



ADDRESS TO PARLIAMENT

BY

HIS EXCELLENCY VERNON LORDEN SHAW, S.A.H.

President of the Commonwealth of Dominica

ON THE OCCASION OF THE

OPENING OF THE FIRST MEETING

OF THE FIRST SESSION OF THE SIXTH PARLIAMENT

ON MONDAY, 17th APRIL 2000

Madame Speaker,

Honourable Members,

I thank the Honourable F.O.G. Symes former Speaker of this Honourable House for the invitation extended to Her Excellency to attend the formal opening of Parliament and to me to address the House.

I congratulate you Madam Speaker on your election to the chair of this Honourable House. I have no doubt that you will discharge the duties of your high office with satisfaction to yourself and advantage to the members.

I extend sincere congratulations to you Honourable Prime Minister, Honourable Leader of the Opposition on your appointment to your respective offices and to all the other Members on their election or appointment.

I wish all a very fruitful and successful term of office.

On behalf of the Government and people of the Commonwealth of Dominica I wish to extend a very warm welcome to our distinguished visitors. May their stay be long enough to enable them to see and taste the offering of this Nature Isle.

Madame Speaker,

Honourable Members,

The Commonwealth of Dominica Constitution Orders 1978 provide that the President shall have such functions as are prescribed by the Constitution and such additional functions (if any) as may be prescribed by Parliament:-

Provided that no such additional functions shall be conferred upon Him without his consent signified by writing under his hand addressed to the Speaker.

The President is not bound by any settled practice: any functions performed outside of the Constitution is done of his own free will and accord.

In the exercise of his functions the President shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where he is required by the Constitution or any other law to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet:

There are also provisions in the Constitution authorizing the President to act in his own deliberate judgement.

The Prime Minister shall keep the President fully informed concerning the general conduct of the Government of Dominica and shall furnish the President with such information as he may request with respect to any particular matter relating to the Government of Dominica.

The President has the right to advise and warn the Cabinet even though it may not accept his advice.

Madame Speaker,

Honourable Members,

Democracy is defined as a system of Government in which the supreme power is vested in the people and exercised by them or by their elected agents under a free electoral system. The essence of democracy is that consent is free after free debate.

The Principle that what concerns all must be approved by all is impossible of attainment, because, human nature being as it is, there will always be a dissenting minority.

Freedom of thought, freedom of speech, freedom of assembly and secret choice of representatives are all part of the fabric of democracy. Parliamentary democratic government is direction of the affairs of the state by a majority that provides the minority with the possibility of becoming a majority by the education of citizens to its point of view.

Democracy means a form of government for free and upright people who take pride in governing themselves. The wise laws and just restraints decided by their freely elected governments are not chains restricting their freedom.

Democracy is based on majority rule; but that rule is always conditional on the fair treatment of minorities. Majority opinion is susceptible to manipulation by demagogues who whip up primitive emotion which find an outlet in the persecution of minorities. Majorities can also harm minorities out of simple indifference or ignorance. A true democratic regime therefore incorporates safeguards to protect minorities from majorities rolling over their rights.

Madame Speaker,

Honourable Members,

In our parliamentary system, the legislative power is controlled by Parliament composed of the President and the House of Assembly; the executive power by Cabinet and the judicial power by the Courts.

The Cabinet composed of ministers selected from the party which for the time being holds a majority in the House of Assembly is one of the most important features in the Parliamentary System.

Section 60 of the Constitution provides that there shall be a Cabinet for Dominica which shall consist of the Prime Minister and the other Ministers.

The functions of the Cabinet are to advise the President in the Government of Dominica and the Cabinet shall be collectively responsible to Parliament for any advice given to the President by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

This doctrine of collective responsibility is the basis on which the system of ministerial government rests. Without it the ministerial system cannot be effective and cannot last as a method of Government developed to work in accordance with the wishes of the people. All major decisions of policy must be made by the Cabinet. The Government, that is to say the Cabinet, presents a

united front in putting forward policy; and Ministers are jointly responsible for all decisions taken by the Government, individually and collectively. It is a principle that if the Cabinet is divided in opinion a member must resign if he is not prepared to accept the majority decision.

