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Jamaica's Long and Winding Road to Becoming a Republic

By Derek O'Brien, 30 June 2022



Minister of Legal and Constitutional Affairs, Marlene Malahoo Forte (photo credit Donald De La Haye / Jamaica Information Service)

Jamaica's new Constitution Reform Committee is tasked with reviewing the 1962 Constitution with the goal of facilitating the country's transition to a republic. Unlike the four states that have become republics in the English-Speaking Caribbean, in Jamaica such a change would require a referendum – currently scheduled for 2025. Before that time, the Committee must produce its recommendations in a timely fashion to allow the government to mobilise public opinion in advance of the referendum. To increase the likelihood of passing, the removal of the Queen as head of state must not be subsumed in a package of other, less popular, constitutional reforms, and the opposition must not seek to use the forthcoming referendum for its own political advantage – writes Derek O'Brien

Introduction

With a view to facilitating the country's transition to a republic, the Jamaican Government has created a new Ministry (the Ministry for Legal and Constitutional Affairs) which, in turn, has established a

Constitutional Reform Committee (CRC). Though the precise composition of the CRC has not yet been specified, it will [include](#) “representatives from the Government, Parliamentary Opposition, relevant experts, and the wider society.” The CRC has been tasked with [conducting](#) a “thorough and comprehensive review” of the 1962 Constitution, including the 2011 [Charter of Fundamental Rights and Freedoms](#) and various recommendations for reform made from [previous constitutional reform commissions](#). Its goal is “ultimately, to implement an ambitious reform agenda.”

If Jamaica, which it should be remembered was the first country in the English-Speaking Caribbean (ESC) to gain independence, does finally become a republic, it will join the four existing republics in the ESC: Guyana, Trinidad and Tobago, Dominica, and Barbados. The aim of this piece is to explore the process that led to each of these countries becoming republics and the lessons they offer to Jamaica as it embarks upon the road that it is hoped will ultimately lead to republican status.

The four existing republics in the ESC

The first country in the ESC to become a republic was Guyana. This came about as a result of the inclusion of a provision in the 1966 independence Constitution – Article 73(5) – which allowed for Guyana to become a republic if the National Assembly decided by a majority vote of all its elected members after 1 January 1969. This was a relatively easy hurdle to overcome since the People’s National Congress (PNC), which had previously advocated for Guyana to become a republic following independence after a brief period as a constitutional monarchy, won 30 out of the 53 seats in the 1968 general elections. With a majority of votes assured, the PNC wasted no time in implementing Article 73(5) and Guyana became a republic in 1970. As the Minister of Information at the time [explained](#), this was a crucial step in achieving meaningful decolonisation.

Trinidad and Tobago was the second country in the region to become a republic in 1976. It did so against the backdrop of the rise of the Black Power Movement in the region and the serious civil unrest which had engulfed the country, culminating in the declaration of a State of Emergency in 1970. The adoption of republicanism had been recommended by a CRC (the Wooding Commission), established by the People’s National party (PNP) as a way of responding to this unrest. According to the [Wooding Commission](#), the time had come to forge a new identity, “leaving behind the colonial heritage of subjection, imitation and external dependence.” Though reform of the Constitution to replace the Queen with a President as head of state required the support of a three-quarter majority in the House of Representatives, this was not an obstacle because the PNP had won all 36 seats in the House of Representatives in the 1971 elections.

Two years later, in 1978 Dominica became a republic, but here the process was much more straightforward. This is because Dominica embarked upon independence as a republic. This was the result of a compromise brokered by the UK Government to break the deadlock that had arisen during the independence negotiations between the governing Dominica Labour Party, led by Patrick John, which was initially opposed to republicanism, and the Dominica Freedom Party, led by Eugenia Charles, which was advocating for a US-style executive presidency. The compromise was a ceremonial President as head of state.

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The most recent convert to republicanism in the region is Barbados, which became a republic in 2021 as the first part of what has been described as a two-stage process. The first part of this [process](#) comprised the passage of the Constitution (Amendment) Bill 2021, which essentially transferred the functions and powers of the Governor General (the Queen's representative on the island, nominated by the Prime Minister) to an elected President. Because this involved an amendment to the Constitution it required the approval of two-thirds of the members of both houses of Parliament. The Barbados Labour Party, which had campaigned on a promise that Barbados would become a republic, won a landslide victory in the 2018 elections and gained all 30 seats in the House of Representatives and 21 out of 30 seats in the Senate, so securing the necessary majorities was never in doubt.

