



THRONE SPEECH 2000
By

Her Excellency Dame Dr. C. Pearlette Louisy
On the Occasion of the Opening of the Fourth Session
of the Seventh Parliament
of Saint Lucia

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Mr. President and Members of the Senate
Mr. Speaker and Members of the House of Assembly

On February 22nd 2000 we celebrated the 21st Anniversary of our Independence. The festivities of the occasion were marred by unusual rainfall, resultant damage to much of our infrastructure and the loss of a tender life, leading us to replace celebration with solidarity. There is an existential symbolism, lesson and meaning in every human experience and occurring as it did in the moment of our Independence Anniversary, we ought to discover the lesson of that experience. That we moved with such relative speed from pomp and pageantry to recovery and restitution, from fete and festival to fraternity and fellowship rising above the tides of adversity is indicative of our potential coming of age. It is in such moments that we rediscover the elemental humanity that binds us all irrespective of race, social standing, religious or political complexion. It is such moments that remind us of the necessities that bind us and challenge us to display responsibility. We have every right to be proud of the many who rallied in the face of the problems that faced us and answered the call of duty. Their attitude was all the more remarkable considering the work they undertook was not one of spectacle or done in the glare of the media. That is the essence of patriotism; when one performs faithfully the daily tasks so that in the sum total the weakest link is strongest.

Testing times

We live in times that are constantly changing in many ways. Global weather patterns have drastically altered resulting in natural disaster on an unexpected and unprecedented scale worldwide. We are warned that the wrath of Nature, or as some would say the wrath of God, will continue to afflict nations bringing torrential rain where there was formerly drought, causing thirst where waters once flowed in abundance. The pain of

China in the overflowing waters of the Yangtze, the anguish of Mozambique along its flooding plains, the fracture of Turkey and Taiwan in the earthquakes and the volcanic incandescence of Montserrat remind us of that elemental humanity across the divides of language, geography, cultures. The pain of every human is our pain; and since the last session of this esteemed Parliament, we have been reminded of this. Natural disasters in St. Lucia in the period between Parliamentary sessions have tested our fortitude as a nation. The earth movements in Boguis and Black Mallet/Maynard Hill, the rain and water damage of Storm Lennie and the Independence rains tested the individual resolve of the people affected, tested the compassion of My Government and brought to stark relief our vulnerability as a small island state. My Government had to find in excess of EC\$11.287 million to cater for relief and rehabilitation in the face of the human suffering and infrastructural damage. Such sums were, of course not budgeted for, and almost one million dollars of that amount constituted direct and specific assistance to the 142 affected households. While not seeking to create a precedent in its actions, My Government could have done nothing less in the face of the rupture caused in the lives of our countrymen and women. It would do us well to resurrect the words of an almost forgotten St. Lucian poet, the late Howick Elcock who exhorted us that:

*“If life we are to treasure most of all,
Evade we should humanity’s fall
And live within destruction’s fear
And do our best humanity to care*

*We can’t deny we are all one,
And so should help each other on,
And be like brothers ever dear,
For we must take humanity’s care.”¹*

¹ “*Humanity’s Care*” in **Alpha: A Collection of Poems** by Howick Elcock c. 1950.

If, Mr. President, Mr. Speaker, the import of those experiences in the period leading to our 21st Anniversary of nationhood was a test of our compassion, resilience and maturity as a people, we have come through by the grace of God and the solidarity of our people.

Put progress above partisanship

Just as we have demonstrated our tenacity and capability in the face of natural disaster, so too we must find the resolve to put progress above partisanship. My Government has repeatedly urged that we – to repeat the words of its policy statement at the Formal Opening of the First Session of the Seventh Parliament – *“look beyond the things that divide us to the necessities that unite us; to look beyond the differences that separate us to the ties that unite us”*. A most enduring indication of the maturity of a nation and the sophistication of its sovereignty is the extent to which difference does not disrupt unity and the extent to which dissonance strengthens democracy. On this the anniversary of our coming of age, can we be truly satisfied that we are securely on this road?

