

**‘A quaint and unimportant anachronism?’ The Office of Governor General and
Constitutional Controversies in the Commonwealth Caribbean**
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I - Introduction

This chapter examines the role and significance of the constitutional head of state in the Commonwealth Caribbean - nominally a symbolic figure but one whose actions can produce significant political effects. The analysis builds on the work of constitutional historian D. A. Low, whose edited volume *Constitutional Heads and Political Crises* (1988) and co-edited volume *Sovereigns and Surrogates* (1991) set the agenda for the study of the office of the head of state in Commonwealth political systems. As Low noted, analyses of Commonwealth polities had tended to focus on the legislative, executive and civil service branches of government, generally overlooking the role of the non-executive head of state. Only in the event of a political crisis, Low argued, was the importance of the latter ‘suddenly lit up in the arc-lights ... to stand revealed as the imposing edifice it [had] been all along’.¹ Focusing on particular ‘constitutional episodes’ that highlighted the powers and potential influence of the head of state, Low’s work provided the basis for a comparative analysis of how the role actually functioned in the Commonwealth and the ‘important political consequences’² this could entail.

Studies of the Westminster model in the Commonwealth Caribbean have also tended to focus on aspects of government other than the non-executive head of state, emphasising themes of prime ministerial dominance, weak legislatures, the two-party system and partisan politics. In the decades since Low’s contributions, however, scholarship has developed to include more substantive analysis of the head of state in the Caribbean context, including reflections on the role by former incumbents (Sir Ellis Clarke; Sir Frederick Phillips); general overviews of the political and legal system in the region (Emmanuel; Ghany; O’Brien); and country-specific literature examining particular political crises involving the head of state (Williams).³ But as Kumarasingham in this volume contends, while recent political crises in the

Commonwealth have underlined the significance of the office, gaps in the literature on Commonwealth heads of state still remain.

Building on the foundational work begun by Low and extended by Kumarasingham, this chapter provides a regional overview of constitutional episodes involving the head of state in the post-independence Commonwealth Caribbean, reflecting on the wider implications of these for governance in the region. Constitutional ‘episodes’ are here defined broadly in line with the criteria set out by Low, that is, as instances in which the constitutional head ‘became significantly involved in some constitutional and/or political crisis’; ‘has been obliged to play, or ... has chosen to play, a significant personal role in the resolution of some salient political issue’; when their actions ‘have entailed important political consequences’ or have ‘been called in question’; and ‘those highly charged occasions when the constitutional head of state [takes] a public politico-constitutional decision of some ... moment, and acts ... “in his [or her] own deliberate judgment”’.⁴

As the preceding suggests, these episodes generally turn on the use or abuse of a head of state’s prerogative powers. The chapter will therefore begin with a brief overview of the powers of the head of state in the Commonwealth Caribbean, followed by a regional analysis of episodes involving the appointment and dismissal of the constitutional head of state. These sections serve to elucidate the relationship between the different branches of government and the freedoms or constraints within which the constitutional head of state operates in the Caribbean context. The remainder of the chapter then analyses episodes in which the head of state has been involved in events of some political consequence, organised around the following themes:

- Heads of state *in extremis*
- Heads of state assuming executive power
- Heads of state and the appointment of the Prime Minister after hung parliament and/or serious political/constitutional crisis
- Heads of state and powers of appointment

The study is restricted to the independent states of the Commonwealth Caribbean and covers the period between 1962 and 2018.⁵ The chapter thus expands the work of Low both by analysing episodes that are notably missing from his Appendix,⁶ and by extending the analysis up to the present day. The chapter sheds light on how the office of the head of state has functioned in the region and raises broader questions about the performance of democracy in the Westminster system.

II - Powers of the Head of State in the Commonwealth Caribbean

The Commonwealth Caribbean today comprises twelve independent states, three of which are republics (Guyana, Trinidad and Tobago and Dominica) and the remainder of which are constitutional monarchies. This chapter will focus exclusively on the constitutional monarchies, in which the non-executive head of state is represented in the person of the Governor-General, while executive power rests with the prime minister, as head of government responsible to the legislature. As the formal representative of the British sovereign, the Governor General is a largely symbolic figure intended to embody values of continuity and loyalty to nation: neutral, non-partisan, and above the political fray.

In the Commonwealth Caribbean, the responsibilities of the constitutional head of state fall broadly into two areas: the ceremonial and ‘ribbon cutting’⁷ functions such as opening events, hosting visiting dignitaries or inspecting the armed forces; and the more significant constitutional functions ‘traditionally associated with the “reserve” powers of the British monarch’.⁸ The most significant of these, and most pertinent to the concerns of this chapter, are the power to summon, prorogue and dissolve parliament; to appoint and dismiss the Prime Minister; to give assent to legislation; and to make appointments to a number of offices of state, including in the judiciary, public service, and parliament (such as the leader of the opposition and a defined number of senators in the upper house or unicameral chamber).⁹ In the vast majority of these functions, the powers of the Governor General are subject to constraints that mark the subordination of their position to the higher authority of parliament and the executive. Hence in most cases the Governor General must act after consultation with, and ‘in accordance with the advice of’ the Prime Minister,

the Cabinet, 'a Minister acting under the general authority of the Cabinet', or some other relevant authority.¹⁰ As O'Brien points out, these constraints '[reflect] the fundamental principles of parliamentary democracy': ie. power is vested with 'elected ministers, collectively responsible to Parliament ... [and] not the head of state'.¹¹

However, there are defined instances in which the head of state can, with some qualifications, act 'in their own deliberate judgement' (either in their own discretion after consultation, or in their own discretion with no need to seek or act on advice). The most important of these instances relate to the dissolution of parliament; the appointment and dismissal of the Prime Minister; the appointment and dismissal of the Leader of the Opposition; and the appointment of a number of senators and public offices: matters in which the actions of the head of state can have considerable political import. Though these areas of discretion are relatively well defined, there are, nevertheless, some grey areas and ambiguous formulations – particularly around the definition and status of 'consultation' - that could leave the reserve powers of the head of state open to interpretation.¹² In theory, the latitude this leaves could be used by an interventionist head of state to push at the boundaries of their role. It is actions in these areas of reserve powers, and the ambiguous spaces in between, that have given rise to a number of political controversies and constitutional crises in the region.

III - Appointment and dismissal of the head of state

In the constitutional monarchies of the Commonwealth Caribbean, Governor Generals are appointed and dismissed on the recommendation of the Prime Minister, without any requirement for consultation. As many scholars point out, the power of the Prime Minister in this area raises serious questions about the independence and neutrality of the head of state. If their tenure in Government House and all the benefits that come with this are in the gift of the Prime Minister, how likely are they to act against the interests of the government that appointed them? Allegations of partisan behaviour on the part of Governor Generals are examined under sections VI-VII below. The following section provides a brief analysis

of regional patterns in the appointments and dismissals of heads of state, and what, if anything, these can tell us about the vulnerability of the office to political considerations.

