

INSTITUTE OF CURRENT WORLD AFFAIRS

FJM-5

February 15, 1969

Anguilla: A New Constitution and  
The Declaration of Independence

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Dear Mr. Nolte:

PREAMBLE

"We, the People of Anguilla, in order to secure to ourselves and our posterity, the enjoyment of all rights of God, Freedom, Justice, Life, Liberty, Property, and the pursuit of happiness do mutually bind ourselves, each to the other, and hereby ordain and establish this Constitution as the Supreme Law of the Land."

On February 7, 1969, the 6,080 people of what is now the Republic of Anguilla ratified their new Constitution in an island-wide referendum. The vote was 1,739 in favour of the Constitution which ended all ties with Great Britain, declared Anguilla a Republic and created a new form of Government modeled upon the American system. There were only four opposed while seventy votes were voided as invalid.

The text of the referendum follows:-

- "A: Affirm declaration and approve Constitution Government of the people of Anguilla.
- "B: Reject declaration Constitution return to St. Kitts ."

As stated, without any punctuation, the Government limited the choices to two only, making it difficult for those who wanted to retain ties with Great Britain to choose one or the other. Anguillans were faced with the necessity of voting for a return to St. Kitts, if they wanted to remain in the Commonwealth. In this respect, the referendum was prejudiced in favour of the Government's desire to have the Constitution approved since no Anguillan would ever vote for a return to St. Kitts--Nevis even though it would cost them their link with the Queen. Ronald Webster, the Chief Executive of Anguilla, and now its "President", knew this of course when he structured the language of the referendum.

The new Constitution is Anguilla's second since the island broke from the St. Kitts-Nevis-Anguilla Federated State in 1967. The First was written in August of that year by Harvard's Professor of International Law, Roger Fisher, who was then acting as Anguilla's "legal advisor". Professor Fisher's document was intended to provide the islanders with a framework around which they would be able to govern themselves with little disruption to their tradition of British political institutions. His constitution had 11 points or "articles" and filled only a single page. It was short but effective. With a smile, Fisher called his document "the shortest Constitution in the World."

The new Constitution (using American terminology and institutions) is 11 pages, wordier than the first, more detailed, containing 15 articles and a Preamble. It re-structures the Island's British form of Government (slap in the face to H.M.C. and other Commonwealth Caribbean states) creating a bicameral Legislature of 11 representatives, an Executive branch of government with a President and Vice-President and a court of three appointed judges as a Judiciary. Each of those branches of government are made separate from each other and a system of checks and balances is inherent in the framework.

Article one defines the territory of the Republic:

"The national territory of Anguilla is comprised of the island of Anguilla, Dog Island, Scrub Island... This territory and government shall be known as the Republic of Anguilla."

Article two deals with "political rights".

"All political power is inherent in the people. Government is instituted for their protection, securing the benefit of the citizens...and they have the right to alter or amend the same whenever the public good may require it. The paramount allegiance of every citizen is due the government of Anguilla."

Article three goes on to specify how expatriates may become "Naturalized Citizens".

"All persons who at the time of enactment of this constitution have been resident in the National Territory of Anguilla for a major portion of each of the five years immediately prior to enactment... while renouncing allegiance to all other countries shall....be naturalized citizens."

Article five deals with the "Distribution of Powers" which divides Government into three departments -- Legislative, Executive



Above: Framework of the hull of an Anguillan boat, forty feet in length made by hand by some of the most famous boat builders in the Caribbean

and Judicial branches. In section 10 of Article 5, the Government is given power to legislate and "has the power to establish all laws concerning "Health, Safety, Welfare, and Morals of the Republic... to regulate commerce, to coin money, establish currency, to operate a postal system, pass civil laws of commerce, create corporate regulations and procedures.....to impose taxes, duties and exercises... to establish a navy and raise armies."

Article seven establishes the office of "President and Vice-President" and stipulates that the President shall have the power to appoint a Secretary of the Treasury, a Secretary of State, Secretary of Defence and an Attorney General.

Article fifteen, the last one, works out the procedures for establishing an interim government until the new forms are implemented (new elections are scheduled for March 11, 1969).