Both My Government and Her Majesty’s Loyal Opposition have a long way to go to make this a reality. To its objective credit, My government has created opportunities and opened avenues for national dialogue that have been historically unprecedented. In many vital spheres of national life and on matters of direct import to the public, My Government has institutionalised consultation – to varying extents and in varying formats – as a means of achieving some social consensus. The impact of some of these approaches has been path breaking, not only in St. Lucia but also beyond. The approach to the involvement of stakeholders in the preparation of the Education Sector Plan for example is now being promoted and adopted by the World Bank as a desired modality for social sector planning.

Notwithstanding these successes, we are still collectively failing in the management of difference. We are yet to find consistent and effective ways of communicating across the sectarian divide.

St. Lucia and all other small island states must seek to establish innovative social partnerships. Faced with the prospect of IMF intervention, the Government and people of our sister island of Barbados for example demonstrated their collective resolve to navigate the turbulence of the period and shape their own destiny with their own solutions. Successive governments have built on this accord and now this accord has assumed an institutionalised political dimension that places supreme national interests above narrow partisan fracture. In spite of the pessimism of the intellect among many on the possibilities of such achievement, we must nevertheless demonstrate the optimism of will to strive in this direction.

Repositioning our economy

Increasingly the multilateral agencies are coming to the realization that economic performance is not solely dependent on economic factors and that issues of governance play an important role. At the 1998 Annual World Bank Conference on Development Economics, Bank President James Wolfensohn noted the need for a new consensus that went beyond macroeconomics to include issues of equity, social justice, inclusion, environmental sustainability, and participation. He noted that education – as the key to opportunity – should be at the center of the Bank’s development agenda alongside the concerns of health, infrastructure and the justice system.

Since the last session of the Seventh Parliament, the process of globalization has continued with an unrelenting pace and events in some of the most sensitive market centers have caused a rethinking of much of the neoliberal logic. We are moving again towards the thinking that government and the state have to play a stronger regulatory role in managing the economic environment.

The strengthening of the regulatory apparatus, elimination of unnecessary bureaucracy, greater responsiveness and a stronger facilitating capacity for investment, institutional efficiency and effectiveness are some of the key elements in this approach. From its assumption to office, My Government recognized the need for establishing that strong management base for economic sustainability and it has sought to reposition the economy through a judicious mix of approaches. For the first time, we started establishing at the beginning of each financial year, precise macro-economic targets and indicators against which we expect to measure the performance of that particular year. And in each of the preceding years we have recorded incremental progress on those targets. The strategic intent of these broad targets are to reposition the economy for longer range growth, stimulate greater self-reliance along sustainable lines, and achieve public sector savings for capital investment. My Government is pleased to report that all but one of the targets set for the last financial year were not just achieved but surpassed. While there is obviously a congratulatory element in such a pronouncement, it must be recognized and appreciated by all that there is a measure of sacrifice and austerity in the attainment of these goals. In today's open global marketplace, competition is harsh, uncompromising and unyielding. We have experienced this directly in the on-going battle for survival in the banana market. The lament by the Caribbean singer applies as much for the individual poor as to the nations of the poor:

“it's a competitive world for low budget people

*spending a dime while earning a nickel
with no regards to who may tickle”*

These macroeconomic targets therefore put us on a road of tighter austerity with greater attention to things like the ratio of central government savings to Gross Domestic product (GDP), the ratio of capital expenditure to total expenditure and the rate of real economic growth. These are basic issues that no-one can or will attend to for us; these are imperatives that we must attend to if we are to assume full responsibility for our own destiny. Concerns not very different from that of the wise individual who pays attention to the ratio between what s/he makes and what s/he spends; between how much of their total household expenditure is spent on paying everyday bills as against how much is put aside for total household improvement; how much of what you earn is saved versus how much is spent. The economics of the poor uses the same simple arithmetic whether for person or nation.