Controversies over the appointment and dismissal of heads of state constitute by far the most common type of 'episode' relating to this office in the post-independence Commonwealth Caribbean. As Tables 1 and 2 indicate, the vast majority of these disputes relate to allegations of partisanship: that is, that the government in question had appointed a candidate considered to be too close to the ruling party, and/or had dismissed an incumbent for their presumed connections to the opposition. Disputes over the appointment or election of the Governor General tend to follow a discernible pattern in which the opposition publicly questions the neutrality and/or suitability of the candidate, queries the process by which they were appointed, then boycotts the swearing-in ceremony and/or Throne Speech (as illustrated in Table 1 below). Perceptions of political bias have not been helped by the fact that, before their incarnation as head of state, many candidates have been party officials or serving politicians (up to and including cabinet ministers).¹³ While prior political service does not necessarily compromise the capacity to act 'above the political fray', flashpoints have arisen where an individual has been seen as irredeemably partisan. For example, after the 2009 election in Antigua and Barbuda, the opposition Labour Party boycotted the Throne Speech of Governor General Dame Louise Lake-Tack, stating that,

while it had been willing to give Lake-Tack the benefit of the doubt in the hope that she would grow to understand the need for the Office to be principled and objective, she has become more openly partisan to the point of being seen on the UPP-controlled, state-owned television commiserating with members of the UPP who lost their seats in the March 12 general elections ... Her partisan behaviour as a crony of the UPP political leadership and a self-confessed campaign contributor creates the real fear that she will further abuse the Office to the detriment of democracy in Antigua and Barbuda.¹⁴

Disputes over the dismissal or forced retirement of the Governor General are a particular preoccupation in the existing scholarship, perhaps because they are numerically significant, but also because from a 'Palace-centric' perspective these are the cases that shed light on the relationship between the Queen, her representative, and the head of government. More pertinent for our purposes here is what these episodes say about the domestic politics informing government dealings with, and public perceptions of, the office of the head of state. As Table 2 illustrates, the disputes over the removal of a Governor General share important common features:

- (1) The Governor General appointed under a previous, rival administration is pushed out when a new political party comes into power (often within a few months of the new administration)
- (2) The person in question is usually viewed as having strong affiliations to the party of the government that appointed them (eg. as former ministers, senators, party chairpersons, or donors); and
- (3) They are associated with some prior political controversy in which they have been viewed as acting in partisan ways that have favoured the party that appointed them or disadvantaged the party seeking to remove them (such as Arrindell's appointment of a minority government after the 1993 election in St Kitts and Nevis, or Lawrence's delay in swearing in the new government in 2015).

The number and nature of these disputes over the appointment and dismissal of heads of state certainly indicate that the office has not been immune from politicisation. However the regional picture in this respect is varied. Looking at the turnover rates of Governor Generals (who, unlike the Commonwealth Caribbean's non-executive presidents, do not serve a fixed term) it is evident that some countries have consolidated a tradition in which Governor Generals serve out long terms that persist across different political administrations. For example, Jamaica, despite its reputation for tribal two-party politics, experience of political violence, and periods of intense ideological divisions between the two main parties, has not reproduced these conflicts at the level of the head of state. Excluding Sir Kenneth Blackburn

(Jamaica's last colonial Governor who served three months into independence), Jamaica has had five Governor Generals since independence in 1962, the majority serving long terms and surviving as figures of continuity across both PNP and JLP governments, even during the height of political polarisation in the Manley-Seaga era. Belize also stands out, with two Governor Generals since independence in 1981, with current incumbent Sir Colville Young serving over 25 years. Both he and his predecessor Dame Elmira Minita Gordon served across both PUP and UDP administrations. In other countries, low turnover rates of the Governor General do not necessarily indicate a commitment to neutrality, but rather reflect the fact of long periods of rule by a single party, diminishing the likelihood of disputes over appointments to or dismissals from this post. For example, in St Vincent and the Grenadines, the NDP was in power for over sixteen years, and, at the time of writing, the current ULP government for over eighteen years. Changes in Governor General in these cases have thus tended to be made under the same political party. However in some countries, the pattern of replacing the Governor General when the party in power changes, has become increasingly normalised. Antigua and Barbuda, the Bahamas, Grenada, St Kitts and Nevis, and St Lucia all offer examples of Governor Generals being replaced when a new government comes into power – in many cases within two to four months of a change in the ruling party. These cases raise questions as to whether the position of the head of state is perceived as simply a political appointment like any other: one of the many gifts to be dispensed to the party faithful once it is their turn to feed. This sense that it is expected – and indeed accepted – that incoming governments will appoint their own people, is captured in the following newspaper commentary on the appointment of Dame Cecile de la Grenade in Grenada. As the editorial stated,

With the change in Government it was widely expected that certain personnel in prominent and non-prominent positions would be changed, and the position of the Governor General was always going to be one of them.¹⁵

Bearing in mind how these conditions might inform the actions of the head of state, the remaining sections examine constitutional episodes in which these actions have had significant political consequences.

IV - Heads of state *in extremis*

The Commonwealth Caribbean has generally been considered to be one of the most politically stable regions of the post-colonial world, with an ‘impressive’ record of liberal democracy and commitment to the ‘convention of constitutionalism’. But as Domínguez acknowledges, this tradition of Caribbean constitutionalism ‘has been tested all too frequently’.¹⁶ The examples that follow examine the actions of the head of state during one of the most serious of the crises in the post-independence Caribbean: the Grenada Revolution, its collapse, and subsequent invasion of the island by US and Caribbean forces.¹⁷

Grenada: Revolution, Collapse of Government, Invasion

Events in Grenada in the period 1979 to 1983 marked a series of firsts for the Anglophone Caribbean: the first time that a post-independence government had been removed by force; the first state-led experiment in alternative forms of political participation outside the Westminster model; the first execution of a Prime Minister (along with several members of his cabinet) by state security forces; and the first time that the United States had invaded a ‘former British Colony, member of the Commonwealth, and a Monarchy’.¹⁸ The head of state who lived through these tumultuous events was Governor General Sir Paul Scoon, appointed under the Eric Gairy government in October 1978 after the early departure from office of his predecessor Sir Leo de Gale. Much of the controversy around Sir Paul has centred on the role he played in “inviting” or rubber-stamping the intervention of foreign troops in October 1983 and the extent to which he had the constitutional authority to do so (discussed below). Far less attention has been paid to his actions during and immediately after the period of revolutionary government. While the office of the Governor General was seriously circumscribed by constitutional changes introduced by the People’s Revolutionary Government (PRG), Scoon nevertheless worked to carve out a role for himself within the new revolutionary situation. In the post-revolutionary period, decisions taken by Scoon ‘in his own deliberate judgment’ would stretch the constitutional boundaries of his role and materially impact Grenadian politics beyond the restoration of electoral democracy in 1984.

Less than six months into Scoon's term in office, the Gairy government was overthrown by the youthful revolutionaries of the New Jewel Movement. A little known aspect of this drama is that in this unprecedented situation, Scoon actually sought to broker an agreement between Maurice Bishop, as leader of the Revolution, and the deposed government ministers (then under detention), suggesting to Bishop that if he could persuade four of the ministers to resign from parliament, he could then appoint him as Prime Minister, after which Bishop could advise him to dissolve parliament and call new elections. Scoon's attempt to 'rectify the constitutional position' relied on a creative interpretation of the head of state's right to act 'in his own deliberate judgment' to appoint a Prime Minister 'likely to command the support of a majority of the members of [the] House'. This majority, however, was based on the House as it stood after the disputed elections of 1976, and was to be achieved by persuading enough Gairyite ministers to step down to give the elected members of the NJM-led People's Alliance the balance of power.¹⁹ The suggestion – drawing on the conventions of a Westminster model of parliamentary democracy to which the NJM was fundamentally opposed - was made wholly redundant by the revolutionary situation: under the People's Laws declared by the revolutionary government on 28 March 1979, the 1973 constitution was suspended and executive and legislative power was vested in the PRG. Scoon's shining mahogany table in Government House, 'neatly arranged with paper and pencil'²⁰ in preparation for a meeting that would never take place, seems an apt metaphor for the evacuation of his constitutional role under the revolution.

Reflecting on this period in his memoirs, Scoon states that '[c]onstitutional monarchy is as far removed from the accepted definition of a "revolutionary" regime as God is from the devil'.²¹ Yet what is striking under the revolutionary government is the unusual accommodation that was reached between these two poles, exemplified, in the first instance, in the retention of the monarch as head of state and hence the retention of the office of the Governor General, as set out in People's Law No. Three of March 1979. This Law is often cited to illustrate revolutionary authoritarianism, with the Governor General reduced to '[performing] such

functions as the People's Revolutionary Government may from time to time advise'. In fact this, and other People's Laws relating to the Governor General, echo the constraints generally imposed on the role under the Westminster system. People's Law No.18 of April 1979, for example, is a cut and paste of provisions familiar to parliamentary democracies in the region, stating that:

the Governor-General shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet except ... where he is required ... to act in accordance with the advice of any person or authority other than the Cabinet or *in his own deliberate judgment*.

