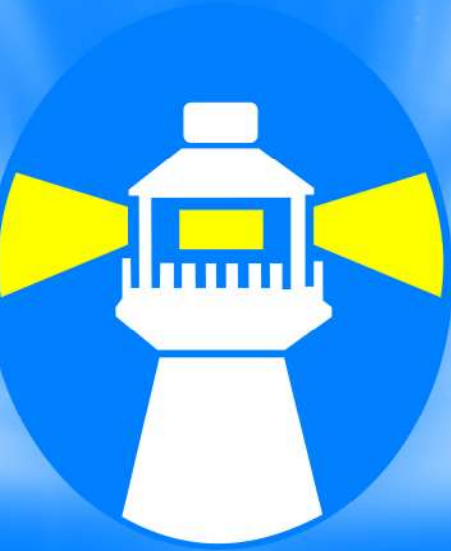




Reforming Jamaica to be the New Republic





**Proposal by the
National Democratic Movement
(NDM)**



Table of Content

Topic

Page

Mission Statement	3
The Case For Reform	4
The Current System	5
The current position of the two main political parties on Constitutional Reform?	7
A NEW CONSTITUTIONAL ORDER	8
Structure	8
Functions	8
The Cabinet	9
Special Constitutional Appointments	9
Appointment of Ambassadors and Directors of Statutory Boards and Public Corporations	9
Taxation	9
National Debt	10
Treaties	10
Legislation	10
Final Appellate Court	10
Term Limits	10
Fixed Election Date	10
Provisions for Interim Succession	10
In Summary	11
In Closing	12



Mission Statement

The Movement is committed, through political organization and leadership, to the creation and preservation of a just, peaceful, prosperous, and efficient society in which every citizen of Jamaica will be able to achieve his or her full potential with due care and regard for the rights of others.





The Case For Reform

Since its inception, the NDM has maintained that a multiplicity of issues plaguing our country are systemic, and that social and political institutions in which human activity takes place influence it.

We continue to reject the idea that prudent management of our country's affairs should depend on the reasonableness or common sense of men and women who frequently show an inclination to be unreasonable and irrational. Instead, we think that our social and political systems should be set up in such a way that they require and ensure excellent management by carefully balancing the State's powers and by ensuring strict accountability on the part of those who wield these powers on the State's behalf.

Our country has been at a particular juncture which is beset with a debilitating political culture which has held back Jamaica from achieving the level of economic growth and social development which is in line with our true potential. Jamaica is too rich to be so poor and too beautiful to have such an ugly political culture.

As we contemplate finally ending Britain's abrogation of our sovereignty by the prejudicial Act of Parliament entitled "Jamaica (Constitution) Order in Council, it is imperative that we do adequate research of the constitutional models that fit the objective, obtaining data and information to make an objective comparison with other sovereign countries to analyze the effectiveness of institutions of governance that have developed over the years. We can then create the right Constitution to make Jamaica a truly Sovereign Democratic Republic..

THE TIME FOR CHANGE IS NOW!!!



The Current System

The current Westminster system was designed under the assumption that individuals in positions of authority would serve with honour and integrity. It still operates in Great Britain without a written Constitution because of this presumption and their strong conventions!

The Westminster model's adoption in Jamaica has been perverted to exploit the people over a long period of time, and officially relegated to the arena of "a fight for scarce benefits and political spoils carried on by hostile tribes, constantly at war, dividing rather than uniting the nation."

The "Garrison" style political culture, practiced by our two major political parties has eroded our social, ethical, and moral fabric and further compromised our national security.

The massive concentration of power in the Executive, and more specifically, in the hands of the Prime Minister, which undercuts the true function of Parliament and robs the people of meaningful representation, is the hallmark of the Westminster system without good conventions. Dissident opinions can be readily disregarded in the face of a railroading majority, rejecting consensus and working against national unity.

The "winner takes all" system has been and continues to be the foundation for political tribalism, garrison politics, and the misappropriation of public resources which is used to perpetuate it. The intrinsic volatility of the system creates a sociopolitical atmosphere that is unfriendly to investment.