Section 61 of the Constitution provides that "The President, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the Government, including the administration of any department of Government." A Minister has the responsibility for the running of his Ministry; of making decisions himself on matters for which he has been assigned responsibility but he makes those decisions within policy already decided by the Cabinet or with the knowledge that they are such as would without doubt have the support of his colleagues. In all his actions a Minister is responsible to the people of the country through their elected representatives in the House of Assembly.

In cases where responsibility for a specific field of public activity is entrusted to a Statutory Corporation, the Act establishing the Corporation will declare the extent to which general or specific directions may be given to it by the Cabinet or by a Minister acting under the general authority of the Cabinet. A Minister shall not be charged with responsibility for making of appointments (including appointments on promotion, appointments on transfer and the confirmation of appointments) to offices in the Public Service, the exercise of disciplinary control (including the withholding of increments of salary), and the removal of persons holding or acting in such offices and the grant of any benefits in relation to pensions and gratuities.

Madame Speaker,

Honourable Members,

In order that Ministers may be able collectively to frame policy and individually to make decisions and to see that they are carried out, they must have the services of an efficient, impartial, non-political Public Service.

The Public Service must be impartial and its members non-political in attitude, and thus ready to serve whoever are, as the result of the democratic process, elected to represent the people. It must

be efficient in order that all factors, human, material, professional, technical and financial, can be presented to the Minister to enable him to reach his decision, and, however wise, valuable, and farsighted a ministerial decision may be, it counts for little unless there is an effective organization capable of executing the policy. All this apply whether the execution is carried out directly by the Public Service or by means of statutory corporations set up by Government, or by non-Government organizations which have to carry it out within the framework of legislation enacted by the House of Assembly. Similarly the views of the elected representatives of the people in the House of Assembly cannot be taken into account by Ministers in the effective formulation of policy unless there is an instrument to give effect to the policy decided. The peace and good order of the country, the basic economic structure, transport, communications, customs, currency and fiscal matters, and development of education, health and social services, all require stable and efficient services capable of serving the Ministers and the country.

Public Officers must be honest, just and truthful in their dealings one with the other always remembering the Golden Rule "Do unto others as you would like them do unto you. He who exalteth Himself shall be abased and he who humbleth himself shall be exalted."

Madame Speaker,

Honourable Members,

The official opposition is an integral part of the parliamentary system. The only way in which a human being can make some approach to knowing the whole of a subject is by hearing what can be said about it by persons of every variety of opinion. Within the unity of those who believe in the parliamentary system there must be a diversity of opinion about many things.

The opposition forces the party in power to seek as broad and tolerable a synthesis of interests as possible; it ensures that the minority of voters will be represented to some degree in the policies decided upon; it restrains the party in power by examining its proposals for laws; it seeks to persuade the government to introduce bills which it thinks will benefit the people; it criticises but it should have valid and viable alternatives to offer and of course, it stands ready to replace the party in power if that party loses the confidence of the House.

The balance of power between the parties in a nation i.e., their relative popularity, at any moment is a strange mix of the attitudes of: the electorate; the parties of the majority position; and the parties of the minority position. Perceptions are all important. Attitudes that might place a party in the majority under one set of circumstances can place it in the minority under another set of circumstances, and vice versa. The balance of power is also due to economic and political factors beyond the control of the government, which influence the perception of the electorate. In many cases, the balance of power between the parties appears to be determined by factors beyond the control of the politicians. Therefore, both the majority and the opposition must be careful about reading long-term significance into election results.

To the non-democratic mind, to be in the opposition brings shame. It is a sign of weakness, a sign of defeat. However, an election in a democracy is not a "winner-take-all" event. The goal is "win-win", not "win-lose".

The majority has responsibility for the whole society, not for those who hold the majority position. For those in the majority position, the democratic mindset requires a respect for the minority position. There is a respect for those in the minority such that the goal is not to win a battle in order to have our way. Rather, the goal is that which is best for our whole society. It is making sure that my desires do not jeopardize the desires of others. Essential is a tolerance of other viewpoints. A key goal is creating harmony.