Further, the same proclamation established the responsibilities of the Prime Minister with respect to the Governor General, asserting that:

The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Grenada and shall furnish the Governor-General with such information as he may request with respect to any particular matter relating to the government of Grenada.²²

These provisions confirm that the constitution enacted by the People's Laws comprised an odd hybrid of Westminster convention and revolutionary aspirations, on paper at least suggesting that in the 'transitional' phase the NJM did not quite abandon the 'Westminster hypocrisy'²³ they had lacerated in their campaigns prior to 1979.

The retention of the link to the British monarchy – surely the most emblematic symbol of colonial continuity - was largely tactical. Scoon alleges that Jamaican Prime Minister Michael Manley 'and others' had advised Bishop 'not to touch the Governor General who should be left in post'.²⁴ In the early days of the revolution, the retention of the Governor General may have helped to transmit to the outside world a sense of legitimacy and normalcy at a time when consolidation of the new order was critical.²⁵ Under this new order, while the substance of the Governor General's role was erased, its form and trappings oddly persisted. Thus while legislation was no longer signed by the Governor General as per the pre-revolutionary norm, other conventions were maintained: Scoon continued to receive weekly cabinet papers from the revolutionary government, as well as regular visits

from the Prime Minister to apprise him of government affairs; he inspected the troops of the People's Revolutionary Army; and on ceremonial occasions the ensign of his office was flown alongside the revolutionary flag – a theatre of conventions in which both sides performed their part. This 'formally correct'²⁶ relationship between the Governor General and the revolutionary government was maintained despite their profound ideological differences.

Scoon's decision to inhabit the role of Governor General was, he contends, his way of preserving the 'symbols and institutions' of 'constitutional government and parliamentary democracy'.²⁷ Scoon's position as the symbolic representative of constitutional democracy placed him in the eye of the storm during the final crises of October 1983. The preservation of formal relations between the revolutionary leadership and the Governor General enabled channels of communication to be maintained even after the chaotic events surrounding the execution of Maurice Bishop and other government ministers at Fort Rupert on 19 October 1983. Two days after the tragedy on the fort, General Hudson Austin, head of the newly constituted Revolutionary Military Council (RMC) called on Scoon and informed him that the RMC intended to establish 'a broadly based cabinet representing all walks of life'²⁸ with minimum delay. While the archival records and Scoon's memoirs differ on whether this new government would have included military personnel,²⁹ Austin's proposal suggests that efforts were being made to bring about a political resolution to the crisis and to compose a new government with a civilian leadership and broad base of appeal. However, developments unfolding outside Grenada rapidly closed off any possibility for a diplomatic resolution of the crisis. Four days after Austin's visit to Government House, US troops supported by a small contingency of Caribbean forces landed on the island – an intervention that was to deal the final death blow to Grenada's revolutionary experiment.

Scoon's role in the lead-up to the invasion has been the subject of much controversy. Claims and counter-claims have centred around Scoon's alleged request for military assistance issued to the Organisation of Eastern Caribbean States (OECS) and to the United States, later used by both parties to legitimise the intervention. Scholarship

has thus focused on questions of 'who did what when' and 'who knew what when'; and on related issues surrounding the legality of the invasion. The release of formerly closed archives has allowed for a more informed analysis of the sequence of events in the days immediately before and after the invasion that led to Scoon signing a back-dated letter, composed outside the island, 'inviting' an intervention that had in fact already taken place. This timeline has been analysed in exhaustive detail elsewhere;³⁰ suffice to say here that it has now been established that while Scoon did indeed accede to signing an ante-dated letter, the invitation to intervene did not originate with him, but 'emerged from discussions between Eastern Caribbean and US officials in the days before the intervention'.³¹ As Williams demonstrates, it was precisely the role of the Governor General as a symbol of constitutional government that placed Scoon at the centre of OECS and then US calculations: an invitation from him could provide legitimate cover for the intervention, while in a post-intervention scenario he could provide a 'natural' focal point 'around which an interim administration could be formed'.³² While the scholarship has tended to focus on the former, it is arguably in the latter, post-revolutionary moment, that Scoon's actions as Governor General had more consequential weight.

V - Heads of state assuming executive power

The only example of a Caribbean constitutional head of state in the post-independence era assuming de facto executive and legislative powers can be found, once again, in Grenada: another example of the exceptional fallout from the collapse of the Revolution. In acquiescing to the external intervention, Governor General Sir Paul Scoon had already, in essence, acted as an executive authority, bypassing the (self-declared) government of the Revolutionary Military Council.³³ Scoon was also treated throughout the crisis as 'the only person left with any constitutional authority'³⁴ by key external powers including Britain, the United States, and the other intervening Caribbean states. Indeed, having struggled before the invasion to understand the constitutional position of the Governor General, after the invasion the Americans came to recognise the critical role he could play. As Britain's representative to Grenada laconically observed, 'The Americans, having at first

greeted the Governor General as a quaint and unimportant anachronism, are now threatening to swamp him ... with requests, queries and calls'.³⁵ When a few days after the military intervention Scoon announced that he was assuming executive authority, this was simply a confirmation of the already existing facts on the ground.

Scoon's period as the sole executive authority in Grenada technically ran until 15 November 1983 when he appointed 'in [his] own deliberate judgement'³⁶ a nine-member 'Advisory Council' composed of Grenadian nationals working outside the political field. The authority of the Advisory Council was highly ambiguous. On the one hand, the Council was 'to perform the functions of an Interim government' as a 'quasi Cabinet' whose members were assured by Scoon of their 'full authority to act as if they were ministers of government ... duly elected by the people', and each assigned responsibility for, and the right to direct the policy of, particular government departments. On the other hand, while Scoon deliberately opted not to chair the Advisory Council (feeling this would 'smack of the colonial days when the ... Governor presided over the Executive Council'), he nevertheless vested in himself powers that would not have been out of place under the old colonial system. Thus Scoon reserved the right to veto 'any measure' approved by the Advisory Council (whose members were considered to be 'collectively responsible' to him), and to act in his own judgment without reference to the Council 'when the matter to be decided is too important to require consultation or too urgent to admit of consultation'; a caveat broad enough to cover a multitude of sins. Further, Scoon was clear that he could remove Council members 'at any time without question, without explanation';³⁷ a power that would not be enjoyed by the head of state under the normal run of constitutional government.

The constitutional legitimacy of this interim administration – which ran Grenadian affairs for over a year – was not universally accepted either inside or outside Grenada. While questions were raised at the United Nations, former Prime Minister Sir Eric Gairy emerged from his exile in Virginia to issue an embarrassing reminder that as premier of the last government to be elected in Grenada (and one that had been prevented from serving its full term), he had more claim to a popular mandate

than an unelected interim administration. Attacking his former appointee, Gairy noted that:

It is the first time in the history of the Commonwealth that a Governor-General, a Queen's representative, has assumed the power to make political decisions in an independent nation ... In the case of similar circumstances in Great Britain, Her Gracious Majesty would never be requested to assume such a role as Sir Paul ...³⁸

In taking on this role, Scoon relied on the authority of the 1973 Constitution (suspended under the revolutionary government), citing Section 57 as the basis for his assumption of executive and legislative powers.³⁹ Yet the 1973 constitution was not actually restored (and then only partially) until 4 November 1983, when Scoon, acting 'in his own deliberate judgment', issued by proclamation the Constitution of Grenada Order as a prelude to the return of parliamentary democracy. In fact Scoon was deliberately selective in which parts of the 1973 constitution he opted to restore. For example, rights relating to the protection of persons detained under emergency laws (Chapter 1, Section 15) were to be applied 'only ... to such persons or classes of persons as shall be specified by the Governor-General by order'.⁴⁰ Critically, the partial restoration of the 1973 constitution did not include those elements that related to the judicial system, meaning that Grenada retained the local Supreme Court (comprising a High Court and Court of Appeal) established by the People's Revolutionary Government in March 1979. In the view of Richard Hart, formerly Attorney General of the PRG, 'this omission was to ensure that the trial of the [revolutionary] prisoners, and any appeal that might ensue, would continue in the Grenada courts by judges appointed by the Grenada government with no right of appeal to the Privy Council'.⁴¹ Crucially, as Hart suggests, in restoring some but not all of the 1973 constitution, Scoon 'was in effect amending the constitution'; an action that normally requires the 'approval of two thirds of registered voters in a referendum'.⁴² In navigating his way through the period of interim administration, Scoon thus drew on an odd patchwork of Westminster constitutional provisions and revolutionary People's Laws, modifying both where he deemed it necessary.