Low voter turning out due to intimidating violence, disenfranchisement of over a million Jamaicans in the diaspora with no other nationality, and the resulting illegitimate no-mandate Government are corruptly legitimized entrenched practices of the Jamaican perversion of the Westminster system.

Our history has shown that the system has created and maintained the fertile environment for misappropriating public resources to buy party loyalty and votes in a culture of reliance on the political ruling parties. This process directly leads to the mendicancy virus, which afflicts so many of our people.

The NDM remains resilient and resolute in rejecting the current system in which a British King or Queen has the title of Sovereign Head of State for Jamaica.

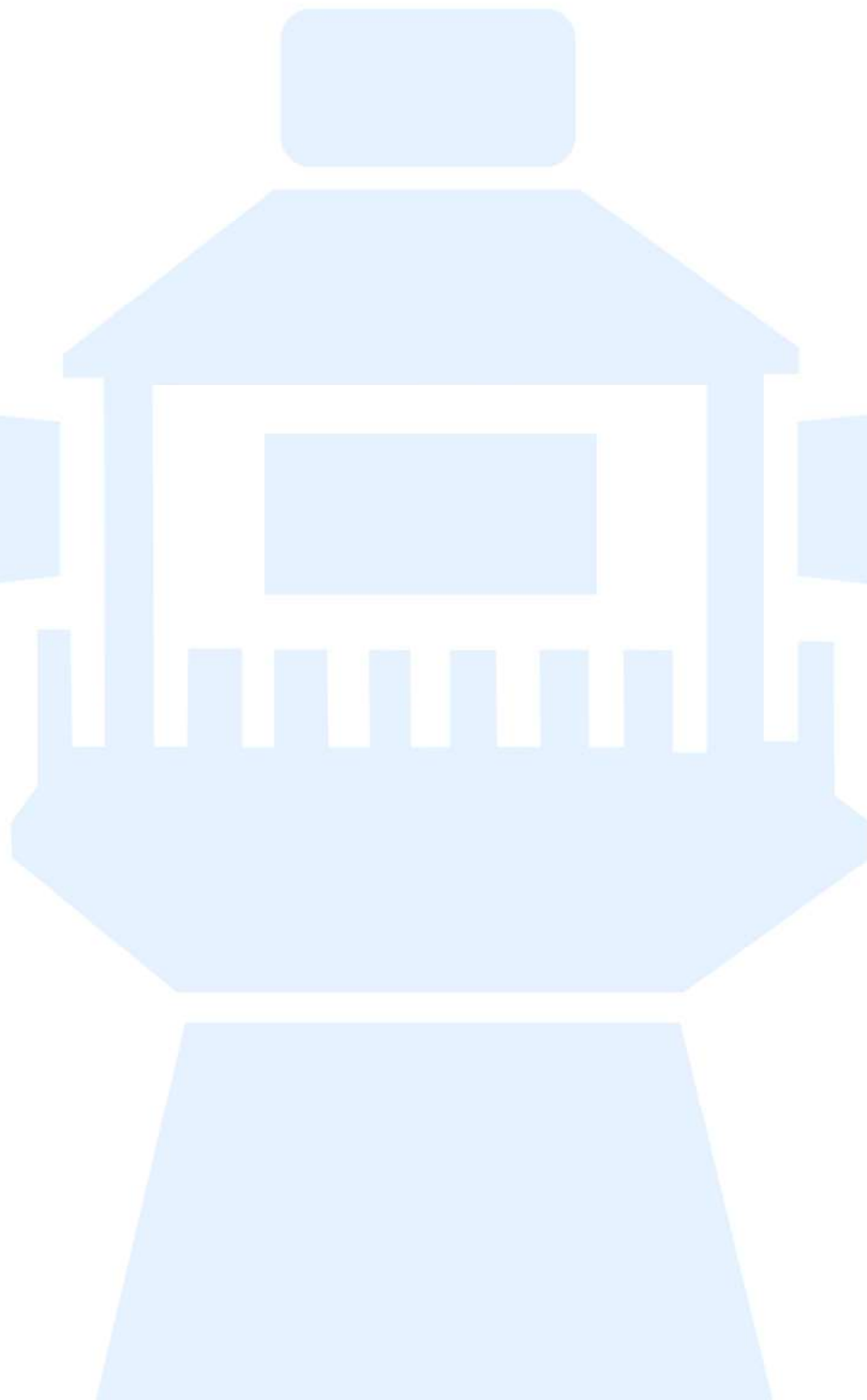
Power belongs to the PEOPLE and therefore the PEOPLE should hold the sovereign authority over our country. The swearing of allegiance must be to the People and Constitution of Jamaica **who must elect all those who govern the affairs of the country, not to rule over the People.**

