



MINISTRY OF LEGAL & CONSTITUTIONAL AFFAIRS

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MINUTES

53rd Meeting of the Constitutional Reform Committee (CRC)

Venue: Ministry of Legal and Constitutional Affairs

Date: November 13, 2024

Time: 11:30am

AGENDA

1. Call to Order
2. Prayer
3. National Pledge
4. Apologies for Absence/Lateness
5. Confirmation of Agenda
6. Confirmation of the Minutes of the 52nd Meeting of the CRC
7. Matters Arising
8. Revised Recommendations for Implementation in the Bill
9. The Draft Bill
10. Any Other Business
11. Date and Time of Next Meeting
12. Adjournment

ATTENDEES:

- Honourable Marlene Malahoo Forte, KC, JP, MP (Chairman)
- Ambassador Rocky Meade, CD, JP, PhD (Co-Chairman – Office of the Prime Minister)
- Dr Derrick McKoy, CD, KC (Attorney General of Jamaica)
- Dr Elaine McCarthy (Former Chairman – Jamaica Umbrella Groups of Churches)
- Mrs Laleta Davis Mattis, CD, JP (National Council on Reparations)
- Dr Nadeen Spence (Civil Society – Social and Political Commentator)
- Mr Sujae Boswell (Youth Advisor) *via video link*
- Professor Richard Albert (International Constitutional Law Expert – University of Texas at Austin) *via video link*

Secretariat

Ministry of Legal and Constitutional Affairs

- Mr Wayne O Robertson, JP – Permanent Secretary
- Ms Nadine Wilkins – Director of Legal Reform
- Ms Judith Grant – Chief Parliamentary Counsel
- Mr Christopher Harper – Senior Director, Constitutional Reform
- Mrs Cheryl Bonnick Forrest – Senior Director, Strategic Planning (Actg.)
- Ms Nastacia McFarlane – Director, Corporate Communications and Public Relations
- Mr Philip Cross – Senior Constitutional Reform Officer (Actg.)
- Ms Shereika Mills – Constitutional Reform Officer (Actg.)
- Mr Ivan Godfrey – Legal Education Officer
- Mr Makene Brown – Legal Officer
- Mrs Shawna Kaye Taylor Reid – Administrative Assistant (Actg.)

1. CALL TO ORDER

- 1.1.** The meeting was called to order at 11:49am by the Chairman, the Hon. Marlene Malahoo Forte when quorum was achieved.

2. PRAYER

- 2.1. Prayer was led by Dr Derrick McKoy.

3. NATIONAL PLEDGE

- 3.1. The National Pledge was recited.

4. APOLOGIES FOR ABSENCE/LATENESS

- 4.1. Apologies for absence were received from Senator Donna Scott-Mottley, Dr Lloyd Barnett and Dr David Henry.

5. CONFIRMATION OF AGENDA

- 5.1. The Agenda was confirmed without amendment on a motion by Dr Derrick McKoy and seconded by Dr Nadeen Spence.

6. CONFIRMATION OF MINUTES OF THE 52ND MEETING

- 6.1. The Minutes of the 52nd Meeting of the Constitutional Reform Committee held on November 6, 2024 were corrected and confirmed on a motion by Dr Nadeen Spence and seconded by Dr Derrick McKoy.

7. MATTERS ARISING

- 7.1. The Chairman stated that having examined the provisions related to disqualification from membership in the Parliament, Members regarded the issue of conflicting allegiance as significant. She noted that while no decision was made at the last meeting, Members tended to lean in favour of retaining the provisions in the current Constitution related to conflicting allegiance. She recalled that there were strong views within the public domain that Parliamentarians should only have Jamaican citizenship. She, however, noted the difficulty posed for those who acquired other citizenship automatically under a foreign law, without having taken any active step to acquire such other citizenship.
- 7.2. The Chairman then stated that the other matter arising concerned the body to confirm the nominee for President. She noted that while the meeting indicated that the two proposals (a joint sitting of both Houses and an expanded body including local government

representatives) should be put forward for consideration, most Members considered that the scheme of the joint sitting would be disrupted having regard to the fact that a joint sitting was not only required to confirm the Presidential nominee but also to remove the President. Members therefore expressed a preference for the initially proposed scheme.

8. REVISED RECOMMENDATIONS FOR IMPLEMENTATION IN THE BILL

- 8.1.** The Chairman advised the meeting that she had in her possession a draft Bill dated November 13, 2024, indicating that while it was an updated draft, it was not final. She further advised that a draft Bill was usually checked internally, in the Ministry, before it proceeded to the Drafting Strategy Sub-Committee or the Committee itself. She stated that while she was expecting the draft Bill before the meeting so that the relevant checks could have been done internally, she only received it that morning. Accordingly, it was subject to check and reconciliation, as issues raised by the Chief Parliamentary Counsel were to be answered.
- 8.2.** The Chairman stated that the content of a Bill was not usually made public before it advanced to a certain stage. Nevertheless, she shared the content, for the consideration of and feedback from Members, while committing to bring back to the Committee any updated version after the internal Ministry team conducted its review and reconciliation. She pointed out that aspects of the work could not be delegated by the Ministry or the government to the Committee.