In fact, Scoon proved himself to be a highly interventionist head of state during the period of interim rule. In this period, lasting until elections were held in early December 1984, Scoon adopted a maximalist interpretation of his role, passing laws by proclamation, hiring and firing in all areas of the public service, reinstating head teachers removed from their posts under the PRG, dispensing with a number of ministries and government departments, recalling all Heads of Mission and closing all Grenada's embassies and high commissions, and severing diplomatic ties with the USSR, Libya, North Korea and the Eastern bloc – in effect making executive decisions about domestic and foreign policy that went beyond the interim administration's stated purpose of facilitating a swift transition to parliamentary democracy. Scoon was particularly active in matters of security, at times intervening personally to expel 'undesirables' or to control who could visit the imprisoned revolutionaries on Richmond Hill, acting 'in his own deliberate judgment' on intelligence that reached him directly at Government House. Notably, the security committee established by Scoon within days of the intervention comprised not only representatives from the Grenadian police and prisons service, but also commanding officers from the US and Caribbean forces. This committee briefed the Governor General daily, then weekly, right up to the elections of December 1984. Scoon also took 'personal control' of election preparations, including keeping the ballot boxes and ballot papers in a special room at his residence, which he considered safer than at the Elections Offices whose personnel he had summarily dismissed and had escorted off the premises before the elections, due to suspicions about their loyalty and competence.⁴³

As the preceding discussion indicates, the period of interim administration in Grenada offers an example of how in exceptional circumstances the head of state in the Caribbean has taken on exceptional powers. However it is important to note that this is not a post-independence innovation. Setting aside the period of direct administration from Britain (the Crown Colony proper), colonial precedents for de facto rule by the Governor can be found in the Caribbean after the introduction of universal suffrage, elected legislative assemblies, and various degrees of internal self-rule. Indeed, had Scoon wished to look for a precedent, he could have found one in Grenada, where between April and September 1962, government of the island

was assumed by the British Administrator after he had suspended the constitution, dissolved the Legislative Council, and removed Eric Gairy as Chief Minister; or to neighbouring St Vincent and the Grenadines, where between 7 April and 19 May 1967 the Administrator assumed full executive and legislative powers, having dissolved the Legislative Council and removed Ebenezer Joshua as Chief Minister less than a year after the elections that had brought him into power. The case of British Guiana between 1953 and 1957 also offers instructive parallels. Prior to the suspension of the constitution on 9 October 1953, the Colonial Office had secretly worked to amend the reserve powers of the Governor to enable him, among other things, to bypass the constitutional requirement to consult with the Executive Council in cases where 'the matters to be decided are, in his judgment, too important to require their advice or ... too urgent to admit of their advice'⁴⁴ (powers Scoon was to assume with reference to his Advisory Council). British Guiana was ruled under emergency powers by the Governor, and then under an Interim Government headed and entirely nominated by the Governor, for a period of just under four years. As Lutchman notes, this was the first time in its history that Guyana's legislature (as well as its executive) was entirely nominated,⁴⁵ a retrogressive step that belies the usual linear narrative of decolonisation by the gradual extension of democratic reforms. Oddly, none of these colonial episodes appear in Low's Appendix, though they offer clear examples of times in which the actions of a head of state and their use of reserve powers have had material political import.

VI - Heads of State and the Appointment of the Prime Minister after hung parliament and/or serious political/constitutional crisis

In the appointment of the Prime Minister, the head of state must act in his or her 'deliberate judgment' to appoint the person 'most likely' or 'best able' to command the support of a majority in parliament. These powers have particular salience in circumstances such as a hung parliament, or when a sitting government loses its majority, when the decision of the head of state can determine whether an incumbent administration remains in power or if there is a change of government. In the post-independence Commonwealth Caribbean, there have been several

significant episodes in which the decision of the head of state in this area has caused considerable controversy, and indeed resulted in constitutional crises and political unrest. Table 3, below, summarises these occasions, while the discussion below highlights illustrative cases.

St Lucia, 1981-1982: resignation of Prime Minister, collapse of government, appointment of interim government

In the early 1980s, St Lucia experienced a period of significant political crisis. An internal dispute within the ruling St Lucia Labour Party (SLP) developed into an open campaign against Prime Minister Allan Louisy by a leftist faction within his own government. When this leftist group, led by George Odlum, joined with the opposition United Workers Party (UWP) to vote against the government's budget, Louisy faced increasing demands from both inside and outside parliament to resign. Though no vote of confidence was held, Louisy stepped down on 4 May 1981 in the face of threats of industrial action.⁴⁶ Faced with these circumstances, Governor General Boswell Williams, a controversial figure who had served as an SLP member of parliament between 1974 and 1979, appointed new SLP leader Winston Cenac as Prime Minister. Williams' actions here have been perceived as partisan, extending the life of the SLP government 'against the clear wishes of a majority of members of the House of Assembly and the people'.⁴⁷ However, Williams was within his rights: the SLP still had a majority in parliament, and managed to survive a vote of no confidence, with nine seats to the opposition's eight (five for the UWP; three for Odlum's new formation, the PLP). More striking is the action Williams took when the government collapsed in January 1982, in the face of mounting public protests, industrial unrest, and a national shutdown of business supported by the opposition UWP and PLP. In a manoeuvre previously unseen in St Lucia, the Governor General appointed a temporary 'government of national unity', anointing Michael Pilgrim of the PLP as Prime Minister at the head of an interim administration comprising representatives from all three parties. Pilgrim was the compromise candidate as agreed between the PLP, SLP and UWP, so in this sense Williams appears to have been within his constitutional rights, selecting a candidate most likely to command a majority in parliament. However the constitutionality of the interim government

remains unclear. As in Dominica in 1979, the formation of the interim government appears to have been based more on expediency than on constitutional doctrine. Indeed, Williams appears to have been aware 'that what had been proposed to him by the island's political parties and the social and religious partners was not in conformity with the island's constitution', but nonetheless acceded to this unorthodox solution, '[considering] it best for the island'.⁴⁸ Interpretations of this period within St Lucia have inevitably been filtered through the political preferences of the commentator. On the one hand, Williams' actions have been viewed as unconstitutional; on the other as 'an act of statesmanship at a turning point in the young nation's governance'.⁴⁹ In either case, Williams did not long survive as Governor General: after much wrangling, he was relieved of his office by Compton's UWP government after a convincing 14-3 victory in the May 1982 elections.

Grenada 1989-1990: Minority government, death of Prime Minister in office, close elections

The first elections to be held in Grenada after the US invasion and period of interim government took place in December 1984. These elections – in which Governor General Sir Paul Scoon had played a significant role - produced a victory for the newly formed New National Party (NNP), a coalition of various political forces held together before the election by the common aim of preventing Eric Gairy's return to power. By 1989, however, the fragile coalition of forces began to split. A series of resignations and defections by senior ministers, and the formation of two new political parties (one established by Prime Minister Blaize during his incumbency), created a situation in which the government went from having a majority of fourteen to one in parliament in December 1984, to a minority of six to nine seats by the end of 1989. Clearly, it was no longer certain that PM Blaize and his National Party could command a majority in parliament; a vote of no confidence would surely result in a 'humiliating defeat'. Under these circumstances, Scoon 'took the unusual step to advise Prime Minister Blaize that the way to get out of his dilemma was to prorogue parliament', thus avoiding a no confidence vote by preventing parliament from sitting, and allowing Blaize to continue in office till the end of his term. Scoon's memoirs appear to acknowledge that this was an unorthodox move; in fact, the

decision to prorogue parliament was kept 'a closely guarded secret' and the instruction to bring it into effect was prepared in Scoon's own office in Government House, 'not in the Attorney General's office, as was customary'. Though prorogation was not unconstitutional, it had the effect of keeping a minority government in power. On Scoon's advice (ie. a reversal of the usual direction of 'consultation'), Blaize had 'outwitted his parliamentary colleagues by silencing Parliament'.⁵⁰