"During the Interim Period of the adoption of the Constitution and the taking of office of the newly elected officials a period of which shall not be greater than sixty days, the Authority of the Government shall remain in the Council of Anguilla and the Chief Executive thereof. During the Interim Period a national election shall take place under the supervision of the Council of Anguilla and an orderly process established for the transition of Government, providing however that the Council of Anguilla shall not in any manner commit any act inconsistent with the provisions of the Constitution."

The ratification of this new Constitution and the severing of all ties with the British Government came only three weeks after the departure from Anguilla of the British Representative and his staff. They were withdrawn by H.M.G. at the request of St. Kitts-Nevis Premier, Robert Bradshaw, who is the "constitutional" authority of Anguilla. Tony Lee, the British Representative, was stationed in Antigua in the hope that he might yet work some sort of compromise between the Government on Anguilla and Bradshaw. The feeling was that since Anguilla still maintained strong bonds with England, British influence and support might work out an arrangement satisfactory to the Anguillians. However, this sort of speculation went by the boards on February 7.

The dispatch with which Anguilla produced a new Constitution and held a referendum which made it an Independent Republic caught most of the Caribbean, the Government of St. Kitts-Nevis and even H.M.G. by surprise.

In Barbados, Sir Grantly Adams, once Prime Minister of the defunct West Indies Federation, declared..."It is just plain silly to talk of independence even if (Anguilla) is thinking of putting herself in the power of some foreign country that will give her a loan." In Basseterre, St. Kitts, Bradshaw rejected and condemned Anguilla's declaration as illegal since Anguilla was still part of the unitary



Above: A Church bazaar held at St. Augustine's Anglican Church, one of three Anglican Churches on the island. Photo taken by the Rector of the church, Canon Guy Carleton

state of St. Kitts-Nevis-Anguilla. The Anguilla constitution, he said was "a Logus one which purported to make Anguilla a Republic. Anguilla is part of the Associate State as laid down by Parliament in the West Indies Act of 1967. Her Majesty's Government will not regard Webster's public declaration of Independence as having any effect."

British response was restrained and non-committal as officials in the Caribbean busily sent off cables to London, conferred and struck a "wait-and-see" attitude. Yet underneath, one could sense frustration and disappointment. Anguilla has become a bothersome, unrelenting thorn in the side of these diplomats. Many of them have sympathy for Anguilla and have done all they could to find some quiet "diplomatic" way to provide Anguilla with a separate status apart from statehood with St. Kitts-Nevis. They point out that given six more months of quiet diplomacy, Anguilla may have had at least a defacto recognition of its self-governing status from Great Britain and the Caribbean. These diplomats now resent Anguilla's "lack of sense" and more than that, the embarrassing posture in which Anguilla has placed them. What H.M.G. will do (in the words of one high ranking diplomat "anything is possible including the landing of British Marines") is as yet unclear. Britain may enforce sanctions or leave it to other Caribbean states to use force. From all indications, however, it would rather simply forget Anguilla ever existed.

The attitude of the other Commonwealth Caribbean states was given in a statement issued February 7 from Trinidad. Leaders from all over the Caribbean were meeting in Trinidad for the Fifth West Indian Heads of Government Conference which dealt with the very crucial issue of regional economic co-operation. From the Conference came this statement:

"The Conference saw as disturbing to peace in the region Anguilla's attempt to secede illegally from the State of St.Kitts-Nevis-Anguilla. Delegates reaffirmed their commitments to the democratic process as the basis of all Governments in the Commonwealth Caribbean....and the Conference calls upon Great Britain to take all necessary steps in collaboration with the Government of the State to confirm the territorial integrity of St.Kitts-Nevis-Anguilla."

It is ironic that at the very time when Heads of State from around the Caribbean are meeting to discuss regional integration, Anguilla, on the same day, went to the polls to declare its final and complete break with any Commonwealth country. The difficulty is that there is right on both sides.

The fact that Anguilla produced and voted on a Constitution so soon after Tony Lee was withdrawn gives rise to speculation that the Anguillan Government has, for sometime, been making preparations for this event. However, this is most unlikely. I have other suspicions.