9. THE DRAFT BILL

- 9.1.** Mrs Davis Mattis congratulated the Chairman, the Drafting Strategy Sub-Committee and the staff in getting to this stage and enquired whether they would be able to obtain a copy of the Bill.
- 9.2.** The Chairman reiterated that there was some further work to be done before it was presented to the Committee, as the version of the Bill reported on was only received that morning. She stated that it was the intention of the Ministry to use the remainder of the month of November to take the necessary steps required to get the work to the stage where the Bill could be formally presented to the Cabinet for approval for tabling in the Parliament.
- 9.3.** Mr Boswell thanked the Members of the Drafting Strategy Sub-Committee for their tremendous effort. He stated that it was a significant milestone which should be commended.

He also thanked the Members of the Secretariat who worked behind the scenes to support the process.

- 9.4.** Dr Spence stated that the presentation of a draft Bill to the Committee was an achievement. While the Committee played its part, she congratulated those who stayed faithful to the task, working through the many difficult conversations. She also thanked those who worked behind the scenes, noting their professionalism. She then expressed her gratitude to the Chairman for her leadership as the preparation of a Bill was as a result of her focus on achieving the goal.
- 9.5.** Dr McCarthy expressed commendation to the entire team noting that the Committee, with the help of the staff, was able to get to the point of being able to submit a Bill to the Parliament.
- 9.6.** The Permanent Secretary expressed his gratitude to the internal technical team comprising Mr Christopher Harper, Senior Director, Constitutional Reform, Mr Makene Brown, Legal Officer, Ms Shereika Mills, Constitutional Reform Officer and Mr Philip Cross, Senior Constitutional Officer who worked assiduously to support the legislative process. He also thanked Ms Nadine Wilkins, Director of Law Reform who was constant in all things legal and Ms Judith Grant, Chief Parliamentary Counsel, without whom the Bill would not have been prepared. He also expressed gratitude to Mrs Shawna-Kaye Taylor Reid who provided excellent administrative support.
- 9.7.** The Chairman expressed the view that the pursuit of the constitutional reform goals in Phase 1 of the work was a righteous cause. She stated that she was determined that nothing would prevent the Committee, under her chairmanship, from achieving its goals. She also expressed her gratitude to all, specifically acknowledging Professor Richard Albert as a tower of strength and support and Ambassador Rocky Meade, as Co-Chair, for his leadership and strategic direction. They were both present virtually.
- 9.8.** The Chairman also advised that, at this juncture, any further deliberations would have to be done through the parliamentary process, in the interest of time. She stated that there was a proposed timeline to be shared for the remaining steps, after the Ministry conducted its internal review.

10. ANY OTHER BUSINESS

- 10.1.** The Chairman advised that for the first time in Independent Jamaica, the Ministry has been able to produce a consolidated version of the Constitution of Jamaica with a cover in the national colours. She stated that the consolidated version would be formally presented to the Parliament when the Bill is tabled. She further stated that it was in Jamaican colours to signal the transition and that as the republic of Jamaica emerged, a newer version would be produced.
- 10.2.** Dr McCarthy enquired into the role of the CRC after the Bill has been tabled in the House of Representatives.
- 10.3.** The Chairman informed Members that the Ministry contracted a Public Relations firm to deal with the matter of public engagement. She stated that the Permanent Secretary would be able to update Members.
- 10.4.** The Permanent Secretary advised that the Ministry initiated a procurement process to engage the services of a qualified firm to manage weighty aspects of the Road to Republic Campaign. He stated that the Public Procurement Commission (PPC) had provided the Procurement Unit of the Ministry with a verbal indication of their endorsement. He further stated that normally a letter is issued to the Ministry informing that the PPC has reviewed the submission and is willing to endorse the recommendation to award contract to a firm in the sum of just over Sixty Million Jamaican Dollars (JMD 60M). Once the Ministry is in receipt of that letter, a Cabinet Submission will be prepared and submitted to the Minister for review, following which, it will be immediately forwarded to Cabinet for approval. He then stated that once Cabinet approved the submission, the Ministry would seek to implement the contract.
- 10.5.** Dr Spence advised that International Institute for Democracy and Electoral Assistance (IDEA) agreed to visit Jamaica in January to engage the CRC and members of the Ministry, Civil Society and Academia around Constitutional Reform. She stated that she was in the process of putting together a programme which would be shared with the Ministry ahead of their arrival.

11. DATE AND TIME OF NEXT MEETING

11.1. The Chairman indicated that the next meeting of the CRC would be held on Wednesday, November 20, 2024, but should there be any change in the schedule Members would be advised.

12. ADJOURNMENT

12.1. There being no other business, the meeting was terminated at 1:00pm on a motion by Dr Nadeen Spence, seconded by Dr Elaine McCarthy.