

METHODOLOGY

1. **Appointment of the Commission.** The Commission was established by His Excellency the Governor on 21 January 2006. The Governor by his letter of appointment to the Commissioners established the Commission's terms of reference, a copy of which is attached as **Appendix 1**. The members of the Commission consisted of Don Mitchell CBE QC as Chairman, Rev Cecil Weekes, Stanley Reid as Secretary until 31 May when he was appointed Deputy Governor and resigned from the Commission, Chanelle Petty-Barrett who succeeded him as Secretary, Grace Carty, Calvert Carty, and Claudel Romney. Ms Maria Reid of the Treasury Department was appointed Executive Secretary.



His Excellency Mr. Alan Huckle

2. **Press Conference.** On 30 January 2006 members of the Commission were introduced to the press at a conference at the Governor's Office. His Excellency the Governor Mr Alan Huckle made opening remarks in which he explained the procedure he had followed in setting up the Commission and what he hoped the outcome to be. The Chairman delivered a speech in which he set out his vision of how he hoped the Commission would proceed and of his plans to ensure the Commission accomplished its mandate.
3. **Commission Meetings.** The Commission met for the first time on 7 February and weekly thereafter mainly on Tuesdays at the Speaker's Conference room, access to which was by kind permission of the Hon Speaker of the House of Assembly. The Commission kept minutes of all meetings and these were regularly circulated to all members. Extensive use was made of email by the Commission for communication.
4. **Plan of Action.** The Members of the Commission developed written a Plan of Action. This plan went through a number of changes as it evolved to meet the needs of the day.
5. **Budget.** The Commission developed its own budget, which it submitted to the Hon Chief Minister for funding. The Commission was pleased that Executive Council approved the proposed budget in full, without any cut.



Hon. Osbourne Fleming

6. **Draft Recommendations.** As recommended in its terms of reference, the Commission proceeded to review all reports and transcripts of speeches and radio and television presentations made on the subject of constitutional reform in Anguilla over the previous 5 years. We also reviewed the Constitutions of other British Overseas Territories and the Reports prepared by their Constitutional Reform Commissions. Members of the Commission divided up the areas of the Constitution between ourselves for convenience. We prepared draft proposals for constitutional reform based on this earlier work. These draft proposals were published by the Commission and circulated widely. We handed out copies at all public and meetings and meetings with NGOs and other groups. We posted them in full on the Commission's website. The papers and the issues raised in them were the subject of discussion on the website and at all public and other meetings. The drafts went through a number of evolutions as comments came in. They formed the basis of the recommendations made in this Report. We have considered each significant public reaction to our recommendations and have given our explanation as to why we do not agree with any particular suggestion coming from a member of the public where necessary. Many of the reactions of the public have been incorporated into the Report.

7. **Consultation with the Public.** As an essential part of its terms of reference, members of the Commission went into the community and consulted with citizens and residents as to their thoughts on constitutional reform. These initiatives took the form of:
 - (a) public meetings to which the Chairpersons of the BVI, Montserrat, Turks & Caicos and Cayman Constitutional Commissions were invited to discuss the process they had followed in their islands. The Commission was grateful that the invitation was taken up by Mr Gerard St C Farara QC of Tortola, Dr Sir Howard Fergus of Montserrat, Dr Carlyle Corbin of the University of the Virgin Islands, and Hon Benson Ebanks OBE JP from Cayman Islands. Only the Turks & Caicos Chairman and Dr Hunt of the Committee of 24 were unable to take up our invitation;

 - (b) after the Commission had developed initial draft recommendations for discussion, a series of public meetings were held at primary schools and churches in all the seven districts of the island;

 - (c) meetings with any NGO or group that would schedule a meeting with the Commission to discuss the draft discussion papers and any other constitutional issue;

 - (d) radio talks and call-in programmes at all of which the draft discussion papers and any other constitutional issues were described and discussed;

 - (e) hosting of a "Google Groups" website where any member of the public could post a comment on any of the activities of the Commission: <http://groups.google.com/group/Anguilla-Constitutional-Reform>;

- (f) distributing approximately 1,500 copies of the present Constitution free of charge to the public. The Anguillian Newspaper distributed approximately 900 of these as an insert in one of its weekly publications;
- (g) distributing at all public and other meetings the latest copies of any draft recommendations prepared by members of the Commission as discussion papers;
- (h) after the Commission had arrived at an agreed draft Report and recommendations, the Commission held a final series of public meetings throughout the island at which the final agreed recommendations were circulated and explained.