Above: Faces of Anguilla--A West End couple, Mr. and Mrs. Hodge, while tilling their crop of peanuts which are dug from the earth and let to dry on the roof of their home--After Grant Wood

Four days following the withdrawal of the British Representative from Anguilla, I was returning to Anguilla after a weekend trip to the British Virgin Islands. Landing at the airport in one of the twin-engine planes which serve as the Anguilla Transport Service, I was informed by the Anguilla Defence Force that I would have to catch the next plane and leave Anguilla. I was about to be deported as an undesirable alien. (It was reported in a Washington Post story of January 5, 1969 that the Anguilla Police Force had begun to deny entry to foreigners because some "American Mercenaries" had been paid to kill Ronald Webster). To my knowledge, however, there was no actual ban on foreigners and that entry or deportation is done on an almost "ad hoc" basis.

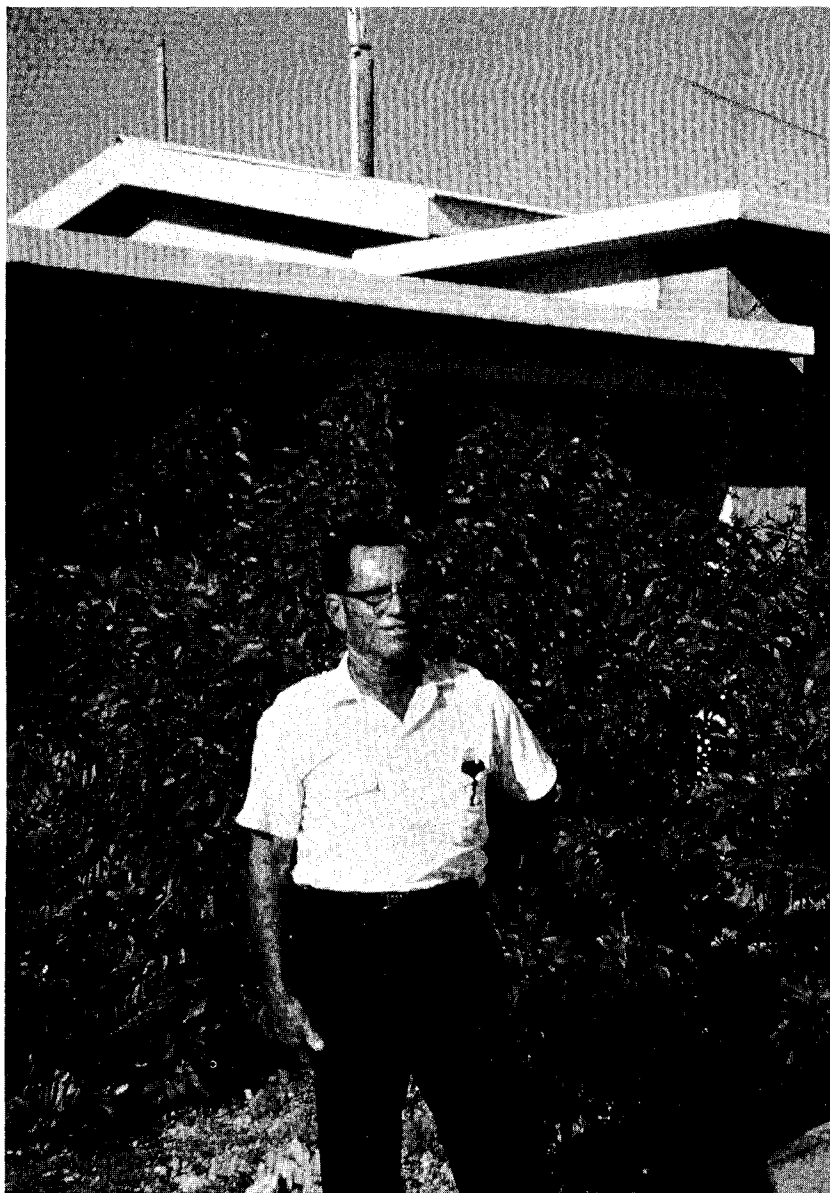
In my case, it was clear that only Ronald Webster, and perhaps one other figure close to Webster, the Director of Civil Service, John Webster, had made the decision that I was to be refused entry back into Anguilla. Later two of the men on the island Council came to the airport and explained that they had no prior knowledge of a ban and that they had not been asked about it.

