

THE COMPARISON BETWEEN A REPUBLIC AND A CONSTITUTIONAL MONARCHY

I INTRODUCTION:

The options of a REPUBLIC or CONSTITUTIONAL MONARCHY as possible models of Government for an Independent Bermuda have been chosen on the basis that both models dictate that an Independent Bermuda remain within the Commonwealth in very much the same manner in which Bahamas, St. Kitts and Nevis, Dominica and Trinidad do. Further, these models will be buttressed and underscored, at a minimum, by the constitutional safeguards, fundamental freedoms and the democratic principles of the rule of law that Bermudians enjoy today; principles that envisage the Judicial Committee of the Privy Council (the Privy Council) as the final arbiter for, at least, the foreseeable future.

II A REPUBLIC: (Within the Commonwealth):-

A REPUBLIC is a form of government, and any state so governed, where the MONARCH (King or Queen) is not in fact or law or constitutionally the head of state. In essence, the word REPUBLIC connotes ownership and control of a given state by the population at large. Within reason, the purest form of democracy. The term is broad enough, in fact, to include extremely advanced western democracies (e.g.: The United States of America).

The use of the word REPUBLIC has long been in usage. The best known ancient republic was the Roman Republic which lasted from 509 BC until 44BC.

In modern times, the head of state of a REPUBLIC is usually held by one person, a President (e.g.: the U.S.A., Trinidad, France, Guyana) who may be appointed or elected by the Prime Minister or the populace at large respectively; depending on the constitutional arrangements and essentials.

It is generally agreed amongst most constitutional scholars and legal experts that it is extremely difficult to draw a precise line between republics and monarchies on the issue of which model is more democratic since the powers of the head of state (whether monarch or president) may be purely ceremonial. However, if there is an 'edge' then it must fall in favour of a REPUBLIC being more democratic in the

‘process’ of choosing the head of state (and other particulars) than a CONSTITUTIONAL MONARCHY. Monarchs generally, when they die, are succeeded by a relative, either chosen amongst themselves or according to set rules having nothing to do with parliamentary democracy. In contrast, presidents are generally elected or appointed for a limited term (not life), and their successors are chosen in the same way by a Prime Minister or parliamentary or legislative process. Presidents may leave office voluntarily (resignation, retirement) or involuntarily (impeachment) as opposed to monarchs who generally remain ‘heads of state’ for life.

Although it is not necessary at this point to explore in any detail all of the nuances between republics, we think it germane to note the difference(s) between an EXECUTIVE Presidential Republic (Guyana and U.S.A.) and a NON-EXECUTIVE Presidential Republic (Trinidad).

Whether a given country has an executive or non-executive presidential republic is purely a function of the political will and intent of the Government of the day and the construction of its constitution to accommodate and give expression to the OPTION chosen. Usually, the choice is made depending on where historically, constitutionally and politically the vision of the leadership of a given country is, the political consciousness of a majority of the people of a given country is, and the pace and direction both the Government and people can feasibly move together in mutual harmony at and towards. The choice of a Republic within the Commonwealth may be as far as a Government may wish to go in order to retain the Queen or monarch as ‘head of the Commonwealth’ though not ‘head of state’ of a given country. That country would still enjoy the considerable benefits of a wider membership of similar ex-colonial Independent (and dependent) states whilst achieving the autonomy they desire for the development and maturity of its Government and population at large; particularly in the management of its foreign or external affairs.

Accordingly, a newly Independent country may choose, if it chooses a republic, a NON-EXECUTIVE presidential republic where the ‘powers’ granted the President (whether appointed or elected according to the constitution) would be largely ceremonial and not a great deal UNLIKE the present ‘powers’ of Bermuda’s Governor except that the President under the constitution would be ultimately accountable to the Prime Minister, legislature and the people instead of the Foreign and Commonwealth Office, Whitehall and the Queen (e.g.: in appointments of judges etc.) who tend to be more remote and removed from the day to day affairs of the local Government and its peoples.

The choice or option of an EXECUTIVE presidential republic (within or outside of the Commonwealth) by a given Government or

people moving from a colonial relationship to Independence has historically been as a result of a revolutionary and/or colonial war or conflict (e.g.: India, Zimbabwe, South Africa etc.). The choice of an executive presidential republic is oft borne out as a result of the resentment a given colonial state has or harbours for its colonial ties and its attempts to gain control over the inevitable factions a bitterly fought war gives rise to. Former colonies which have a more 'peaceful evolution' in their colonial relationship or disengagement from the 'mother-country', when choosing the REPUBLICAN model, do so by choosing a non-executive presidential model which is usually an acceptable political compromise (for a time) between the monarchists or right-wing (constitutional and pure loyalists) and the anti-monarchists and left-wing factions in that society.

