CHAPTER 341A
WINDWARD ISLANDS CONSTITUENT ASSEMBLY ACT

• Act • Subsidiary Legislation •

ACT

Act No. 14 of 1991

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Acceptance of the Agreement.
Schedule Agreement for Establishing Windward Islands Constituent Assembly

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CHAPTER 341A
WINDWARD ISLANDS CONSTITUENT ASSEMBLY ACT

An Act to provide for the implementation by Grenada of the Agreement establishing the Windward Islands Regional Constituent Assembly on political union.

[Act No. 14 of 1991.]

[28*th June*, 1991.]

1. Short title

This Act may be cited as the Windward Islands Constituent Assembly Act.

2. Interpretation

In this Act, "Agreement" means the Agreement signed on the 14th day of January, 1991, at Kingstown for the establishment of the Windward Islands Constituent Assembly and the Annex thereto, the text of which are set out in the Schedule.

3. Acceptance of the Agreement

Notwithstanding anything to the contrary contained in any other law, the Agreement shall have the force of law in Grenada.

Schedule

WINDWARD ISLANDS CONSTITUENT ASSEMBLY ACT

Agreement for Establishing Windward Islands Constituent Assembly

AGREEMENT BETWEEN THE GOVERNMENTS OF

The Commonwealth of Dominica, Grenada, Saint Lucia and Saint Vincent and The Grenadines, regarding the establishment of a Windward Islands Regional Constituent Assembly on political union.

The participating governments—

Reaffirming their strong determination to further advance the integration process within the Eastern Caribbean;

Mindful of the commitments made under Article 3 of the Treaty establishing the Organisation of Eastern Caribbean States to promote unity, and under the Agreement establishing the East Caribbean Common Market to establish the foundation of a closer union among the peoples of the East Caribbean;

Resolved to eliminate the barriers, economic, political and social which hinder the cohesiveness of all the Peoples of their respective States and thus ensure by common action the economic, political and social progress of their respective States;

Affirming their fundamental objective of the constant improvement of the living standards of all the Peoples of their respective States;

Recognising the need to ascertain the will of the Peoples of their respective States on this matter;

Convinced that it is desirable and timely to proceed to put in place the necessary mechanism which would result in a political union of the Islands;

Hereby agree—

(*a*) to establish a Regional Constituent Assembly of the Windward Islands (herein referred to as the "Constituent Assembly") on political union;

(*b*) that the document embodying its terms of reference, powers and duties as discussed and approved by the Constituent Assembly at its first meeting shall be set out as an Annex to this Agreement;

(*c*) that this Agreement and the Annex shall be the Schedule to a Bill and incorporated as part of the municipal law of the respective States;

(*d*) that if there should be agreement on a recommendation of political union, to recommend a date for its establishment.

Done at Kingstown, St. Vincent and The Grenadines this fourteenth day of January, One Thousand Nine Hundred and Ninety-one.

For the Government of:

The Commonwealth of Dominica, (Sgd.) M. Eugenia Charles;

Grenada, (Sgd.) N. Brathwaite;

Saint Lucia, (Sgd.) J. Compton;

Saint Vincent and the Grenadines, (Sgd.) James Mitchell.

ANNEX TO AGREEMENT ESTABLISHING A CONSTITUENT REGIONAL ASSEMBLY OF THE WINDWARD ISLANDS

1.1 The Governments agree that the Regional Constituent Assembly of the Windward Islands be established as an initial forum for consultation among the Peoples of their respective States.

1.2 The Constituent Assembly shall include parliamentarians, political parties, special interests groups and civic institutions and shall comprise from each island eleven persons drawn from those categories.

2.1 No person shall be appointed Chairman of the Constituent Assembly unless he is a person—

(*a*) who has held high judicial office in at least one of the States of the Commonwealth Caribbean; and

(*b*) who can command the respect of the participants and the Peoples of the Windward Islands.