Lessons to be learned from the other republics in the ESC

Two features stand out from this review of the process by which each of the above countries became republics. The first is that, except for Dominica where republicanism was baked into the Constitution from the outset, the governments of the other three countries that became republics did not need to rely on cross-party consensus to achieve the special legislative majority required to amend the constitution. In each case, the governing party had the numbers needed in the lower house to pass the legislation amending the constitution without having to rely on the support of the opposition party. It is true that in Trinidad and Tobago and Barbados, unlike Guyana which has a unicameral parliament, the support of two-thirds of the Senate was also required. This meant that in both these countries opposition senators could potentially have vetoed constitutional reform. This did not happen, however, and in the case of Barbados, at least, the Constitution (Amendment) Bill won the unanimous support of the Senate as well as the House of Representatives. In Jamaica, currently the Jamaica Labour Party (JLP), occupies 49 of the 63 available seats in the House of Representatives and so has the numbers necessary to secure the two-thirds majority in that House required to reform the Constitution without needing the support of the Opposition People's National Party (PNP). However, the JLP will also need the support of at least one PNP senator to achieve a two-thirds majority in the Senate. At present the PNP is supporting the transition to republicanism, but whether it will maintain its support, especially if republicanism is linked to more root and branch reform of the Constitution, is discussed further below.

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The second feature that stands out and which distinguishes the process of constitutional reform in Jamaica is that a referendum was not required in these other countries for them to become republics. By contrast, for Jamaica to become a republic the JLP needs, in addition to the support of two-thirds of both Houses of Parliament, the support of a majority of voters in a referendum: this is far from a given. The post-independence history of the ESC is littered with examples of unsuccessful attempts by governments to persuade voters to support constitutional reform when asked to do so in a referendum. The list includes St Vincent and the Grenadines in 2009; the Bahamas in 2002 and 2016; Grenada in 2016 and 2018; and Antigua in 2018. Though there are a variety of explanations for why the government in each of these cases failed to win support for their proposals for constitutional reform, one common denominator is

bipartisanship. In almost every case, the political consensus evident at the start of the process had evaporated by the time of the referendum as opposition parties sought to exploit the referendum for political advantage by transforming it into a vote on the performance of the government rather than the merits of the constitutional reforms that were being proposed. As noted above, the opposition PNP currently supports Jamaica becoming a republic. However, the question is whether the dynamics will change by the time of the referendum, which is currently scheduled to coincide with the next general election in 2025. There are hints that the Opposition are already frustrated by the Government's insistence upon a "thorough and comprehensive review" of the existing Constitution before Jamaica becomes a republic. In the Opposition's [view](#), "the relevant parameters for Jamaica to become a republic have already been agreed upon arising from the extensive constitutional reform consultative processes over the past 25 years."

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The Government's determination that the transition to becoming a republic should be seen as only one element of a much wider ranging reform of the existing structure of government is in marked contrast to the strategy adopted in Barbados, where the Government was very careful to separate the issue of becoming a republic from other proposed reforms to the Constitution by proceeding in two stages. Only after it had succeeded in passing the necessary legislation to become a republic did it proceed to the second stage of exploring more wide-ranging reforms to the Constitution. It may be that this strategy was influenced by the experience of the St Vincentian government, which asked its citizens to vote on a voluminous package of constitutional reforms in the unsuccessful 2009 referendum. Not only did the opposition New Democratic Party withdraw its support for these reforms shortly before the referendum but, as the Prime Minister Ralph Gonsalves ruefully noted afterwards, there had been too many issues for the voters to consider. In retrospect, it would have been better for the government to focus on a few reforms, rather than an extensive root and branch overhaul.

Even the decision to establish a CRC to conduct a comprehensive review of the Constitution as a prelude to constitutional reform is not without its problems. Jamaica's most recent constitutional reform, the Charter of Fundamental Rights and Freedoms (the Charter), which amended Chapter III of the 1962 independence Constitution, was the culmination of a two-decades-long process. This course began in 1991 with the establishment of a Constitutional Commission which was tasked with formulating recommendations for constitutional and electoral reform. Though the Constitutional Commission did manage to produce a draft Charter in 1995, it was a further 16 years before the Charter was finally approved, subject to several amendments, by the Jamaican Parliament in 2011. In this context, the Government's [declaration](#) that there are "many steps to take between now and tabling a new constitution" sounds rather ominous.

Conclusion

It is, of course, always possible that Jamaica will buck the trend and become the first country in the region to win popular support for the reform of its Constitution in a referendum. Polls [currently show](#) that voters would support the declaration of a republic and protests during the recent royal visits to the region would appear to confirm that popular sentiment is in favour of removing the Queen as head of state. The cause of republicanism in the region is also benefitting from its close association with the now-global Black Lives Matter movement, the Windrush scandal, and the growing demand for reparations for slavery. However, the history of the ESC tells us that for Jamaica to become a republic at any point in the near future the

following needs to happen: the PNP must continue to support the government in its efforts to reform the Constitution and must not seek to use the forthcoming referendum for its own political advantage; the removal of the Queen as head of state must not become subsumed in a package of other, less popular, constitutional reforms; and the CRC must produce its recommendations for reform in a timely fashion to allow the government to mobilise public opinion in favour of its constitutional reforms in advance of the referendum, [currently scheduled](#) for 2025.

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