Blaize did not get to enjoy his success for long. With his death in office on 19 December 1989, Scoon was called upon to appoint a new Prime Minister, in keeping with the constitutional powers of the head of state. Though Blaize's death left the National Party with five seats to the nine seats held by the combined opposition, Scoon appointed Blaize's Deputy, Ben Jones, as Prime Minister by the end of the day. As he points out, this was not because of any constitutional presumption in favour of the Deputy Prime Minister in such circumstances, but his judgment that Jones could command a majority and would have to call elections in due course, given that Blaize's term had nearly expired.⁵¹ These elections, held in March 1990, produced indeterminate results, with no single party winning an absolute majority. For the second time in less than four months, Scoon had to determine who to invite to form the government. With no agreement forthcoming from the various parties, Scoon first pressed Jones to resign, '[making] it quite clear to him that if he failed to do so [he] would revoke his appointment as Prime Minister', then invited Nicholas Brathwaite of the NDC to form a new government.⁵² Again, Scoon's actions were constitutional, but this series of events illustrate the political weight that heads of state's actions can carry in situations of political crisis or uncertainty.

St Kitts and Nevis 1993-1995: hung parliament, protests and early elections

In a close election, the actions of the head of state to invite one or other candidate to form a government are rarely without controversy. However, in the case of St Kitts and Nevis in 1993, the Governor General's decision prompted serious political unrest. The results of the November 1993 election presented a conundrum: the eight seats allocated to St Kitts were split evenly between the People's Action Movement (PAM) and the St Kitts and Nevis Labour Party (SKNLP), while the three

Nevis seats were split two to one between the Concerned Citizens Movement (CCM) - who had vowed not to enter any coalition - and the Nevis Reformation Party (NRP), who now held the balance of power. Unable to take into account the relative shares of the popular vote (which strongly favoured the Labour Party, on 54.2 per cent to the PAM's 41.9 per cent as a share of the vote in St Kitts),⁵³ Governor General Sir Clement Arrindell invited PAM leader Kennedy Simmonds and NRP leader Joseph Parry to form a minority coalition government.

Though 'the constitutionality of the Governor General's decision withstood all challenges',⁵⁴ the decision to perpetuate the PAM government – which had already been in power for thirteen years – precipitated a serious political crisis on the island. Just a day after the government was formed, Arrindell called a state of emergency: a small unit of regional security forces requested by Prime Minister Simmonds was deployed to restore order in the face of angry demonstrations by Labour supporters, violent clashes between police and protesters, and targeted attacks on the homes and businesses of persons associated with PAM. The instability ensuing from the 1993 elections resulted in new elections being called for 1995, three years before they were constitutionally due, in an attempt to resolve the political crisis.⁵⁵

Clearly, the 1993 crisis cannot be attributed solely to the actions of Governor General Arrindell. The elections highlighted a number of systemic problems, including the inequity of the first-past-the-post system, and the unintended consequences of an independence constitution under which no party had ever won an outright majority of the popular vote.⁵⁶ Given this system, however, the need for the head of state to act – and be perceived to act – as a strictly neutral arbiter is all the more necessary. In the highly polarised political culture of St Kitts and Nevis, Arrindell's actions were readily interpreted as partisan: an appointee of Simmonds' PAM-led administration since 1981, Arrindell's decision, however reached, had the effect of keeping his benefactors in power. In 1995, with a landslide victory for the Labour Party, Arrindell paid the price: the new government replaced him as Governor General less than six months into their administration.

VII - Heads of state and powers of appointment

Heads of state in the Commonwealth Caribbean have the power to make and revoke appointments to a number of public offices. In the case of most of these appointments, the head of state must act on the advice of the Prime Minister, the cabinet, a minister 'acting under the general authority of the Cabinet', or some other relevant authority.⁵⁷ However in some cases heads of state can make appointments in their own deliberate judgment. In four of the eight bicameral states, the head of state can act in their own discretion to appoint a number of senators in the upper house: in Antigua and Barbuda (1 out of 17 senators); Barbados (7 out of 21); St Lucia (2 out of 11); and Trinidad and Tobago (9 out of 31).⁵⁸ In the post-independence Caribbean, a number of controversies have arisen over appointments made by the head of state, in at least two instances leading to legal cases challenging the validity of their actions.

The power of the Governor General to revoke public appointments has prompted notable controversies in Grenada. These centre on the actions of Governor General Dame Cecile de la Grenade, first, in dismissing the Supervisor of Elections Judy Benoit in 2013, and second, in revoking the appointments of a number of constituency returning officers in 2017. Both episodes raised questions over Dame Cecile's neutrality and the extent to which the office of the Governor General was subject to political pressures emanating from the Mitchell government under which she had been appointed.⁵⁹ In the first case, the Supervisor of Elections was summarily dismissed after she had raised concerns about a cabinet directive on an Electronic Government Regional Integration (EGRIP) project, which she felt had been decided 'without due regard for the independence of the Office of the Supervisor of Elections' and 'could compromise the integrity of the electoral process'. Called to the Governor General's office on 30 September 2013, Ms Benoit was informed that she was being dismissed on the basis of 'two complaints'. As Benoit's affidavit states, Dame Cecile stated that:

[it] has to do with am, ah, well, they tell me, about this EGRIP project. It is an OECS project and we have the money for it from the World Bank and if we

don't do it soon we going to lose the money. So I am dismissing you with immediate effect.⁶⁰

Benoit sought, and was eventually granted, leave to seek judicial review of the Governor General's actions; a case which at the time of writing had not been resolved.

In 2017, Dame Cecile was again making the headlines, this time for revoking the appointments of eight out of fifteen constituency returning officers. Though she was fully within her constitutional rights to do so, in the polarised political climate of an election year, the decision 'immediately triggered [opposition] allegations of political interference in the electoral process'.⁶¹ Making political capital out of the issue, the opposition led a protest march to picket the Parliamentary Elections Office, while former Prime Minister Tillman Thomas publicly declared that '[the] Office of the Governor General [was] now a threat to the democratic process'.⁶² Whatever the probity of her actions, their consequence was to draw the Governor General into the political fray.

One final example under this category illustrates how the powers of patronage wielded by the head of state can be subject to abuse. In 2014, Antigua and Barbuda's outgoing Governor General Dame Louise Lake-Tack was publicly rebuked by her government when, in her last hours in office, she unilaterally conferred national honours on nineteen people, including a knighthood for her son, and various honours for her personal staff, including her housekeeper, maid, gardener, driver and two police outriders from her security detail. In a familiar pattern, the conflict between the government and the Governor General occurred within a short time of a new administration coming into power. Appointed under Baldwin Spencer's United Progressive Party (UPP), Dame Louise was regarded as 'blatantly partisan'⁶³ by the new Antigua and Barbuda Labour Party government, who – according to Lake-Tack – sought to end her term in office within four days of coming to power. The honours scandal ignited a bitter public feud in which Dame Louise accused the government of lying about her removal from office, while the government accused her of acting

unlawfully in conferring the awards. In a sharp official statement, the ALP government declared that the National Honours Act

... does not allow the Governor General on the eve of her involuntary departure from office to select a member of her family and others who do not fit the criteria for national honours to be arbitrarily hand-picked by a vindictive official determined ... to embarrass the administration that removed her from office.⁶⁴

Asserting that Dame Louise had failed to follow due process, Prime Minister Gaston Browne stated that the honours were void and would thus be withdrawn: '[we] cannot allow that precedent to stand', Browne announced, '[these] are about outstanding citizens, not mediocrity ... and I am saying that she acted outside of the confines of the law'.⁶⁵

While heads of state are arguably the beneficiaries of patronage, in their powers of appointment, they can also be disbursers of patronage. As these examples illustrate, in conditions of partisanship this can readily draw the head of state into the political fray.