We are committed to the principles that:

- (a) Each person has some inalienable basic rights that cannot be taken away without due process and cannot be subject to the exercise of any authority. The PEOPLE, through suitable constitutional arrangements, vest some of these powers in the State to be used as specified in those arrangements for and on behalf of the PEOPLE. This is done for the sake of maintaining good order and advancing the common welfare.
- (b) The sanctity of the Rule of Law.
- (c) A system of democracy in which the people are governed by representatives freely and fairly elected and accountable to them.
- (d) That the state must exercise no power that is not vested in it by the people.

We strongly believe that the best way to ensure that the vested powers are used for and on behalf of the PEOPLE is to distribute them among various State functionaries in a way that allows for accountability between those who use them and reduces the potential for abuse, tyranny, and oppression.

Therefore, we are committed to the effective separation of powers between the Executive, the Legislature and the Judiciary for greater accountability and transparency.





The current position of the two main political parties on Constitutional Reform?

Up to the date of the publication of this document we have not heard the details of the constitutional reforms that are being proposed by the Governing and main Opposition parties in the current Parliament apart from removing British Monarch as Jamaica's Head of State. Their reported mutual position is the replacement of King Charles III and his local representative, the Governor General, with a ceremonial President which is to be nominated by the Prime Minister after "consultation" with the Leader of the Opposition and voted on by the Parliament.

It is noteworthy that the only point of departure relates to whether both chambers of parliament should sit jointly or separately when taking this vote.

The NDM maintains that this is a defiant act that is egregiously inconsistent with the adoption of a completely different system of Government. It is not a step in deepening our democracy, nor will it foster greater accountability and transparency.

Is it enough to just get rid of the British Monarchy as Jamaica's Head of State and install a local ceremonial figurehead as Head of State?

We look forward to hearing the full details of their reform agendas to see what they have in store for the people of Jamaica, and for the people to get the Constitution they want – Not just what our political leaders want for us!



A NEW CONSTITUTIONAL ORDER

The National Democratic Movement (NDM) proposes a system which engenders stricter separation of powers instead of one which merely replaces the British ceremonial head of state with a local one who continues to function in the same manner as under the current Westminster model of government, with the conflicting overlaps which undermines the doctrine of separation of powers.

To strengthen our democracy and advance greater accountability and transparency, the NDM has proposed changes that include an Executive Head of State who is directly elected by the People. The Head of State could be called Prime Minister or President. However, since we intend to depart from the Westminster model, the title of President would be most appropriate.



Structure

The **President** as the **Head of State**, elected directly, together with a Deputy will lead the Executive arm of government, whereas the elected **Representatives/Members of Parliament**, voted for on separate ballots, will form the **Legislature**. The election can be conducted on the same day.

Given the significant power which is reposed in **the Senate** it is unwise to have such an important body being appointed by two individuals (the Prime Minister and Leader of the Opposition) as currently obtains. Senators should be elected by the people of Jamaica on one (1) of the following bases:

- (a) DIRECT ELECTION of 26 Members by the people, with each parish having two (2) Senators voted in by the electors in each parish, on a separate ballot on Election Day OR 21 Members directly elected by the people in each parish, with each parish having two (2) Senate seats, with the exception Hanover, Portland, St. Mary, St. Thomas and Trelawny which would have one (1) Senate seat each based on their relatively small population size (which is currently at an average of less than 100,000 persons each). OR
- (b) PROPORTIONAL REPRESENTATION: Senate seats being allotted to each political party based on the proportion of the national popular vote obtained on the Parliamentary ballots in a general election, with the party gaining a minimum of 5% of the vote being entitled to one (1) Senate seat.

