emerged as our first Chief Minister. Also of note would be the Montserrat Royal Instructions of 1959 and the Montserrat (Governor) Order 1971.

In 1989 the letters patent were withdrawn and replaced with our first written Montserrat Constitution Order. The Honourable John Osbourne was the first Chief Minister to

operate under that first constitution order. There was really no local consultation or debate it was simply an order of the Privy Council. That constitution was a retrograde step in that it took away the portfolio of offshore banking from the authority of the local government and placed it under the discretionary powers of the governor.

Where have we come in the 60 years since the commencement of the Ministerial System of governance?

This new constitution (2010) like its predecessors is not a perfect document but we must use its provisions to consolidate the gains provided therein. We must continue to determine a way forward over time. We must however, not lose sight of the focus on development rather than on our relationship with the UK.

The process of revision started in 1999 with the advent of the so called White Paper on the Overseas Territories. In 2002 however, another Legislator and myself were given the task of commencing the process on behalf of the Legislative Council. This, following the words of wisdom of the Chief Minister of the time who intimated that this constitution must not be seen as partisan but must include us all in its development. Later, a team led by a former speaker was given the mandate to consult with Montserratians at home and abroad and make recommendations in the drafting provisions. From these consultations came a document which formed the basis for negotiations with the Foreign Office. A committee of the entire Legislative Council was formed chaired by three successive Speakers. Nineteen Legislators were involved in the process over the years including five Chief Ministers, three Attorneys General supported by Parliamentary Counsels. Many long hours of consultations took place between the local team over the years and the UK team as the negotiations moved back and forth until we agreed on the document which we now have as our Constitution of 2011. Throughout the process, over the ten years of discussions and negotiations, the public were given an opportunity to participate. All of that work and time enabled us to agree a document which was ready for debate in our local legislative council in 2010. It was not a requirement, but I felt it necessary for us to first have it debated and approved by our Legislative Council to signal acceptance and ownership of the document. It was approved by a margin of 7-2 by the elected members. Once approved locally, it was then sent to the UK for consideration by their Parliament and their Privy Council. It is the first time in the entire process of governance in Montserrat that the people truly took part in the development of their constitution. It took nine years for us to reach this stage. It is not a perfect document but it is workable with provisions for future amendments. It is worthwhile to note, that in all of the constitutional discussions, there was no public interest whatsoever in separation from the UK. The continued relationship with the UK is one made by free choice. The provision for separation from the UK no longer requires a fight, it is a simple matter of the electorate making that choice in a plebiscite. No local politician or political grouping/party, in recent times has been bold enough to place that request for independence to the electorate.

In summary we are fully internally self governing, we pass our own laws, we make our own decisions, we make our own monetary policies as part of the OECS Monetary

Union. Despite the fact that the Police and the Public Service are within the Governor's remit, we pay their bills and as a consequence exercise a major voice in their management. All executive decisions are made by the local Cabinet of Ministers. We have on 1st May 2012, signed a MoU with the Department for International Development which focuses on Montserrat's sustainable development plan. This indicates the commitments of DfID and those of Montserrat in making this possible. As a show of immediate support we have obtained financing for geothermal exploration which will enable us to be fully non reliant on fossil fuels in favour of renewable energy by 2015.

It is useful to note as well that whereas we have full citizenship rights in the UK with all of its attendant benefits. On the other hand non Montserratian British nationals do not have rights of abode in Montserrat.

Some other factors of importance in our governance. Montserrat is a full member of both the Organisation of Eastern Caribbean States (OECS) and CARICOM with unfettered voting powers in those Organisations except in areas of international foreign policy. We are also full members of a Monetary Union with all of the attendant rights. We have individual tax information exchange agreements with third countries and operating Memorandum of Understanding with third countries. We are full members of the OECS Supreme Court, members of the Caribbean Development Bank, and members of the CCJ in its original jurisdiction.

At least one Overseas Territory in recent times, has, by plebiscite, rejected a break from the UK relationship causing the retirement of the then Premier.

It is useful to consider the position of the independent Caribbean, former UK colonies, with respect to changes to their constitutions. St. Vincent and the Grenadines had a constitutional plebiscite in 2011 to modify their constitution to, inter alia, remove the Queen as head of State. This was rejected by the people.

Similarly the change from the UK Privy Council as the final appellate court in favor of the Caribbean Court of Justice (CCJ), requires a plebiscite in many of the Caribbean States. It is the feeling of the political directorate of most countries so affected that they will not win such a plebiscite as a consequence they will seek the assistance of the UK granting them the dispensation to have the CCJ as their final appellate court.

The conclusion therefore is that the UK overseas territory of Montserrat has by choice determined that they wish to continue being part of the UK for the time being. We no longer see ourselves as being a colonized people on the basis of the seven elements of the 947th UN Plenary of 14 December 1960. We see ourselves as being part of the UK family by choice. It is therefore my recommendation that this UN Decolonisation committee remove Montserrat from their list of non self governing countries within their Decolonisation discussions. I am also certain that the UK supports our stance.

I suggest therefore that this committee focus its resources on sustainable development issues in the Montserrat context. Let us use the democratic process and let the people decide. The people must be given a choice which they will freely make. They have made their choice and do not need this committee to create the myth that we are held in a colonial state against our wishes. We all have a right by constitutional provision and will exercise that right when we as a people deem it appropriate to do so.

In conclusion I wish on behalf of the Government of Montserrat to thank this committee for its work over the years. We have come a long way since the Resolution adopted by the UN General Assembly at its 947th Plenary of 14 December 1960.