VIII - Conclusions

If the success of a constitutional head of state is measured by the extent to which they go about their business unnoticed, functioning as necessary but unobtrusive cogs in the machinery of state, then the catalogue of episodes above suggests that the office has not always operated as intended. The number and relative frequency of these episodes in the post-independence Caribbean runs contrary to general assumptions about the relative constitutional stability and smooth functioning of Westminster governance in the region. As illustrated above, the Caribbean has had its share of constitutional crises, indeterminate elections, government collapse, parliamentary impasse, and very public conflicts between the head of government and head of state.

Scholarship on the Westminster model in the Caribbean has extensively analysed the shortcomings of the legislature, executive, and party political system, while

remaining relatively muted on what is, after all, meant to be a largely symbolic office of state. Yet as this chapter demonstrates, the same problems typically associated with the Westminster system in the Caribbean – issues of partisanship, winner takes all politics, prime ministerial dominance, and absence of accountability – can all also be found at the level of the constitutional head of state. For example, the replacement of the Governor General when one party ascends to power after a period of rule by the other, is part of a broader pattern of partisanship in public appointments, characteristic of a winner takes all system in which it is expected, and even accepted, that incoming governments, having spent a period in the wilderness of opposition, will appoint their own people, awarding the party faithful with positions in the public service. In some cases, this general pattern has been extended to the Governor General, meaning that they may not be seen as a neutral arbiter independent of the political fray, but as a political appointee like any other.

Partisan actions by the head of state further undermine the construction of the role as ‘a symbol of national identity, a focal point for national loyalty, transcending partisan rivalry and strengthening social cohesion’.⁶⁶ In several of the episodes discussed above, the actions of the Governor General in fact exacerbated political polarisation and instability, as in the turmoil in St Kitts and Nevis over the elections of 1993, or recent protests in Grenada over the dismissal of elections officers. A further issue for governance is that of accountability. As illustrated in the case of the interim administration in Grenada, there are occasions in which the head of state can wield enormous prerogative power; but even absent these extreme scenarios, the power to act ‘in their own deliberate judgment’, as in the selection of a Prime Minister after an elections tie, or in the nomination of senators, are not insignificant and have had material political consequences. However as Ghany argues, heads of state bear no political accountability for their actions. This is particularly so for the presidencies, but is also largely true for the Governor Generals, as seen in the failure of a number of legal cases launched to query their actions. The use of reserve powers by these unelected heads of state has implications for democracy. As O’Brien states, the ‘democratic legitimacy of the exercise by Governors General and by presidents of some of the most important constitutional functions depends upon

assurances of independence and impartiality which Commonwealth Caribbean constitutions ... do not guarantee'.⁶⁷

A further issue is the persistence of colonial structures and modes of governance in the post-colonial state. This is emphatically not about Caribbean countries 'doing Westminster' badly or deviating from previous norms of good governance in relation to the role of the head of state. All of the categories of episode discussed above can find their counterparts in the late colonial era, including periods in which Governors assumed executive authority (as in British Guiana in 1953 to 1957); revoked the appointment of the Prime Minister (as in Grenada in 1962 and St Vincent and the Grenadines in 1967); or intervened in the outcome of elections, appointing the Prime Minister of their choice for political reasons (as in British Guiana in 1964, when the Governor named Forbes Burnham Prime Minister despite his party having fewer seats, to keep avowed communist Cheddi Jagan out of power). As Riviere notes, the 'colonial political system itself was a veiled gubernatorial dictatorship';⁶⁸ echoes of those powers have persisted in the post-independence state, as witnessed for example in Scoon's assumption of executive authority in Grenada in 1983 to 1984. The actions of post-independence heads of state are thus not anomalous but perfectly consistent with those of their colonial predecessors.

In identifying the potential problems around the role of the head of state, the final point to raise is the question of reform. While it is beyond the scope of this chapter to analyse the reform agenda in detail, suffice to note that almost all Constitutional Reform Commissions in the Caribbean have recommended cutting ties with the British monarchy and replacing the Queen's representative with a ceremonial president.⁶⁹ However the pace of constitutional reform in the Caribbean has been slow. While there has been no shortage of recommendations emanating from recent reform commissions, there remains a deficit of implementation. Further, a shift from a constitutional monarchy to a parliamentary republic does not necessarily eliminate the problems associated with the office of the head of state, as the cases of Dominica and Trinidad and Tobago illustrate. Meanwhile, in the constitutional monarchies, public servants up to and including the Prime Minister continue to

pledge their loyalty to 'Her Majesty the Queen, her heirs and successors' with all the political and psychological ramifications for sovereignty that implies. If the region is to move "beyond Westminster", as recent reform initiatives propose, then this will require a fundamental reassessment of the office of the head of state. As such, the constitutional episodes outlined above may offer some salient lessons from history.

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Table 1 – Episodes relating to appointment of Governor General, post-independence Commonwealth Caribbean

Date and Location	Events
1980-1981 St Lucia	Controversy over appointment of Boswell Williams as Acting Governor General under St Lucia Labour Party (SLP) administration. Opposition walkout from Throne Speech. Williams former General Secretary of the SLP and serving MP 1974-1979. Allegations of financial improprieties.
1996 St Lucia	Controversy over appointment of Sir George Mallett as Governor General under United Workers Party (UWP) administration. Mallett former Deputy Prime Minister in UWP government; viewed as UWP partisan; appointment seen as political reward for resigning seat as MP to allow new UWP leader Vaughan Lewis to stand.
2007-2008 Antigua and Barbuda	Controversy over appointment of Dame Louise Lake-Tack under UPP administration; opposition ALP boycott swearing-in ceremony and Throne Speech on grounds Lake-Tack a UPP partisan (campaign contributor and active in 2004 election campaign on UPP platform).
2014 Bahamas	Concerns over appointment of Dame Marguerite Pindling (widow of longstanding PM Lynden Pindling) as Governor General. Perceived to be too close to PLP having been politically active in the party; allegations over unpaid property taxes.
2018 St Lucia	Opposition SLP publicly reject appointment of Sir Neville Cenac as Governor General under UWP administration. Cenac a politically controversial figure who as SLP MP had crossed the floor to UWP after narrow election. Served as Foreign Minister in UWP government 1987-1992 and as UWP-appointed senator. Opposition boycott swearing in, Throne speech, and speech to joint session of parliament.

Table 2 – Episodes relating to dismissal/early retirement of Governor General, post-independence Commonwealth Caribbean

Date and Location	Events
1980 St Lucia	Cabinet pressure on Prime Minister Louisy (SLP) to remove Governor General Sir Allen Lewis (appointed under UWP administration); Palace reluctant to accede to dismissal; Sir Allen agrees to submit resignation; PM requests Sir Allen to withdraw resignation; cabinet deadlock on reversing Sir Allen resignation/Boswell Williams' appointment; Palace contends original acceptance of retirement stands. Sir Allen replaced by Acting Governor General Boswell Williams.
1982 St Lucia	Governor General Boswell Williams (appointed under SLP administration) removed from office by UWP government after refusing to retire. Prior controversy over his appointment of Winston Cenac to form SLP government during serious political crisis. Replaced by his predecessor Sir Allen Lewis who had himself been removed early (see box above).
1995 St Kitts and Nevis	Governor General Sir Clement Arrindell (appointed under PAM administration) removed by newly elected Labour Party government five months into their term. Arrindell had played controversial role in 1993 elections, appointing a minority PAM government.
1997 St Lucia	Governor General Sir George Mallett (appointed under UWP administration) removed from office by newly elected SLP government. Served a year and three months before being replaced four months into new administration. Had served as Deputy Prime Minister under UWP and was viewed as partisan.
2013 Grenada	Early retirement of Governor General Sir Carlyle Glean (appointed under Tillman Thomas NDC administration). Served four years and six months before being replaced two months into the newly elected Keith Mitchell NNP administration. Controversial figure viewed as NNP partisan having served as NNP minister, General Secretary and Deputy Chairman.
2014 Antigua and Barbuda	Dispute over removal of Governor General Dame Louise Lake-Tack by newly elected ALP administration two months into their term. Dame Louise contests government claims her departure was involuntary; claims the government had sought her removal four days after their election; that she had agreed with the Palace to retire. Accuses government of lying to the Palace. Launches court case against government to sue for monies she claims she was owed on demitting office (case unresolved as at October 2017).
2015 St Kitts and Nevis	Governor General Sir Edmund Lawrence (appointed under Labour Party administration) forced to retire early by newly elected People's Labour Party (PLP) government. Served only two years and four months before being replaced three months into the new Timothy Harris administration. Prior controversy when he had refused to swear in the new PLP government until seeing hard copy of election results. PLP government accused of sidelining Lawrence from opening of parliament, presided over instead by Acting Governor General Sir Tapley Seaton (appointed by PM Harris).