The judiciary should comprise Supreme Court Judges proposed by the Independent Judicial Services Commission based on legislative criteria and confirmed based on public hearings by a Committee of the Legislature, and District Judges and Lay Justice appointed by The Cabinet/Minister of Justice on recommendation of the Judicial Services Commission and the governing body of the Lay Magistrates, respectively.

The Chief Justice should be sworn-in by the Speaker of the House of Representatives in joint sitting.

The Chief justice would swear-in the President, Vice President and Members of the Cabinet.



Functions

The President will head **the Executive** and would be responsible for the control and direction of policy which would include the executive management of State services as well as Budget preparation and implementation.

The Legislature comprising the House of Representatives and the Senate should be responsible for enacting the legislation, approving budgetary expenditure and exercising oversight functions on the Executive and should have final authority on matters pertaining to the imposition of taxes and increase in the national debt beyond statutory limits.

The Judiciary should be responsible for adjudicating questions of law and interpreting the provisions of the Constitution.



The Cabinet

The Cabinet should consist of the President, Vice President and not more than twelve (12) members nominated by the President and approved by the Senate with a simple majority after a public hearing.

If a nomination is rejected by the Senate, it may be vetoed (resubmitted) by the President once, within that legislative year and can only be rejected again by a two-thirds majority of the Senate. Statutes should establish the Ministries to which Cabinet nominations are to be made.



Special Constitutional Appointments

Appointments to sensitive positions such as the Services Commissions (Public, Judicial, and Police), the Electoral Commission, the Integrity Commission, and the positions of Contractor General, Public Defender, Prosecutor General, Commissioner of Police and Governor of the Central Bank should be appointed in a manner which will encourage consensus and national unity. To this end the appointments should be based on nominations made by the Prime Minister and confirmed by a majority of not less than two-thirds of members of each House of Parliament.

The foregoing Parliamentary Commissions should be replaced by Legislative Authorities. Among these Authorities there should be Judicial Authority, National Finance & Treasury Authority and Integrity Assessment Authority, Lethal Force & Firearm Authority, Independent Investigative Authority, Criminal Prosecution Authority, National Public Service Authority, National Formulation Authority, National Consumer Protection Authority, National Revenue Authority, National Election Authority, and a National Service Regulation Authority.

None of these should report to Cabinet but the people who head them, and their Deputies, should be accountable to the House of Parliament which will have oversight.



Appointment of Ambassadors and Directors of Statutory Boards and Public Corporations

The President should make nominations for the positions of Ambassadors and Directors of Statutory Boards and Public Corporations, which must be approved by a simple majority of members of each House of Parliament.

If a nomination is not approved by either House, it may be resubmitted once within that legislative year and can only be rejected again by a two-thirds majority of either House.



Taxation

Taxes should only be levied through a Special Bill authorized by the Legislature. The current practice under the Provisional Collection of Tax Act, which allows the Minister of Finance to levy taxes without legislative consent, should be repealed and prohibited by the Constitution.

A tax-imposition bill should only be started by the President and submitted to the Legislature. It would take effect only if approved by a majority of the House's members. If it is rejected by the House of Representatives, it cannot be reintroduced in the same form during that legislative year.



National Debt

A limit on the amount of national debt expressed as a percentage of Gross Domestic Product (GDP) should be established by an appropriate constitutional provision.

Within the limits imposed by the Constitution, the Legislature, by statute, would prescribe the maximum amount of national debt, which may at any time be outstanding.

Subject to the ceilings imposed by the relevant constitutional provision, a Bill to increase the limit of national debt may be submitted to Parliament by the President or may be introduced by a member of either House, but, if rejected by either House, it could not be resubmitted or reintroduced in that House in the same form within that legislative year.



Treaties

Any treaty to be entered into with a foreign State should be submitted by the President to Parliament. If a treaty is rejected by either House, it may be resubmitted once within that legislative year and, on such resubmission, can only be again rejected by a two-thirds majority of both Houses.



Final Appellate Court

The people of Jamaica should decide on our final Appellate Court in a referendum, on a separate ballot.



Term Limits

The President and Vice President should be elected for a fixed term of five years and would be eligible to serve no more than two (2) consecutive terms.