A full list of the above initiatives and activities includes:

Commission Meetings:

Commission Meeting	30 January
Commission Meeting	7 February
Commission Meeting	14 February
Commission Meeting	21 February
Commission Meeting	28 February
Commission Meeting	2 March
Commission Meeting	7 March
Commission Meeting	14 March
Commission Meeting	21 March
Commission Meeting	28 March
Commission Meeting	4 April
Commission Meeting	11 April
Commission Meeting	25 April
Commission Meeting	2 May
Commission Meeting	9 May
Commission Meeting	16 May
Commission Meeting	23 May
Commission Meeting	31 May
Commission Meeting	6 June
Commission Meeting	13 June
Commission Meeting	17 June
Commission Meeting	20 June
Commission Meeting	22 June
Commission Meeting	27 June
Commission Meeting	29 June
Commission Meeting	4 July
Commission Meeting	6 July
Commission Meeting	11 July
Commission Meeting	13 July
Commission Meeting	18 July
Commission Meeting	20 July
Commission Meeting	25 July
Commission Meeting	1 August
Commission Meeting	15 August

Commission Meeting 22 August

Public Meetings:

First Guest Meeting at the Teachers' Resource Center	4 March
Second Guest Meeting at the Teachers' Resource Center	18 March
Island Harbour Anglican Church Hall	8 April
Island Harbour Anglican Church Hall	20 April
Morris Vanterpool Primary School	22 April
Morris Vanterpool Primary School	26 April
Allwyn Allison Primary School	3 May
Allwyn Allison Primary School	10 May
Blowing Point Primary School	11 May
Blowing Point Primary School	15 May
Stoney Ground Public Meeting	22 May
Valley Primary School	25 May
Sandy Ground Methodist Church	26 May
Walter G Hodge Memorial Lecture by Chairman	6 June
Sandy Ground Methodist Church	9 June
Road Primary School	14 August
Morris Vanterpool Primary School	15 August
Island Harbour Anglican Church Hall	16 August
Allwyn Allison Primary School	17 August
Sandy Ground Methodist Church	18 August
Stoney Ground Primary School	21 August
Ruthwill Auditorium	22 August

Meetings with NGOs, groups and individuals:

Supervisor of Elections, Mr Colville Petty OBE	30 March
Christian Council	10 April
Governor and Deputy Governor	18 April
ALH Comprehensive School Debating Society	25 April
Ministers of Government and advisers	26 April
Christian Council	27 April
ALHCS, Debating Society	27 April
Immigration Department	3 May
ALHCS, 3 rd Form	3 May
ALHCS, 3 rd Form	3 May
ALHCS, 3 rd Form	4 May
Parliamentary Opposition and politicians	4 May
APANY, New York	7 May
ACSA Executive Committee	8 May
Parliamentary Opposition and politicians	11 May
Parliamentary Opposition and politicians	19 May
Governor and Deputy Governor	24 May
Tourist Board	24 May
Attorney-General	29 May
Ministers of Government and advisers	31 May
Hon Hubert Hughes, Opposition Member	1 June
Community Foundation Board	6 June

Anguilla Civil Service Association general membership	8 June
Anguilla FPA Executive Committee	8 June
Anguilla Beautification Club General Meeting	14 June
National Council of Women General Meeting	23 June
Director of the Financial Services Commission	28 June
Speaker of the House of Assembly	12 July
Anguillians Resident in St Thomas, USVI	16 July
Presentation in St Maarten	24 July