Table 3 – Episodes relating to appointment, dismissal or retention of the Prime Minister in the post-independence Commonwealth Caribbean (excluding the republics)

Date and Location	Events
1981 - St Lucia	Governor General Boswell Williams appoints SLP MP Winston Cenac as Prime Minister during political crisis that prompted resignation of Prime Minister Allan Louisy as PM. Perceived as partisan attempt to keep SLP government in power despite diminished majority.
1982 – St Lucia	Governor General Boswell Williams appoints Michael Pilgrim as Prime Minister at head of ‘interim government of national unity’ after collapse of Cenac government.
1989 - Grenada	Governor General Sir Paul Scoon advises PM Herbert Blaize to prorogue parliament to avoid vote of no confidence. After death of PM Blaize in office Scoon appoints Deputy Prime Minister Ben Jones as PM though Jones’s party had a diminished majority.
1990 - Grenada	Governor General Sir Paul Scoon tells PM Ben Jones to resign or have his appointment revoked after close elections. Appoints Nicholas Brathwaite as Prime Minister.
1993 – St Kitts-Nevis	Governor General appoints Kennedy Simmonds (PAM) as Prime Minister of coalition government after close election. Serious protests, state of emergency, deployment of regional troops.
2013 – St Kitts-Nevis	Governor General Sir Edmund Lawrence (appointed under Denzil Douglas DLP administration) does not act on opposition attempt to move motion of no confidence in Douglas’s government which did not have a majority in parliament.
2015 – St Kitts-Nevis	Governor General Sir Edmund Lawrence (appointed under Denzil Douglas DLP administration) delays swearing in Timothy Harris (PLP) as new Prime Minister for several days after election until he sees hard copy of election results. Lawrence is sidelined from opening of parliament; Throne Speech delivered by Acting Governor General (PLP appointee) Sir Tapley Seaton.

End Notes

¹ D. A. Low, 'Introduction: Buckingham Palace and the Westminster Model' in D. A. Low (ed.), *Constitutional Heads and Political Crises: Commonwealth Episodes 1945-1985* (London, 1988), p.3.

² Ibid., p.1.

³ See Ellis Clarke, 'The West Indies' in David Butler and D. A. Low (eds.), *Sovereigns and Surrogates: Constitutional Heads of State in the Commonwealth* (London, 1991), 171-202; Fred Phillips, *Commonwealth Caribbean Constitutional Law* (London, 2002); Patrick Emmanuel, *Governance and Democracy in the Commonwealth Caribbean: An Introduction* (Cave Hill, 1993); Hamid Ghany, *Constitutional Development in the Commonwealth Caribbean* (Kingston, 2018); Derek O'Brien, *The Constitutional Systems of the Commonwealth Caribbean* (Oxford: 2014); and Gary Williams, "'Shrouded in Some Mystery": The Governor General's Invitation and the 1983 Grenada Intervention', *Journal of Imperial and Commonwealth History*, 44:1, 2016, 140-162.

⁴ Low, 'Preface' and 'Introduction' in Low (ed.), *Constitutional Heads*, vii, pp.1,3; Low, 'Episodes' in David Butler and D. A. Low (eds.), *Sovereigns and Surrogates: Constitutional Heads of State in the Commonwealth* (London: 1991), p.298.

⁵ The dates of independence in the Commonwealth Caribbean are as follows: Antigua-Barbuda (1981); Bahamas (1973); Barbados (1966); Belize (1981); Dominica (1978); Grenada (1974); Guyana (1966); Jamaica (1962); St Kitts-Nevis (1983); St Lucia (1979); St Vincent and the Grenadines (1979); Trinidad and Tobago (1962). The chapter deals only with episodes that occurred after independence in each state, though some reference to pre-independence episodes are made where relevant.

⁶ The Appendix to Low's *Constitutional Heads* lists constitutional episodes involving the head of state in the Commonwealth between 1945 and 1987. See Low (ed.), *Constitutional Heads*, pp.235-237.

⁷ Low, *Constitutional Heads*, p.3.

⁸ O'Brien, p.44.

⁹ For a detailed outline of the reserve powers of the head of state in the Commonwealth Caribbean see O'Brien, pp.43-48.

¹⁰ *Constitution of Barbados, L.R.O, 2002*, s.32(1).

¹¹ O'Brien, p.44.

¹² Hamid Ghany, for example, notes that in the case of the presidencies in Dominica and Trinidad and Tobago there is 'no definition of what [consultation] means, constitutionally, legally or otherwise' and that in several key appointments consultation 'falls [into] a no man's land between Cabinet advice and deliberate judgment'. Ghany, 'Commonwealth Caribbean Presidencies: New Directions in the Exercise of State Power' in Laguerre (ed.) *Issues in the Government and Politics of the West Indies* (St Augustine, 1997), p.150. Other clauses leave room for the head of state not to act on the advice given 'after consultation' and forbid legal enquiry into whether such consultation has been exercised. See for example *Constitution of Barbados*, s.32 (4) and (5).

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- ¹³ A background in politics is relatively common among heads of the state in the Commonwealth Caribbean; all but St Kitts-Nevis have had heads of state who have been active politicians. The Bahamas is particularly notable in this regard: all of its Governor Generals except one have served in the legislature, executive, or both.
- ¹⁴ 'ALP to Boycott Throne Speech', *Caribbean360*, 27 April 2009.
- ¹⁵ Editorial, 'Another Female Head of State', *Grenada Informer*, 17 April 2013.
- ¹⁶ Jorge Domínguez, 'The Caribbean Question: Why Has Liberal Democracy (Surprisingly Flourished?)' in Jorge Domínguez, Robert Pastor and R. Delisle Worrell (eds.), *Democracy in the Caribbean: Political, Economic and Social Perspectives* (Baltimore and London: 1993), pp.2-3, p.8.
- ¹⁷ Other examples would include popular rebellion in Dominica leading to the collapse of the Patrick John government in 1979; and the attempted coup in Trinidad and Tobago in 1990. As the focus of this chapter is the constitutional monarchies, these episodes will be dealt with elsewhere.
- ¹⁸ A.D. Parsons to A.J. Coles (10 Downing St), 26 October 1983, TNA: PREM19/1048.
- ¹⁹ Paul Scoon, *Survival for Service: My Experiences as Governor General of Grenada* (Oxford: 2003), pp.52-53.
- ²⁰ *Ibid.*, p.53.
- ²¹ *Ibid.*, p.49.
- ²² People's Law No.3 of 1979 (28 March) and People's Law No.18 of 1979 (2 April). Emphasis mine.
- ²³ People's Revolutionary Government of Grenada, 'Revolutionary Democracy not Westminster Hypocrisy' in Merle Hodge and Chris Searle (eds.), *Is Freedom We Making: The New Democracy in Grenada* (St George's, 1981), pp.83-91.
- ²⁴ Scoon, p39.
- ²⁵ Later, as threats to the revolution became more apparent, it was also assumed that this connection to Britain and the Commonwealth could offer a form of insurance against outside intervention.
- ²⁶ Peter Fraser, 'A Revolutionary Governor General? The Grenada Crisis of 1983' in Low (ed.), *Constitutional Heads*, p.155.
- ²⁷ Scoon, p.50.
- ²⁸ FCO to Bridgetown, TelNo.291, 22 October 1983, PREM19/1048/2. Released under FOI request. Thanks to Noreen Scott for forwarding me this document.
- ²⁹ Scoon's memoir states that 'the intention of the RMC was to form a Government consisting of civilian as well as military personnel'. British reports on Scoon's telephone conversation with Sir Robert Fellowes, assistant private secretary at Buckingham Palace, state that the military 'would not be represented in cabinet' and that Austin had ruled himself out as PM. This same document states that on being pressed by Scoon 'whether the intention was to return to constitutional govt, Austin replied "not at this stage"'. Scoon, p.123; FCO to Bridgetown, TelNo.291, 22 October 1983.
- ³⁰ See Williams, "Shrouded in Some Mystery", pp.140-162.
- ³¹ *Ibid.*, p.141.
- ³² *Ibid.*, p.148.
- ³³ The RMC was constituted on 18 October 1983. In a statement broadcast on 19 October, it was announced that the RMC had dissolved the PRG, dismissed all members of cabinet and 'assumed all legislative and executive powers': '[it] now

legally constitutes the government of Grenada'. TelNo.309, FM Bridgetown to FCO, 20 October 1983, PREM19/1048.