There were other aliens landing at the airport however, and one in particular, who landed and remained on the island. He was an American from Florida, Mr Jack Holcomb, whom I had come to know from previous visits he had made to Anguilla. Holcomb had been coming and going for several months claiming that he was in the building materials business and that he wanted to establish a business on the island providing he could get the "proper concessions" from the Government. In the course of time, he produced a mimeographed proposal in which he outlined a project for developing a building materials factory. Holcomb asked for a 25 year tax free concession. He also wanted to control 51% of all existing shares in what he called the "Anguilla Development Corporation." Such a company, he noted, would have an exclusive to provide any future builder on Anguilla with materials and that the company would also have water reclamation rights. Along with other stipulations, this proposal would have made Holcomb the central figure in any future development on Anguilla. In effect he would have had economic control over the island.

At the time, (checks later showed Holcomb to be a policeman with no record of being in the building business) Holcomb's proposal was rejected, due largely to the influence of outside advisers who cautioned the Government against the proposal. Yet, with the British withdrawal and the heavy threat of isolation impending, it was obvious that Webster was going to have to turn to some outside source for help. It was convenient for Holcomb that he happened to arrive at that precise moment.

The effect of Holcomb's presence on the island during the past weeks has, in my judgement, been seen in the speed with which a Constitution has been written, promulgated and ratified. Holcomb has always argued for complete independence for Anguilla, and was always eager to give the islanders political advice in addition to views on Anguilla's economic development. There is little doubt in my mind that Holcomb and his associates in Florida wrote the Constitution and that "President" Webster is being influenced by them. It is unclear whether Webster is using Holcomb and Associates to gain his own ends or whether in fact Webster is being used by them. I'm certain that in Webster's mind, it is the former.





Above: Face of Anguilla--Mr. Walter Hodge, the treasurer of the Government of Anguilla who is regarded as one of the most honest, hard working men on the island. An "East Ender", Mr. Hodge is standing before his office at the Administration Building

Webster's intentions are always difficult to explore. He is an unpredictable politician with a penchant for secrecy and surprises. In addition to the new Constitution of the Republic, Webster provided the Caribbean with another "historical" document, a Declaration of Independence. This document was a complete surprise to the Anguillans, for following the balloting, counting and announcement of the results of the voting of February 7, Webster assembled the people of Anguilla in the public park (Ronald Webster Park) and pulled a piece of paper from his pocket. He read the following to them:

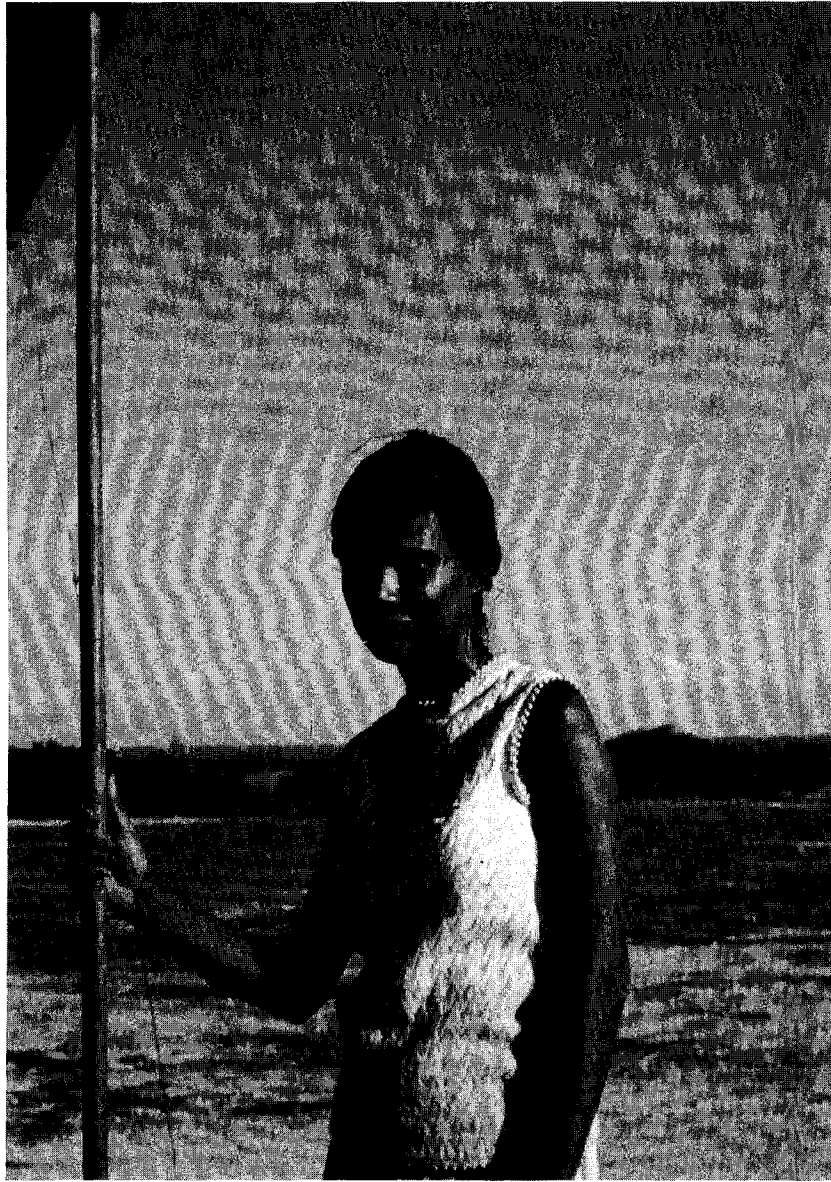
"DECLARATION OF INDEPENDENCE"