Misyé Pwézidan, Misyé Speaker, pou byen mennajé nenpòt ékonomi, i ni sèten pwensip nou tout ni pou òbsèvé; sèten démach nou tout ni pou swiv, si sé pou nou pa tonbé an fayit. Sé pou nou sav ki hòtè kòfò nou, ki sa nou pé eben nou pa pé fè épi sa nou ni. Sé pou nou sav ki tan pou koupé kouti nou an byé, ki tan pou ba li gwiji, ki lè pou fofilé’y, ki lè pou koud li. Sé disisyon sala, sé disisyon nou ni pou pwan pou kò nou; nou pa sa dépan asou lézòt pou fè’y ban nou. Sé pou nou mandé kò nou si nou sa vwéman dépané kat sou, lè nou ka genyen dé sou; ében si nou pwété, ès nou sa péyé viwé. Sé pou nou pawé pou mawé wen nou lè zafè nou pa djè bèl épi aksèpté sé sakwifis-la nou ni pou fè a. Epi lè nou sa viwé asou dé pyé nou ankò, nou ni dwa fété épi wéjwi bennifis twaway nou èk sakwifis nou.

Misyé Pwézidan, Misyé Speaker, sé konsa i yé pou chaken di nou an kay nou; sé konsa i yé osi pou moun bisnis, épi sé menm konsa i yé pou péyi-a. Si nou sa kopwann pwensip senmp sala, nou kay sa adan an mètè posisyon pou endé an dévèlòpman péyi nou an. Nou kay sa apwésyé lenpotans kontwibusyon nou chak, épi nou tout, an gwo twaway la nou ni pou fè a an sé tan-an ki ka vini an, pou byen posisyonné Sent Lisi asou lawout globalizasyon-an épi konpétisyon ékonomik-la ki ka afèkté tout latè-a.

The other persistent challenge in the management of our local economy is the creation of productive employment. This is the holy grail of political economy in developing countries and every government strives to make its mark in this regard. Meaningful, sustainable jobs not only bring income to families, but also equally importantly bring dignity to the individual earner. Jobs expand participation in the economy, enliven the circulation of money and extend the circle of prosperity.

In the view of My Government, job creation is the point of intersection for economic policy and social policy. The growth and expansion of the economy and the vital needs of the person in the street converge in the employment market. My Government is pleased to note that the record reveals a significant decline in unemployment from 21.5% in 1998 to 15.7% in December 1999. The approach taken by My Government has been to encourage an acceleration of domestic investment in the production of goods and services that attract high external demand. Tourism and services in general are therefore the key growth sectors to which we are turning for sustainable employment.

For this strategy to succeed, My Government recognizes that continued investment in education and human resource development and the capacity to attract and sustain domestic and foreign investment are essential requirements. The challenges of global competitiveness compel a different modality of regional collaboration and require too a

new paradigm of education, training and human resource development. In this regard, there has been a fortuitous confluence of events. At critical hemispheric and regional levels, the agenda and imperatives of development are converging and the countries of the region are beginning to look through new windows of opportunity for longer-term solutions. The Caribbean Group for Cooperation and Development (CGCED) will be considering the economic options for the region to the year 2020 at the CGCED Heads of Government Conference in July. These options prepared by the World Bank will be looked at alongside a corresponding strategy for education prepared by a Caribbean Task Force – a unique opportunity for the region to have shaped its own agenda with the support of the multilateral agencies.

On the domestic front, as part of its effort to bring efficiency to investment and enhance our competitiveness, My Government is pleased to announce that a draft act to establish the National Development Corporation as a one-stop investment agency has been completed and will shortly be brought for the consideration of this Parliament. This legislation will require that individual ministries relinquish some of the authority that they now exercise in the broader interest of economic competitiveness.

Maintaining regional commitments

As the process of globalization deepens, the challenges posed to individual nations will increasingly require regionally coordinated responses. My Government has placed the maintenance of regional commitments high on its priority listing to ensure that our collective capability to respond effectively to external shocks is consolidated. Our support for regional institutions and regional collaboration remains unquestionable even while we insist on the necessity for every member state to accept and fulfil its obligations to these institutions. Effective regional collaboration can only be realized when all accept

their responsibility to the process and when the regional institutions accept and discharge appropriate levels of accountability to the peoples and governments of the region.

As we proceed to become full members of the Caribbean Single Market & Economy, inevitably we have to make changes to accommodate that process. These changes will usher in liberalization of labor markets, services, all encompassed within the Single Market & Economy.