Legislators would be elected for a fixed term of five years and would be eligible to serve no more than four (4) consecutive terms.



Fixed Election Date

Elections (General Elections) to elect the President and Legislators should be held on a fixed date every five years. Elections for Mayors and Municipal Councils should be held on a fixed date every Three (3) years.



Provisions for Interim Succession

In the event of the President's death, resignation, or removal, the Vice President takes over for the remainder of the term. In the absence of a Vice President, a by-election to fill both vacancies for the remainder of the unfinished term should be held within thirty (30) days. During that 30-day period, or if similar vacancies develop within six months of the date when normal elections are scheduled, the Majority Leader of the Legislature should be appointed as Interim President.

In the event of the Vice President's death, resignation, or removal, the President should recommend a successor, for which nomination should be submitted to the Legislature but could only be rejected by a two-thirds majority of those members.

In the event of the death, resignation, or removal, of a Legislator, Mayor or Parish Councillor a by election should be held in that constituency within sixty (60) days to fill the vacancy for the remainder of the unfinished term, provided that the vacancy does not occur within six months of the date when normal elections are scheduled.

In the event of a Senate member's death, resignation, or removal, a successor should be selected in the same manner as the original member and serve for the duration of the unfinished term.



In Summary

The President of Jamaica must be elected and be head of state and head the government. The Parliamentary or Congressional Legislature must be sited on the King's House lands to reinforce the change to full democratic sovereignty.

The Head of State should be directly elected by the people on a separate ballot from Members of the Legislature and members of the President's Cabinet cannot sit in the House of Representatives simultaneously.

The Cabinet should be made up of the best available minds and talents regardless of their political affiliation or none thereof.

The Senate should be elected directly or on the basis of proportional representation.

There should be term limits for the head of state and there should be fixed dates for general and local government elections.

Appointments to sensitive positions should be confirmed by a two thirds majority of the Senate.



In Closing

From our inception in October 1995, the NDM has been at the forefront in advocating for fundamental changes to Jamaica's political system to give our country the necessary breathing space to move forward.

The winner takes all system does not allow for our country to "breathe". It does not create an environment in which our country Jamaica, Land we love, can achieve the level of economic and social development which is in line with our true potential.

The people, NOT Parliament, must be sovereign and their inalienable, fundamental rights enshrined and always protected.

It is time to give the power which belongs to the People TO the PEOPLE.

It is time to cultivate the next generation of great progressive leaders, a generation where the best minds and most qualified persons will be Ministers of Government, rather than Members of Parliament who:

1. May not be qualified for the post.
2. Already have too many responsibilities to serve their constituencies - law making and other parliamentary committee functions. Further, MPs should be given appropriate job descriptions to carry out their obligations to their constituents and the country.
3. May be conflicted by the overlaps of working in more than one capacity within the three branches of the State (i.e., the Executive, Legislature and Judiciary).

It is also time to cultivate the next generation of patriotic, responsible, and well-thinking Jamaican citizens. To this end we must include in our school curriculum the teaching of good values, attitudes and what it means to be a good citizen.

The people of Jamaica must be given enough time and exposure to all the various options under the proposed Republic before they vote in the upcoming Referendum.

Good governance must be of the people by the people and for the people. It is not enough to merely talk about transparency, accountability, and fair play. Instead, we must take necessary measures which will lead to compliance – an overhaul of the system which will give us a greater chance of accomplishing our objective of building good governance. This has always been and continues to be the mandate of the NDM.

Let us now take the opportunity to not only remove the British Monarch as our head of state but to take the time to overhaul the system and restructure it to deliberately create a new political order which will deepen our democracy, uphold greater separation of powers and usher in a new political culture which will make it more conducive to the best minds being engaged in the running of our country – Jamaica, land we love!

We believe that our proposed reform of the structure of government offers our country the appropriate framework through which the Jamaican people can be mobilized to reclaim our country, restore our system of values, and recapture our sense of community and work together to achieve lasting peace and prosperity.

Presented on behalf of the
National Democratic Movement by
Peter A. Townsend, LLB (Hons)., CLU, ChFC

May 5, 2023



National Democratic Movement (NDM)

RENEWING HOPE



JAMAICA

