



MESSAGE FROM THE PRESIDENT

The Role of the President

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President of the Commonwealth of Dominica

**ON THE OCCASION OF THE
OPENING OF THE FIRST MEETING
OF THE FIFTH SESSION OF THE SIXTH PARLIAMENT**

ON TUESDAY, 29th JUNE 2004

Madam Speaker

Honourable Members of the House of Assembly

I thank you for affording me this opportunity to address you at the commencement of this your First Meeting of the Fifth Session of the Sixth Parliament. Please accept an apology from my wife for her unavoidable absence.

I extend sincere congratulations to you Honourable Prime Minister on your assumption of this high office. I need hardly mention that leadership at the highest levels demands that we undertake our tasks with humility and understanding, even while fully realising that the path ahead will not be easy. Some of the traits consistently associated with leadership are intelligence, ambition, energy, the desire to lead, honesty, integrity and self-confidence. You appear to have all these traits.

My congratulations are also extended to the Honourable John Fabien, the recently elected Member for the Grand Bay constituency. I pray that God's spirit will always be your guide in all your contributions to this Honourable House. During the Fourth Session this Honourable House was grieved by the loss of two former members and a Prime Minister. I would like to take this opportunity to add my voice to the condolences that have already been expressed in this Honourable House.

Madam Speaker, Honourable Members

The task that this Government faces is a formidable one as it tries to grapple with the difficult economic situation that this country faces. My address to you today will not, however, deal with economic matters. I will discuss a matter, which continues to occupy the attention of the population at large, and that matter is – the role of the President under our Constitution. Although this message is being delivered in this Honourable House its contents are aimed principally at the public at large, since it is generally accepted that Honourable members are already too well acquainted with the requirements of the Constitution to be reminded of them.

Our Sovereign Constitution took effect on the attainment of independence on November 3rd 1978. In it the people of Dominica affirm that our country is founded upon certain principles; express their respect for the principles of social justice; assert their belief in a democratic society; recognise the conditions

precedent for men and institutions to remain free, and make the necessary provisions for ensuring the protection of our fundamental rights and freedoms.

The Constitution establishes the office of President and provides that Parliament should consist of the President and a House of Assembly. When a Bill is submitted to the President for assent in accordance with the provisions of the Constitution, he must signify his assent. The functions of the President are prescribed by the Constitution. Any attempt, therefore, to increase the powers of the President must begin with action to be taken by the House of Assembly. Madam Speaker, Honourable Members

As the ceremonial Head of the State, the President is, as it were, the embodiment of the State, the esteemed non-party representative of the nation as a whole. He has to carry through many ceremonial duties, including visits to various institutions and parts of the country, and attendance at many functions where a symbol of unity is required to be displayed. When Heads of other States or distinguished representatives of other countries visit this country, he receives and entertains them. There is also the conferring of honours and the hosting of social functions, which are attended by people of all walks of life.

Quite often citizens do inform the President that certain actions that are being, or have been, taken may not be in accordance with established procedure. What then is a Head of State to do, if he senses, or is made aware that matters of State are not being conducted in the spirit in which they should be? Walter Bagehot the great British constitutional scholar, writing in 1867 in his classic 'The English Constitution', on the relationship between the Queen and Her Ministers expressed the need for free discussion between the Sovereign and Her Ministers in the following words:

"To state the matter shortly, the sovereign has, under a constitutional monarchy such as ours, three rights – the right to be consulted, the right to encourage and the right to warn. And a King of great sense and sagacity would want no others. He would find that his having no others would enable him to use these with singular effect."

The right to be consulted, or at least to be informed, is enshrined in our constitution. The right to encourage can always be exercised, and so too can the right to warn. But what if the warning is not heeded? The preferred view is that ultimately the matter must rest with the electorate. It is the people who possess the ultimate sanction. This is to assume that the warning is one that the population at large would widely accept as being necessary and desirable, and thus deserving their support.

The executive authority of Dominica is firmly vested in the President. He may exercise this authority either directly or through officers subordinate to him. That provision may have created in some minds the perception that it is the President who in fact runs the country. But this is not so, because the Constitution goes on to make it abundantly clear that in the exercise of his functions the President must act in accordance with the advice of the Cabinet, or a Minister who is acting under the general authority of the Cabinet; except in cases where he is required to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet; or indeed where he is required to act in his own deliberate judgment.

But the strict observance of the fundamental principle that the President should accept, and act on, the advice of his Ministers does not, however preclude the President from seeking from any reliable and responsible quarter from whence it can be obtained, the fullest and most accurate information regarding matters on which the responsible Ministers may from time to time render advice.

It is the Cabinet, therefore, which generally conducts the functions of Government. This fact is further buttressed by the provision, which states that the Prime Minister must keep the President fully informed concerning the general conduct of the government of the country, and must furnish him with such information as he may request with respect to any particular matter relating to the government of Dominica. This information is provided in the receipt by the President of all Cabinet papers and minutes, as well as by weekly consultations with the Prime Minister.