It is not to take positions which will hurt a specific group, especially a minority. It is the willingness to compromise on, or even sacrifice, non-essentials to make a group feel included which might otherwise feel disenfranchised. A high priority is submission to the common good and the desire to make sure that no one gets hurt. It is recognition that my well-being is dependent upon the well-being of my community. It is caring for my neighbor as much as myself. The key to democracy is to make everyone know that he/she is included – that no one is disenfranchised. The goal is to build a healthy society, not have my own way.

The opposition holds a very valuable place in a democratic society. It is responsible for representing a perspective which is held by a significant minority of the total population. It is responsible to make sure that this perspective is taken into account when the government

formulates its plans and actions. Frequently, the position of the minority is the morally superior position, and with time and with continued persuasion, this becomes the commonly held position.

Clearly, a healthy democracy requires an inclusive majority and a constructive opposition.

A difference of opinion does not mean an adversarial relationship. One learns much more from his critics than from his supporters and allies. A healthy democracy requires dialogue with the broadest segments of society. In fact a leader is charged by God with unifying the nation and moving the whole ship ahead, not just the majority component.

A true understanding of democracy does not require that we be adversaries with those of differing views, especially politically. The Leader of the majority party, the Prime Minister has been given the mandate to give direction to the Government, not to strangle all others or to stifle those with differing perspectives. The Head of Government must see the Opposition precisely as that: those who see the problem and or solution in a different way.

Too much energy is wasted on the polarizing of the political camps. It is not our party that is so important; it is our nation. No nation can achieve the quality of life God intends for it until this principle is applied.

Madame Speaker,

Honourable Members,

The tasks of a member of Parliament are to identify the problems of the country, to evolve policies from ideas, to decide upon action and to carry through the programme. What gives Parliament its life is the will of its members to serve it with their full capacities of mind, energy and passion.

The Parliamentary Representative must keep his constituents informed about his actions and what is going on in Parliament. Though the electors cannot be informed on every issue that confronts government, they must be sufficiently informed to understand the main drifts of the issues and the whys and wherefores of their representative's actions.

Madame Speaker,

Honourable Members,

We must strive not only to raise standards of transparency, accountability, honesty and public involvement in the processes of Government but we must also ensure that those processes produce programmes that maximize benefits to everyone.

Good Governance must be accompanied by effective governance if Parliamentary democracy is to thrive.

Parliamentarians should assess all proposals from the executive based on the supremacy of the interests of the country over the interests of the party. Close scrutiny of Government actions should be along nonparty lines and all Government spending should fall under critical parliamentary examination prior to implementation.

The people must be more fully involved in their own Government particularly by improvements to the provisions of information. They must be able to scrutinize and participate in Governance and rather than having policies promulgated by authority figures policies must be determined by Parliamentarians in consultation with the people so that they were effective and owned by everyone. Parliamentarians should no longer consider themselves as the only source of solutions to problems. If people have full access to information about political decisions then policies and expenditures could be closely scrutinized, political leaders and public officers could be held accountable and tests could be applied to determine the acceptability of policies to the people. The performance of individual members should stand up to close scrutiny. Parliamentarians should avoid capricious or self-serving policies; refrain from submitting to personal vanities and avoid conflicts of interests: competition for power for power's sake lead to corruption. Members should stand firm against corruption and abuse of power.

Every citizen has a right to know how Government functions and how well it performs. Without such knowledge people would not understand the democratic process and would become suspicious of it.

Madame Speaker,

Honourable Members,

Corruption at all levels of Government undermines the effectiveness of democratic institutions and jeopardizes the security of the people and their right to choose their Governments. Dirty money could infiltrate policies and especially party machines unless Parliamentarians were vigilant in keeping criminal influences outside of the corridors of powers.

Fair emoluments discourage corruption. There should be an adequate compensation package for the Members of Parliament within the meaning of Section 29 of the Constitution.

Madame Speaker,

Honourable Members,

I pray God's counsel on your deliberations.

I pray God's blessings on this Nation.

I thank you.