

**PRESENTATION TO ST. KITTS AND NEVIS BRANCH
OF CHARTERED ACCOUNTANTS OF THE EASTERN
CARIBBEAN ON 5TH NOVEMBER 2016**

Allow me to begin by giving you my favorite definition of an accountant. An accountant is someone who solves a problem you did not know you had in a way you do not understand. And a good tax accountant is one who has a loophole named after him.

I compliment you on the theme of your week of activities - Thought Leaders and the Accounting Profession. I will address one aspect of the theme, that is thought leadership through civil society organisations such as yours for the benefit of the community. Civil society in this context includes individuals, interest groups and organisations which are or should be independent of government such as the Church, business organisations, academia, the media, the professions, civic and charitable organisations.

I am sure you agree with me that civil society entities should play an important role in the strengthening of our democracy. They should also contribute by way of leadership and advocacy and by their example to bring about improvements in the norms, attitudes and conventions that govern human interaction in our country. I am sure you agree also that civil society of St. Kitts and Nevis has not played either role to real effect.

I think it important, painful as it may be, to recognize the major historical root of that inaction. I set my talk therefore against the background of an important anniversary which approaches, that is 50 years of self governance for St. Kitts and Nevis. The anniversary will arrive on 27th February 2017. There is so much focus on our

independence in 1983 that most people forget that we governed ourselves a fair while before that. On 27th February 1967 St. Kitts-Nevis-Anguilla became a State in association with Great Britain under a constitution which contained many features of our independence constitution. The main differences were that Britain remained responsible for external affairs and defence and Anguilla was part of the State. Associated Statehood was intended to be a stepping stone to independence for the smaller territories of the Leeward and Windward Islands following the unfortunate collapse of the West Indies Federation in 1962.

Nevis and Anguilla had never been happy in being associated (from the 1880s) with St. Kitts. St. Kitts is much more populous and therefore dominated the government. St. Kitts alone had large scale employment in the sugar industry and in other manufacturing and in a commercial sector. St Kitts had better infrastructure and better education facilities. The elected politicians in St. Kitts looked down on the people of Nevis and Anguilla who never voted for them. The new Associated State was not therefore a stable proposition but rather one of convenience for the British and doomed from the start. Within three months the violent secession of Anguilla which had been brewing for months prior to 27th February 1967 became a reality.

Then came the events of 10th June 1967 which have sadly influenced the development of St. Kitts and Nevis to this day. In the early hours of that morning a group of Angullians landed in St. Kitts by boat and proceeded to attack Government institutions firing shots at the Defence Force camp, Police Headquarters and the Electricity Station. On-one was killed or seriously hurt. The Anguillians soon melted into the darkness.

The Government headed by National Hero Robert Bradshaw had earlier declared a State of Emergency giving the Government emergency powers. The Government used those powers to detain 23 men associated with the opposition Peoples Action Movement including the leaders Billy Herbert and Michael Powell. In October and November 1967 several jury trials took place including those of four Anguillians and seven members of PAM who were charged with conspiracy to overthrow the lawfully elected Government. Lawyers came from all over the Caribbean to defend the accused and the Government also had a powerful team of prosecutors. None of the cases resulted in a conviction. The case against Dr. Herbert and Powell was discontinued.

The turbulence did not however end there. Bradshaw and his Labour Party insisted that PAM had provided material support to what they considered an attempted coup by the Anguillians although they could not prove it in a court. An authoritative book called Anguilla's Battle for Freedom written by two highly respected Anguillians - Petty and Hodge – says, based on interviews with Anguillians who participated in what they call an attempted coup, that they came to St. Kitts expecting to meet a popular uprising and were surprised when that did not materialize. PAM felt that Bradshaw was a dictator and wanted to lock up its members and destroy the party which was relatively new. These opposing views became and still are in large measure entrenched. Thus began the PAM cats and Labour dogs and neighbours and families who have hated each other for generations because of party politics.

The turbulent start to self governance left little room for the normal democratic teething process. Instead everything was dominated by the party politics. There were so few

independent people that active participation by civil society in nation building had no room to take root and has not up to this day.