The most important political act of a President is undoubtedly that of the appointment of a Prime Minister. The choice is usually obvious and in most cases there is little or no doubt as to the person to be chosen. The essential point is that the person who is chosen should be able to command a majority in the House of Assembly, for a government cannot exist without a majority in Parliament. Circumstances may arise, however, in which the President has to make a hard choice. For example a Prime Minister may die in office and it is not immediately clear who his successor should be, or if indeed the person to be chosen should come from the political party that previously formed the government. Here the Constitution provides that the President must act in his own deliberate judgment in choosing the successor, but intense consultation may be necessary to permit him to determine whom that person might be.

When consultation becomes necessary it is preferable that the President should consult as widely as possible, taking all relevant considerations into account. One important consideration would be not only the voting patterns in the House of Assembly in the past, but also the likelihood that this pattern would continue during the life of the Government. In arriving at the ultimate decision the President must make a clear-eyed examination of the available evidence, and take an open-minded – and sometimes humbling – assessment of opposing views. The choice may be a very delicate one and may sometimes involve embarrassing complications, but every effort should be made to ensure that once it is made, that choice is the correct one, and that it is widely acceptable. Nothing could be more embarrassing than to discover later that the new government is defeated by the passage of a vote of no confidence soon after this determination.

Madam Speaker, Honourable Members

In some instances the President is to act after consultation with a person or body. Generally, “to consult” a person means to obtain the views or opinion of that person before the decision maker acts, and the advice need not necessarily be followed although it ought to be weighed seriously and taken into account when the decision is being made. But in some instances, depending on the context in which that expression is used, it could be interpreted to mean that the person consulted is to have a real input into the making of the decision.

For example the President may designate a person to act on his behalf during his illness or absence from the State after he has consulted with the Prime Minister and the Leader of the Opposition. But it would be a bold President who would designate an individual to act on his behalf if either the Prime Minister or the Leader of the Opposition has strong and serious reservations in respect of the person proposed.

Similarly, the Chief Elections Officer is appointed only after consultation with the Electoral Commission. If the Commission does not readily concur with the person to be appointed, wisdom would dictate that the appointment ought to be withheld, since the appointee is required to work very closely with the Commission.

In both of these instances, it would be expected that discussions would immediately take place between the President and the person who has expressed the reservation or the Commission, in order to arrive at a speedy resolution of the matter.

Madam Speaker, Honourable Members

The instances in which the President may act in his own deliberate judgment are very limited. Mention has already been made of the appointment of the Prime Minister. Other instances include the appointment of the Chairman of the Public Service Board of Appeal, the appointment or removal of the Leader of the Opposition; and on the recommendation of a tribunal appointed for that purpose – the removal from office of the Chief Elections Officer, the Director of Public Prosecutions, the Director of Audit, members of the Public Service Board of Appeal, members of the Public Service and Police Service Commissions and the Chairman and members of the Electoral Commission. The President does not have the power to impinge on the functions which have been laid out for others to perform, it is his duty, however, to ensure that those functions are carried out in accordance with the provisions of the Constitution.

If, despite this, questions still remain it may well be that the matter should be resolved by seeking an amendment to the Constitution. After twenty-five years a present generation may see things differently than the way in which those who were responsible for drafting the Constitution saw them then. This was recently demonstrated in an interesting debate organised by the Kiwanis club and conducted by the Wesley High school and the St. Martin's school. We also have the reports of two Constitutional Commissions that were appointed to undertake reviews. We, as Dominicans, should embrace every opportunity to discuss those recommendations and remedy what we perceive to be defects or shortcomings. We should not merely talk about them.

When President Seignoret addressed this Honourable House at the opening of Parliament in 1985 he had this to say –

"I believe that we in Dominica are experiencing the dawn of a realisation that instead of divisions and dissensions we need unity; instead of vituperation, we need co-operation; and in place of old frustrations and despair, we need the dynamism of constructive thinking and co-operative endeavour. Above all we need at least a truce in which to build the blueprints of a new dynamic society. It should be both a worthwhile and necessary exercise for us all to ponder regularly upon the true significance and meaning of the more important pillars on which our nation is founded. This should assist us to both legislate and act more responsibly, and indeed help bring unity, prosperity and development in large measure and increasing abundance".

Madam Speaker, Honourable Members

These words are as true today as when they were spoken almost twenty years ago. This is a very small country, and I would not be surprised to discover that we are all related to each other: in reality our brothers' keepers. It should not be too difficult, therefore, to attempt to close ranks, think of Dominica and work towards a brighter and more prosperous future for our beloved country.

Madam Speaker, Honourable Members

I pray for God's blessings and his peace for all Members of this Honourable House, on everyone else here today and on all the inhabitants of this country, as I extend to you every good wish for a fruitful and successful session.

I thank you for your patience and attention.