Use of Public Media

Anguillian Newspaper - Article on Appointment of the Commission	3 February
The Anguillian Newspaper – Editorial on the Appointment	3 February
Press release on 1 st Public Meeting	1 March
Kool FM – To the Point (call-in programme)	6 March
The Anguillian Newspaper – Article on First Public Meeting	9 March
Press release on 2 nd Public Meeting	11 March
Kool FM – To the Point (call-in programme)	20 March
Press release on TV programmes	24 March
The Anguillian Newspaper - Front page article	24 March
Kool FM – Talk Your Mind (call-in programme)	29 March
Kool FM – To the Point	3 April
Press Release of Scheduled District Meetings	4 April
The Anguillian Newspaper - Insert of Constitution	7 April
Radio jingle – for all related announcements	1 May
Press release – New York consultations	2 May
Radio Anguilla, Inside the Constitution	2 May
Radio Anguilla, Inside the Constitution	9 May
Radio Anguilla, Inside the Constitution	16 May
Daily Herald – Weekender (full page article)	20 May
Kool FM – “To the Point” broadcast of public meeting	22 May
Radio Anguilla, Inside the Constitution	23 May
Kool FM – To the Point (call-in programme)	29 May
Radio Anguilla, Inside the Constitution	6 June
Radio Anguilla, Inside the Constitution	13 June
Radio Anguilla, Inside the Constitution	20 June
Radio Anguilla, Inside the Constitution	27 June
Radio Anguilla, Inside the Constitution	4 July
Kool FM – “To the Point”	31 July
Radio Anguilla, Inside the Constitution	1 August
Press Release of Scheduled District Meetings	4 August
Radio advertising of details of public meetings	as needed
Loudspeaker announcements – advertising public meetings	as needed
GoogleGroups website – discussion forum	continuous
Newspapers – interviews and articles	various
TV rebroadcast of earlier Committee programmes	various
TV broadcast of public meetings with guest speakers	various
Email – Every public servant on every public meeting	various

8. **Public Attitude Generally.** Anguillians are by and large satisfied that the 1982 Constitution gives them what they want: a large degree of autonomy, with external forces at hand (in the form of a British warship) for the defence of the

island, and its representation overseas by the Foreign and Commonwealth Office. The utility of a British passport to facilitate international travel, study, and work is generally appreciated. Only occasionally does the call for constitutional change come, and then usually from Britain. Interest in discussing reform is limited to politicians, lawyers, and a few others who take a special interest in these matters. Individuals and groups have strong views on a limited number of issues: Belonger Status, allegations of corruption in government, the small size of the Assembly, proportional representation, members at large, the powers of the Governor, Britain's obligations to educate the public to the options open to an Overseas Territory, etc.

9. **Independence.** There is one very small group that agitates from time to time for independence to become an issue. Other than a largely dormant website¹, nothing surfaces except occasionally, usually at the time of general elections or other time of political agitation. The vast majority of Anguillians have made it clear both during the process adopted by the previous Committee and in representations to this Commission that they do not wish to consider the issue of independence. Anguillians are in general consensus that their institutions of democracy are new-born and fragile. The 13 Northern Colonies by contrast declared independence in 1776 after 150 years of self-government by both an Assembly and a Council in each of the Colonies. Anguilla, by contrast, has had a bare 40 years of internal self-rule by a Council and an Assembly. Time is still needed for the necessary conventions and practices to form and to firm up so that the bare bones of the Constitution can come to life and the people can feel the necessary confidence in their democratic and political institutions to venture out onto the rough and unknown seas of independence under the care of captains not yet on the horizon.
10. It was a matter of regret to the Commission that every effort to meet with the Bar Association or its executive was unsuccessful. Written letters and emailed requests sent to the officers of the Association requesting a meeting did not produce any response. The members of the legal profession in Anguilla would doubtless have made a useful and positive contribution to the work of the Commission.
11. The Commission agreed early in its deliberations that it would make every effort to meet the six-month target given to us. For planning purposes we set an initial deadline of four months to review all the issues, prepared discussion papers, seek the reaction of the public, and make a final report. In the event, it became necessary to use up the full period of time given to us. We are pleased that we have been able to agree our Report which we now deliver to Government.
12. In conclusion, the members of the Commission wish to thank His Excellency, the Ministers of Government and the Opposition who recommended our appointment. We were pleased to have been of service. We hope that the work done will not prove to have been in vain, and that real and meaningful constitutional advance will come out of this Report.

¹ <http://www.freeanguilla.com/forum/index.php>