The political culture that became entrenched in 1967 led to further violence after the controversial election in 1993. A third political crisis arose over the Motion of No Confidence between 2012 and 2015 a period which I call the 26 month election. We are very fortunate that those crises ended peacefully. We may not be so lucky in the future when another crisis erupts which it is bound too if the political tribalism continues and civil society remains quiet.

So we live in a tiny society which has prolonged for 50 years a political culture based on enmity over events in which no one was seriously hurt. The same society is unable to come to grips with the murder in 15 years of more than 300 of its young men. I invite you to make your own assessment of what that means. Mine is that the society is dysfunctional. Here are some other manifestations of that dysfunction:

1. A win at all costs mentality leading to consecutive governments failing to create a structure for fair elections.
2. A “my turn” mentality. That means that all the spoils of government must go to the supporters of the party in power. The opposition must suck salt.
3. An entitlements mentality with constituents expecting government largesse and governments squandering public money in pandering to them for votes. We know what that mentality did to the national debt. Also, it decimated the SIDF.

4. Low productivity has been the natural result. Politicians seem afraid to address this. But it is a reality which we continue to ignore at the peril of our economy.

5. The politicization of the Civil Service. The need for reform has been recognized by all political parties but none has been prepared to take action for fear of loss of control.

6. Conflict resolution is rarely practiced. Animosity and hostility rule. The politicians lead the way and the public follows. No-one wants to make the first move towards civility.

7. The inevitable decline in social discipline and crudeness in social interaction. Look around the streets and elsewhere in public and you will see the disorder. You see how public vending has gotten totally out of hand. You cannot use some sidewalks in the capital. Littering is rampant.

8. The disorder is reflected even in decisions on physical planning. You cannot build or buy your dream home in a residential area without fear that a car repair garage or a night club or other business will show up next door.

Civil society has contributed to the dysfunction by its inaction. There are within civil society many highly committed, highly educated and highly competent people with the potential to become thought leaders in this field. Others, too many, are in denial or enjoying their cushy lives and cannot be bothered to participate. We cannot afford that inaction to continue. If we do we will soon be fearful to leave our homes. In the same way that we criticize the political operatives for continuing the tribal

politics so must we be critical of ourselves in civil society for sitting back and allowing that to happen for 50 years.

Civil society must be an integral part of the solution. It must begin by establishing a system for cohesive cooperation among civil society bodies. In that process civil society must agree that some issues transcend politics and require a national solution. It must identify the issues and address them. The most pressing of the issues to be addressed is violent crime. The Chamber has initiated a process to bring civil society together immediately to formulate solutions and to take those to the government and opposition in a national consultative process. There are multiple causes of the insane crime rage. Many of the solutions such as improved parenting are cultural and long term. The most immediate is unified confrontation of the problem. The message from all quarters should be “No mas”. We should also start a public campaign to encourage the public to report crime to the police and to provide evidence. We can also immediately lobby for changes in the laws which favour the criminal and for stiffer sentences. These immediate steps will boost the morale of the police who are fighting crime with one hand tied behind the back.

I will intersperse suggestions for action by civil society on other matters with a look at the state of thought leadership among the various categories of civil society. I begin with the Church. The Church as an institution is still a strong and positive social force but there can be no doubt that the intensity of the political divisions has limited the inclination of capable members of the clergy to play as full a mediatory role as they should.

Academic institutions are in most countries a primary and powerful source of thought leadership. Our size and the

limited tertiary education provided here are expected limiting factors. However now that university status is the ultimate goal of the CFB College it is time that it increases its role in research and in recording of history. A country which does not record its history is weakened as a result.

The media is called the Fourth Estate in line with the three branches of government - the legislative, executive and judiciary. It should play a critical role in any democracy. The media is young here. The first independent newspaper is about 25 years old. Radio stations other than ZIZ are no more than 15 years old. ZIZ remains an abused government mouthpiece despite clear pronouncements by the Courts that it should be available to all sides. Access by all to ZIZ is something that civil society should insist on. The internet provides a promising new feature of communication but is young. Social media provides an enormous boost for freedom of speech. However it brings a serious challenge. Information is so widely and speedily disseminated and views expressed so carelessly that thought leaders will have their job cut out in deciphering the truth and in promoting orderly thought in an often confused and disorderly space.