The choice of whether a given country adopts and adapts to an EXECUTIVE or NON-EXECUTIVE republican model of government is a choice of that particular Government and/or its peoples. Once the option is chosen, it shall be governed, and should be governed, by a CONSTITUTION which will dictate, in particular, what the President, Prime Minister and all the organs of state can, and cannot, do. In this regard, that constitution may look very much like the present, 'advanced' colonial constitution Bermuda presently has, absent the 'powers' enjoyed by the Governor, the Crown, and the monarchy. A Constitutional Conference is fundamental in determining how any given REPUBLICAN model will function. Useful examples of REPUBLICAN (executive and non-executive) constitutions may be gleaned from the models of Dominica, Trinidad and Tobago and Guyana.

III A CONSTITUTIONAL MONARCHY: (is automatically within the Commonwealth)

Apart from what has been said above about a constitutional democracy in the context of our discussion respecting a republic, the following highlights the salient features respecting a constitutional democracy.

A constitutional monarchy is a form of government established under a constitutional system which acknowledges a hereditary or elected monarch as head of state. As is the case with most republics, a constitutional monarch's EXECUTIVE authority is vested in the head of state (for Bermuda, Queen Elizabeth II).

Presently, a constitutional monarchy represents a compromise between theories of sovereignty which purportedly place sovereignty in the hands of the people, and those people who believe there is a role for colonial tradition in the theory and practicality of government. Though the king or queen, to whom the Governor-General is ultimately accountable (observe Grenada's and others experiences), may be regarded as the government's symbolic head of state, it is the Prime Minister, whose power devolves directly or indirectly (depending on the constitution) from general elections, who actually governs the country.

In fact, modern constitutional democracies (like republics) function under written constitutions (unlike the U.K.) which strictly define the roles possessed by the head of state, the executive, legislature and judiciary (and the selection process and procedure for same). These constitutions will also define how constitutional amendments will be passed either by plebiscite (or referendum), weighted majorities in Parliament, etc.

Should Bermuda, upon achieving Independence, choose a constitutional monarchy as its model of Government, then it will choose a Governor-General who will represent the Queen (and is ultimately responsible to the Queen) who will be the Head of State. The Governor-General would be APPOINTED by the Queen on the advice of the Prime Minister. The Governor-General would not be a head of government or state and will have few, if any, executive functions or responsibilities. A Bermudian Governor-General will simply have stepped into the 'shoes' of an outgoing colonial Governor, constitutionally speaking. In fact, very little will change fundamentally in respect of the constitutional arrangements and essentials as they presently exist. A Constitutional Conference may or may not be required in respect of these arrangements

or essentials. Holding such a conference would largely depend on how far the Government wished to depart from the existing 'reserved' powers of the present arrangements as they apply to the Governor and how this 'departure' impacts those powers internally and externally. The powers of the present Governor are BOTH executive and ceremonial as the choosing of the Chief Justice and the delivering of the Throne Speech so poignantly illustrate.

Should Bermuda elect to follow the constitutional monarchy model of Government, the remaining sections of the present constitution will for all practical purposes remain essentially unchanged. Useful examples of this conclusion may be gleaned from the constitutions of Bahamas, St. Kitts (St. Christopher) and Nevis, Jamaica, Barbados and Bermuda.

IV CONCLUSION:

It should be clear from the above discussion that whatever choice the Government of the day makes in respect of a model of Government upon the attainment of Independence, it will largely be as a result of how it gauges the level of readiness or political awareness/consciousness of its leadership and peoples. The assessment of that 'gauge' will result in a 'one-step' to a constitutional monarchy or a 'two-step' to a Republic (executive or non-executive). Whatever the step(s) taken it is almost a surety that a Constitutional Conference must be convened to determine the model of government. One-step to a constitutional monarchy (like Bahamas) or two-steps to a NON-EXECUTIVE Republic (such as Trinidad and Tobago and Dominica) OR indeed, one-giant step or 'three small steps' (over time) to an EXECUTIVE republic (such as Guyana). These are the questions a Government must concern itself with in a determined, dispassionate but firm and resolute manner.