Some of these changes will require adjustment. The former administration committed itself to the implementation of a Common External Tariff (CET), a critical component of the Single Market & Economy. St. Lucia cannot continue to be the odd person out. The CET had to be implemented initially in four stages. The first two stages were implemented by the former administration, leaving the last two stages to be implemented in the life of this administration. My Government understands that the conversion will not be perfect and that adjustment will be necessary but we cannot waiver in our resolve and commitment to be part of the Caribbean family mainly because of short-term discomfort. As the Report of the West Indies Commission reported in 1992: *“the history of deadlines set for achieving objectives in CARICOM is replete with repeated postponements and outright failure”* leading to public disenchantment with the regional integration process and the perception of the absence of any tangible political will to regional integration goals. The process of globalization is unstoppable in its momentum and we must recognize that it is impossible to continue to do business in the same old ways. Only by achieving the complete harmonization of the region into a Single Market and Economy can we hope to attain competitiveness.

It is important to understand that many of these processes are irreversible and unavoidable. Their short-term impact will necessarily be discomforting for some, even

catastrophic for others but ultimately redemptive to all. My Government is deeply conscious of the pain experienced in the banana sector and the sacrifice of the average farmer as this industry also experiences its own adjustment process. My Government has done as much as could reasonably be expected to ease the pain of this transition and urges farmers to hold steadfast to this path of reconstruction. In this new era, there are no godfathers; no agency or country will do for us what we are not willing to do for ourselves. We need to give much more than lip service to the notion that in these changing times, it cannot be business as usual. *It is important that we understand the implications of globalization and appreciate that, if we are to enjoy the benefits of liberalization on the part of others, we must be willing and ready to make the type of sacrifice that will allow others to benefit from our own efforts at openness.* Our options are quite simply to either adjust to the changing reality or be relegated to a permanent condition of structural irrelevance.

Misyé Pwézidan, Misyé Speaker, Sent Lisi sé an péyi pa kò'y, mé i ni lót péyi an Kawaib-la épi oliwon latè-a èvèk ki nou ni pou fè bisnis. Nou tout ja tann palé di CARICOM épi anchay sé demach-la sé difewan gouvèdman-an ka pwan pou mennen sé péyi Kawaib-la ansanm. Pafwa i ni disisyon ki ka pwan pou awivé about twavay sala, ki malèwèsman ka oblijé nou fè sakwifis. An zafè intégwasyon sala, sé bay èk pwan. Nou pa sa èspéwé jwi bennéfis sakwifis lézót tout tan, san nou pijé kò nou tanzantan. Nou tout, é patikouléman plantè fig, ja tann palé di WTO épi mannyè zafè globalizasyon sala ka afèkté endoustwi fig, pa sèlman isi an Kawaib-la, mé osi an Afwik épi an sé ti péyi Pasifik-la. Nou sav plantè fig ka soufè, mé sé fo nou kontiné fè fòs kò nou pou sovè lendoustwi-a. An lépòk globalisasyon sala, pa ni pawen ou nennenn, épi pwès pèyi ében lagens kay fè ban nou sa nou pa pawé fè pou kò nou. Nou pa sa kontiné fè bisnis kon lakoutim. Sé an lòt tan toutafè ki wivé. Sé fo nou konpwann, épi byen konpwann, ki, lé nou ka mandé moun ouvè lapot ban nou pou endé nou genyen notwi pen chack jou nou,

nou pa sa fèmé lapòt nou an fizaj lézòt ki vlé menm sa nou vlé a. Sa ki bon pou Matwen, bon pou Matiwin. Sé sa ki globalizasyon. Konsa, sé swé nou chanjé mannyè nou pou jwi bennéfis tan nèf sala, ében nou kay wété dèyé, an pawòl nou menm, kon dé talon.

Law and the Constitution

Mr. President, Mr. Speaker, my Government understands the vital need for the laws which regulate the conduct of society to be relevant, clear and up-to-date. Where social and economic practices change fundamentally and the law remains stagnant this provides the perfect recipe for less law-abiding citizens to find creative ways around the laws or to ignore these rules altogether. Most certainly, this is the kind of scenario within which people generally lose confidence in the law and come to regard it as frivolous and irrelevant to their lives.