Business organisations should have the financial independence to put them at the forefront of the work of civil society. Unfortunately the business community has been too often caught up in the prevailing politics. Too many business leaders have not been prepared to risk their business or potential business with Government. Some have cultivated political connections for the benefit of their business. Politicians have therefore been able to reduce the impact of the Chamber of Industry and Commerce as a natural leader of civil society.

There are many active and compassionate civic

organisations in SKN. These provide excellent community service. In so doing they get a first hand view of the problems. Why then can they not become active also in the solutions to the underlying problems rather than just helping alleviate the symptoms. For example instead of constant clean up efforts they should organize campaigns to address in a direct and blunt way the warped minds of those who brazenly litter our beaches and public areas.

I look at the professionals. My profession has grown in stature since the Legal Profession Act gave it a statutory base five years ago. In addition to organizing and regulating the profession the Act gives the Bar Association the duty to promote, maintain and support the administration of justice and the rule of law. The profession now numbers close to a hundred. The younger members of the profession are becoming more interested in participating in the work of the body. But far too many, particularly the older ones, are still cowed or diverted by the party politics from their role as significant players in maintaining the rule of law. When I was President at the beginning of the 26 month election and the Council of the Chamber decided to call for early tabling of the Motion of No Confidence some members of the Council went scattering for shelter. If lawyers do not promote the rule of law they expose their country to falling under the rule of man. I am confident that my profession will contribute thought leaders to civil society in its new life.

It appears that the Medical Association has raised itself from an extended slumber. I hope that the doctors will now become active in promoting at least health related causes. Doctors should be leading the debate on what we eat and drink and on other lifestyle habits affecting health. I am reminded that for the first time since independence a

doctor is not Prime Minister. That may signal the release of the profession.

The architects, engineers and other construction professionals have likewise been largely missing in action when there is a crucial role for them to lobby for a transparent planning system. They can bring so much to the table in the debate on the development of the country.

Your profession has a critical role. A major weakness of our governance system is the lack of laws to ensure accountability and transparency. All sides agree that we need Integrity in Public Life, Public Procurement and Freedom of Information legislation. The current government also campaigned for term limits and campaign finance regulation and national debt limits. All of these need custom made systems to take account of our size. Who better to play a prominent role in designing such systems than accountants. I will be happy to stimulate your interest further on this.

All the professions have an important role to play in another area which requires a non partisan, national effort and that is the reform of the education system which is badly needed. It is heartening that this is at last being proposed following the receipt by government of the UNESCO Educational Policy Review. Early mobilization of civil society bodies to participate in this process is needed.

Civil society organisations have to become more savvy in the use of technology to communicate and to get their message across. Another aspect of the new approach of civil society should be the promotion of think tanks, preferably from cross sections of civil society, to do research, think, communicate and educate on issues affecting the community. A think tank of this type does not

have to take a public persona. It can seek to have its data and opinions adopted and expressed through one or more civil society organisations. But it would be perfectly acceptable for a think tank to go further and to perform public advocacy on specific issues.

I hope that I have shown that active participation in the community is not to be confused with politics. Constitutional democracy is much more than politics. It includes a system of governance much broader than the political system. It includes a charter of fundamental rights and provisions for their protection. Politics arise from the exercise by the people our fundamental rights of freedom of speech and freedom of association. No where in our constitution will you see the words political party.

I hope that I have stimulated you to give back of your talents and the education given to you by the community. In so doing more thought leaders will come to the fore to the benefit of the country. Our country badly needs this type of participation and leadership. I leave you with two quotes on democracy. The first is my favorite: "Democracy must be something more than two wolves and a sheep voting on what to have for dinner."-- James Bovard, *Civil Libertarian* (1994). The second is from a contributor to *The Hindu* newspaper in India – "Democracy is not a spectator sport (though politicians make a spectacle of themselves!). Parliamentary democracy becomes participative democracy only with civil society's active role".

Civil society has all the resources needed to play that role in St. Kitts and Nevis. It is high time we use them.

Charles Wilkin QC