



# THE ANTI-CONSTITUTION MANNING'S 2009 DRAFT

A response by the  
Congress of the People  
Constitution Committee

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## **THE ANTI-CONSTITUTION – MANNING’S 2009 DRAFT**

*“Democracy is but a hollow mockery and a gigantic fraud (if it) is based on a ruling group's domination”* (Excerpt from Independence Day speech given by Dr. Eric Williams).

**T**he process by which one arrives at a Constitution is as important as the content of the Constitution itself. Indeed public participation in the process is a vital part of nation-building which is so very important in a plural society. If we fail to engage the public in such process how are we ever going to achieve a common vision so essential to our development. A failure to allow for such participatory democracy will guarantee that we will remain a divided society and ultimately a failed state.

In 2007 on the instructions of Mr. Manning a number of consultations took place in which the public was invited to submit its responses to the draft 2006 Constitution laid in parliament. Ostensibly these consultations were to gauge the views of the public on matters related to the proposed Constitution. Yet to date the Report submitted to Mr. Manning has not been made public and no suggestion has been made that the 2009 Working Draft takes into account any of the views expressed by the public during such consultations.

The **Congress of the People (COP)** insists that this 2007 Report be published forthwith so that the views of the public on crucial constitutional issues are made known. If this Report is not published why should we expect that the views of the public which are expressed in the consultations which are proposed over the next two years will not be similarly discarded as being of no consequence?

It is instructive to note what one commentator has observed about constitution making in Zimbabwe. Vivien Hart in “Democratic Constitution Making” says of the Mugabe Regime “But behind the formal facts lay a manipulative process.” “At

the most cynical extreme, a determined elite or one that is confident of its continuing control may offer a participatory process as a charade, a democratic hoax intended to mollify unrest by granting the appearance of democracy without its substance”.

The **Congress of the People** is entirely opposed to a Constitution for Trinidad and Tobago which does not reflect the collective will nor the hopes and aspirations of the citizens of Trinidad and Tobago. We feel strongly that this Working Document on Constitutional Reform which has been put out by Prime Minister Manning for public consultation does not represent the will nor the hopes and aspirations of the people of Trinidad and Tobago. The **Congress of the People** takes note of the fact that the Working Document does not even represent a consensus among the round table participants invited by the Prime Minister to prepare a draft constitution and that one of the members of that Constitution round table group has in fact resigned.

We are firmly convinced that this Working Document takes the country in the wrong direction – away from democracy and involvement of the people, towards the entrenchment of authoritarian one-man rule; away from responding to the sovereign will of the people to the entrenchment of divisive partisan politics and away from the establishment of strong, independent institutions supportive of a democratic culture and tradition to a further politicization of institutions that are meant to serve the national interest which can only lead to the subversion of a democratic culture and tradition and the surrender of national aspirations to partisan political manipulation.

The **Congress of the People** is opposed in principle to the Head of Government of Trinidad and Tobago being elected to office by any means except a direct majority vote of the entire electorate of Trinidad and Tobago. Moreover we will not support any constitutional enactment which:

- fails to positively address the restructuring of the traditional political party system in Trinidad and Tobago and/or entrenches the traditional pattern of voting behaviour in Trinidad and Tobago
- does not make provision for independent countervailing institutions to contain and balance the power of the Head of Government; and
- does not include the checks and balances whereby the powers of one branch of Government can be challenged by another branch.

The **Congress of the People** firmly believes that participatory democracy is essential to nation-building and therefore the making of a new Constitution is a wonderful opportunity to seek consensus from the large majority of the people on our Constitutional arrangements as to how power should be balanced and distributed. It is therefore our intention to seek the views from communities, organizations and individuals which are representative of all sectors of our Society as to the matters which they believe should be addressed in a new Constitution and to arrange educational sessions so that the public can be made aware of the manner in which the constitutional arrangements impact on their lives and the choices which are available to address their concerns and to extend to them the opportunity to participate in the processes by which they are governed.

Any constitution for a nation becomes the supreme law which determines the framework and structure for governance in that nation. The structure in this Working Document proposed by Mr. Manning is flawed. Indeed it makes no sense responding to the constitutional provisions embodied in the Working Draft until this consultation and educational exercise is completed. In that context we propose to present a Constitutional Framework around which discussions can be held and on which the public will be invited to submit their comments. After this exercise is completed through our **Grand Consensus** initiative we will be inviting all the stakeholders to participate in guiding the process of Constitutional

development. By this process we believe Trinidad and Tobago will achieve effective good governance.

It is unfortunate that in the difficult times which we face Mr. Manning has not used this opportunity to unite our people behind a common vision but rather chooses to use the Constitution as a political tool to entrench himself in power without the checks and balances which are essential to good governance.

The **Congress of the People** regards this Working Draft as a constitutional dagger aimed at the heart of democracy and is fearful that Mr. Manning's approach will lead to further divisiveness in our Society. As a consequence the **COP** will be engaging the population in a participatory exercise in order to build a **Grand Consensus** and a shared vision of Trinidad and Tobago so that fair and just rules may be established by which we can live under conditions of democracy and freedom in a complex and changing world.

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