In order to satisfy its constitutional mandate to make laws “for the peace, order and good government of Saint Lucia” the Parliament of Saint Lucia must regularly cast its eye upon the corpus of laws that regulate our daily interactions.

In Saint Lucia the two most significant body of rules are to be found in the Criminal Code and the Civil Code; which codes also contain the rules of procedure pertinent to their subject-matter. Both Codes have served us well but, in the main, they reflect the realities of the first half of the last century. Social and economic life in Saint Lucia has been transformed with the passing of the years, and as our society becomes more open to the influences of the outside world new norms, practices and habits ingrain themselves on our national landscape.

Our laws must adapt to these changes in order to permit us to conduct our affairs peacefully and to go about our daily lives in an environment free of fear.

My Government commenced during the last financial year, and will continue during this year, a programme of reform of both the Criminal Code/Code of Criminal Procedure and the Civil Code/Code of Civil Procedure.

Criminal Code/Code of Criminal Procedure

The Criminal Code of Saint Lucia contains what was intended to be an exhaustive statement of the Criminal law and was last revised in 1992. This revision however, while it consolidated the principal Act and the wide array of amendments passed in the years prior to 1992, did not radically alter either the structure or the substance of the rules themselves. So, for example, it is still an offence in Saint Lucia to roll a hogshead in the street, to be a female in male attire (presumably in trousers), to whistle without an excuse, to sing an insulting song or to fly a kite.

More importantly a number of new patterns of behaviour have taken root in recent times and these threaten the security of the person and challenge the existing law; I refer particularly to what is commonly called “stalking” and the controversial matter of the intentional transmission of the HIV/AIDS virus through sexual intercourse.

Certain other issues of critical importance are:

1. Is it reasonable to maintain the irrefutable presumption that a child under 12 years cannot commit a crime especially as a person of 12 years can give sworn evidence before a court?
2. Should obeh continue as an offence and if it does can we maintain the discriminatory penalty which subjects a woman but not a man to solitary confinement for a second conviction? and
3. Do we maintain the present silence within the code on the rape of a man and marital rape?

These and other issues must be reviewed carefully so that we produce a criminal law that is responsive to the times we live in and which affords effective protection to persons and for property.

My Government obtained the services of a consultant, who held discussions with key figures in the criminal justice system and who has prepared a preliminary Draft Report for further discussions. During this financial year the Report will be finalized and the process of drafting a new Criminal Code will commence. My Government looks forward to this process being completed by year-end.

Civil Code/Code of Civil Procedure

The Civil Code of Saint Lucia came into force in 1879 and the Code of Civil Procedure in 1882. These laws were revised in 1957 as part of the general revision of the entire body of laws of Saint Lucia. Since that time the Codes have had numerous amendments and certain articles have been repealed. All of this post 1957 legislative activity is scattered throughout the forty-two annual volumes of law produced since then; this makes access to the law and, indeed, an accurate knowledge of the state of the law, difficult.

The Civil Code contains the bulk of the civil law applicable to persons and property and consequently affects family relationship, business arrangements, ownership rights and civil procedures. Since values and beliefs underpinning the society have changed dramatically since 1879-82 many of these rules are archaic and anachronistic. Current family law regarding status (illegitimacy), succession, and inheritance adversely affects everyone, especially women and children.

For these reasons, my Government has identified Civil Code reform as a priority and the Hon. Prime Minister requested the assistance of Canada in this matter. Prime Minister Jean Chretien made a commitment to provide such assistance and following discussions between the Honourable Attorney General, and officials of the Canadian Government an agreement to undertake a reform project was signed.

The project's goal is to enhance good governance through support to the reform of the Civil Code in Saint Lucia, to assist in addressing key civil rights issues through legislative reform and public education and to assist in developing a more positive legal framework for private sector development.