³⁴ Scoon, p.148.

³⁵ TelNo.421 Bridgetown to FCO, 5 November 1983, PREM19/1049. Folders PREM19/1048 and 1049 contain numerous documents commenting on US officials' ignorance or confusion on the constitutional status of the Governor General as the representative of the Queen.

³⁶ TelNo.382 FM Bridgetown to FCO, 30 October 1983, PREM19/1049.

³⁷ Scoon, pp.159,166, 168-169, 173-175.

³⁸ Letter from Sir Eric Gairy enclosed in David Barclay (Private Secretary, 10 Downing St) to R. Bone, FCO, 23 November 1983, PREM19/1049. Gairy sent the letter to, among others, the Queen's Private Secretary, PM Margaret Thatcher, and Leader of the Opposition Neil Kinnock. He signed off his letter as 'Rt Hon. Sir Eric Gairy, Constitutional Prime Minister of Grenada'.

³⁹ Section 57 states that (1) The executive authority of Grenada is vested in Her Majesty; and (2) ... the executive authority of Grenada may be exercised on behalf of Her Majesty by the Governor General either directly or by officers subordinate to him'. *Constitution of Grenada, 1973*.

⁴⁰ Text of Proclamation [no.3] made by Governor-General on 4 November 1983, PREM19/1049.

⁴¹ Richard Hart, *The Grenada Revolution: Setting the Record Straight*, Caribbean Labour Solidarity/Socialist History Society SHS Occasional Paper No.20 (2005), p.63. As it turned out, the 'Grenada 17' were tried before a tribunal established specifically to deal with their case, despite the Grenada Court of Appeal finding that such a tribunal was unconstitutional. When the right of appeal to the Privy Council was restored in Grenada in 1991, special legislation was enacted to suspend those rights in the case of the Grenada 17. On the catalogue of abuses associated with these trials, see Amnesty International, *The Grenada 17: The Last of the Cold War Prisoners?* (October 2003).

⁴² Hart, p.63.

⁴³ Scoon, pp.158,164-167, 178-179, 184-195. Scoon also replaced the Supervisor of Elections Roy Chasteau, about whom he had received intelligence from a 'friendly government' (p.189).

⁴⁴ The additional powers extended to the Governor were effected by (1) the British Guiana (Emergency) Order in Council 1953; (2) the British Guiana (Constitution) (Amendment) Order in Council 1953; and (3) Amending Royal Instructions. Further amendments provided that the Governor could go against advice proffered by the Executive Council and that the latter could only be summoned by the authority of the Governor. 'Additional Authority Granted to the Governor of British Guiana by The Queen', 4 October 1953. See also 'Note Prepared by the Colonial Office for the Secretary of State for the Colonies, 26 September 1953' and 'Memorandum of Frank Holder, Attorney General of British Guiana, 26 September 1953' all available on http://www.guyana.org/govt/declassified_british_documents_1953.html

⁴⁵ Harold Lutchman, *From Colonialism to Co-operative Republic: aspects of political development in Guyana*, (Puerto Rico: 1974), p.223.

⁴⁶ On these events see Tennyson Joseph, *Decolonization in St Lucia: Politics and Global Neoliberalism, 1945-2010* (Jackson: 2011), pp.76-81.

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- ⁴⁷ Memorandum by B. Attewell, FCO, 9 December 1982, FCO44/2493.
- ⁴⁸ 'Tribute to the late H.E. Boswell Williams by Office of the Prime Minister'.
<http://saintluciamissionun.org/wp-content/uploads/2014/08/BoswellWilliams.pdf>
- ⁴⁹ Ibid. Peter Josie, former SLP MP and erstwhile ally of George Odum refers to the 'constitutional sleight of hand' by which the interim government was brought into being. Peter Josie, *Shattered Dreams: A Political Odyssey in Post-Independent St Lucia* (Bloomington: 2012), p.359. Fred Phillips argues that an 'extra-legal expedient had to be designed so that the government of the country could continue'. Phillips, p.216.
- ⁵⁰ Scoon, pp.240-246, 253-257.
- ⁵¹ Ibid, pp.274-276.
- ⁵² Ibid, pp.289-291.
- ⁵³ http://www.caribbeanelections.com/kn/elections/kn_results_1993.asp
- ⁵⁴ Commonwealth Observer Group, *Report on the General Elections of St Kitts and Nevis, 3 July 1995*, Commonwealth Secretariat (1995), p.4.
- ⁵⁵ See Commonwealth Observer Group; and S.B. Jones-Hendrickson, *Stalemate and Crisis: The 1993 General Elections in St Kitts and Nevis*, Paper Prepared for the Caribbean Studies Association XIX Annual Conference, Mérida, (1994), May 23-28.
- ⁵⁶ On the political effects of the 1983 independence constitution see Douglas Midgett, 'Cuckoo Politics Revisited: The Failure of the St Kitts-Nevis Constitution', *Social and Economic Studies*, 60,2 (2011), pp.41-66.
- ⁵⁷ See for example *Constitution of Barbados*, ss.41, 81, 89, 101, 102.
- ⁵⁸ In all other cases, senators are appointed by the head of state on the advice of the Prime Minister and the Leader of the Opposition.
- ⁵⁹ Keith Mitchell's NNP was elected in February 2013, winning all 15 seats. Dame Cecile de la Grenade was appointed as Governor General within three months of the NNP coming to power, replacing Sir Carlyle Glean who had been appointed under the rival Tillman Thomas NDC administration. Section 35 of the Grenada Constitution allows the Governor General to appoint the Supervisor of Elections in their own deliberate judgment.
- ⁶⁰ 'Judy Benoit takes GG Dr Cecile de la Grenade to Court', *The New Today*, 5 December 2013.
- ⁶¹ Helen Grenade, 'Grenada Governor General Fires Elections Officials', *Caribbean News Now*, 22 February 2017.
- ⁶² 'GG Shakes up Elections Office', *The Grenada Informer*, 24 February 2017.
- ⁶³ 'ALP to Boycott Throne Speech at first sitting of Parliament', 27 April 2009.
- ⁶⁴ 'Antigua Government Moves to Void Knighthoods Awarded by Outgoing Governor General', *Pride News*, 20 August 2014.
- ⁶⁵ 'PM rejects honours', *Antigua Observer*, 16 August 2014.
- ⁶⁶ S.A. De Smith cited in Low, 'Introduction', p2.
- ⁶⁷ O'Brien, p.65.
- ⁶⁸ Bill Riviere, *State Systems in the Eastern Caribbean* (Mona: 1990), p.81.
- ⁶⁹ The exception is Belize where the CRC split on this question and were unable to reach consensus or a majority decision so failed to make a recommendation on the issue. The divide turned on the argument that in the context of Guatemala's territorial claim over Belize, 'changing from the monarchical system will risk decreasing both the prospects for British support in the event of an invasion from

Guatemala and use of the British as a deterrent to such a threat'. *Final Report of the Political Reform Commission*, p.62.

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