2.2 The Constituent Assembly shall appoint a Secretary to the Assembly on such terms and conditions as approved by the Chairman on behalf of the Assembly.

The Secretary shall be answerable to the Assembly through its Chairman for the performance of his duties. As the work of the Assembly proceeds, and as the need arises, the Assembly may request the Governments to make further arrangements and to provide additional resources, if necessary, for servicing the office of the Secretary.

3.1 The Constituent Assembly shall have the power to regulate its own proceedings and make rules for the orderly conduct of its meetings.

3.2 The proceedings of the Constituent Assembly shall be broadcast live on radio and television.

4.1 The Constituent Assembly shall undertake—

(*a*) to consider and advise on the question of Windward Islands political union with specific reference to the economic and social viability of the union, the economic cost of union and the external relations and administrative implications of the union;

(*b*) to consider and advise on the possible forms of union, that is, whether the proposed union should be a state which is federal, unitary or of some other form;

(*c*) to consider and advise on the structure of government and elements of a constitution which would be most appropriate to the union, including the administrative and electoral mechanisms.

4.2 The Constituent Assembly in pursuing its aims shall have the power to invite memoranda, commission studies, and hear submission.

5.1 The Constituent Assembly shall hold four sessions in rotation in each of the states of the Windward Islands beginning in St. Vincent and the Grenadines on January 14, 1991, and concluding in Dominica towards the end of June, 1991. The dates of the subsequent meetings shall be determined by the Assembly. The Assembly shall also determine the number if any, of further sessions, to be held on dates and venues to be decided upon by the Assembly itself.

5.2 In the conduct of these sessions the Constituent Assembly shall be advised by experts to be known as "Advisers to the Assembly".

6.1 The Chairman shall submit Interim Reports of the Constituent Assembly to the respective Governments not later than fourteen days after the Constituent Assembly shall have ended its meeting in the particular State for dissemination among the Peoples of the Windward Islands for discussion, and presentation to the Parliament of each state. The report of the First Assembly would be debated in Parliament.

6.2 The Chairman shall prepare a Final Report of the deliberations of the Constituent Assembly and submit the Final Report to the respective Governments within thirty days of the submission of the last Interim Report.

6.3 On receipt of the Final Report the Governments shall cause it to be presented in the form of a White Paper for dissemination among the Peoples of the Windward Islands, and within a time frame to be determined, to be debated by the Parliament of each State.

6.4 The Governments shall seek to have the White Paper approved by a Resolution of the Parliament in each State.

6.5 Upon its acceptance by the Parliaments of the respective States, a question based on the Final Report of the Constituent Assembly shall be referred to a referendum of all the Peoples of the Windward Islands.

7.1 The Governments shall establish for their respective States a machinery for the determination, by referendum of the wishes of the Peoples of the Windward Islands regarding the White Paper approved by the Parliaments of their respective States.

7.2 The referendum on the principle of union shall be held in each of the four Islands on the same day under a common Referendum Act and utilising the same symbols.

7.3 The Constituent Assembly shall be reconstituted to observe the conduct of the referendum.

7.4 Where the question of political union is approved in the referendum—

(*a*) the Parliaments shall appoint a drafting committee, under the chairmanship of the Chairman of the Constituent Assembly, to prepare a Draft Constitution;

(*b*) a Motion shall be passed in the respective Houses of Parliament in each of the four States convening a Constitutional Conference to approve a Draft Constitution for the union, based on the recommendations of the Constituent Assembly;

(*c*) the Bill for the Draft Constitution shall be laid before the respective Houses of Parliament in each of the four States for approval;

(*d*) an Economic Planning Commission drawn from OECS Secretariat, ECLAC and UNDP, shall be established to prepare a regional economic development programme including a number of regional projects of significance to each State which would provide the basis for an aid programme for which funding would consequently be sought by the Unions.

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SUBSIDIARY LEGISLATION

No Subsidiary Legislation