The first phase will consist of the identification of a methodology or framework for the Civil Code reform that could include identification of the main legal issues or themes to be discussed and the creation of focus groups to explore potential changes and improvement of the law. A broad range of actors, representative of the whole of society, will be engaged in this consultative phase including: legal professionals, judges, social scientists, and other elements of civil society. A comparative approach will also be used within the first phase, and assistance of experts in civil code reform from other countries will be sought. As a result of these consultations, a document will be prepared under each theme to guide the legislative drafting.

The second phase will consist of legislative drafting of the Civil Code based on the results and the documents prepared from the results of the focus groups.

The third phase will focus on public education: under this phase, the new code will be publicized; training will be offered to legal practitioners, judges and staff of the Courts. Assistance in the development of a training programme and public education will be provided, based on the experience gained in the reform of the Quebec Civil Code.

My Government envisages that the Social Reform Commission will play a pivotal role in the consultation phase of this project especially in relation to discussions on issues of the family, children and young persons and associated matters. In order for this project to succeed and for Saint Lucia to enact a truly appropriate new code, our social reformers must be prepared to play a meaningful role in the process I have outlined.

It is my Government's hope that out of this project will emerge a new Civil Code which will better reflect current societal values and beliefs, provide better protection for all and in particular for women and children.

Reform of the Constitution of Saint Lucia

Mr. President, Mr. Speaker, in order to ensure effective governance to ensure that the institutions of State remain strong and responsive and that the rights and freedoms guaranteed to all persons are respected, it is necessary for a country to periodically review its Constitution. A Constitution must be capable of meeting the changing aspirations of the people and as such cannot be allowed to become unresponsive and irrelevant. Indeed the Wooding Commission of Trinidad and Tobago in its 1972 report entitled “Thinking Things Through” opined:

“A democratic constitution is a body of basic rules by which the people of a country agree to govern themselves ... But a Constitution should not be a strait jacket. It is intended to operate in a world of movement and change. Its major purpose is so to distribute functions that the right of the people to govern themselves through the institutions which it sets up will not be disregarded.”

Since that time, the conduct of Government, the right to citizenship, the extent and scope of the fundamental rights and freedoms, the powers and practices of the services commissions and other issues, have at various times been keenly debated in the media and among the general population. Now that Saint Lucia has emerged fully from the stage of adolescence to adulthood it is only fitting that the society engages in deep reflection on the instrument that lays down the fundamental pillars of our democracy.

My Government intends to launch, during this financial year, a Constitution Review Commission to guide the nation-wide consultation that will be necessary in this regard.

The office of the Attorney General is in the course of shaping the details of this major activity but even at this stage I can report to you the following:

- a) The Constitution Review Commission will be comprised of representatives of political parties, social partners, the church, labor, women organizations, youth and civil society generally;
- b) A program of public education on the Constitution will be initiated prior to the actual commencement of public hearings, to ensure that the general public approaches the consultations in an informed fashion;
- c) A program of island-wide consultations will be initiated as well as consultations with Saint Lucian nationals in other parts of the Diaspora and beyond;

It is my Government's hope that out of this process can emerge a new Constitution fashioned by our people and designed to further consolidate our democratic traditions and practices.

Conclusion

My Government continues to forge ahead in its thrust to fundamentally deepen democratic processes and structures of governance, reposition our economy for survival, sustainability and competitiveness, and develop our human resources for global citizenship. The measures undertaken in this and previous budgets that My Government has had the honor of presenting for the consideration of this Esteemed Parliament have been directed to restoring the balance between the clearer articulation of citizenship rights and the more mature exercise of citizenship responsibilities. The unprecedented pace of legislative reform is testimony to this effort. The restoration of balance between economic investment, infrastructural development and the refocusing of people

development is another dimension of that new vision that seeks to restore our vital center as a nation. In the policies pursued by My Government investment in people, investment in the social fabric and infrastructure has become a priority. Higher standards and greater accountability are the strategic goals that My Government seeks to enshrine in a new public service culture and with the continued support of the people of this beloved country and the blessings of God, we shall attain them.

On that note, Mr. President, Mr. Speaker, I am pleased to declare open the Fourth Session of the Seventh Parliament of Saint Lucia.