"When the political ties of one people have deteriorated with another, and the common bonds of their future no longer exist. It becomes necessary to separate and assume their own destiny among the nations of the world. God's law, Man's right of dignity, and his inalienable right to life, liberty and the pursuit of happiness, cannot permit them to suffer indefinitely the wrongs of oppression at the hands of those who would ignore their plea for justice and equality.

Governments are instituted among men, deriving their just powers from the consent of the governed, and whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and establish for themselves and their posterity, a form of government founded upon those principles which will guarantee their rights of freedom, justice and self determination.

It matters not the number of those oppressed if they constitute the whole of the people, for their right to human dignity cannot be based upon the justification that they are too few to speak with the strength of the mighty. History has proven the concept of man's will to throw off the yoke of tyranny when that burden is no longer bearable and the clouds of despair are without end.

The people of Anguilla have long endured a colonial status subject to the whims of persons remote to their needs and blind to their future. They have been traded as a pawn, from a condition of neglect, to one of tyrannical subservience, without their consent or a voice in their government. In a changing world, endowed with improvement and economic development, our conditions have remained stagnant for centuries. Such a heritage is no longer tolerable.



Above: Face of Anguilla--Miss Blondel Martin who lives in the center of the island and an example of Anguilla's beauty

The abuses against the people of Anguilla have been long and many. After 200 years of domination by a world power, we are without paved roads, electricity, water, telephones, a port facility, or any other forms of elementary advancement commensurate with other societies of the world. Our natural assets lie dormant and bitter experience has established that ambition of youth may only be realised by immigration to other lands, to return in later years and find their birthplace as void of progress as if time stood still, such conditions cannot remain forever.

British Parliamentary creation of the St. Kitts-Nevis-Anguilla Federation failed to consider geography, similarity of interests, population distribution or safeguards of democratic process, and thereby produced a form of government inconsistent with the enjoyment of ordinary human rights, resulting in acts of tyranny, confiscation of savings and bank accounts of the people, and withdrawal of all judicial measures.

Our future course, is not so much dictated by desire for the difficult road of independence, but necessity, inflicted by those who refuse to grant any measure of relief acceptable to our good conscience, Our choice cannot be one of continued oppression by dictatorial power and abandonment in a changing world, nor can we remain indifferent to our circumstances without hope for a better way of life.

We have appealed, both with logic and reason, to England and the Premier in St. Kitts for redress, and have negotiated in good faith to resolve these conditions, only to be rebuked by England that she can do nothing, and informed by the Premier that there is nothing to negotiate. Thus, the die is cast, we are without recourse within the confines of peaceful settlement and petition to the powers of common government.

Now therefore, we must accept, the only alternative available, appealing to God and mankind as judge of our intentions. Do, in the name, and by authority of the people of Anguilla, publish, declare and proclaim, that the island of Anguilla and its associated islands and Cays are, and ought to be free and independent. That we are



Above: The Anguilla Airport, scene of memorable arrivals and departures, with one of the twin engine Aztecs which serve as a part of the daily air service between St. Thomas, St. Martin and Anguilla

absolved from all allegiance to the government of St. Kitts, the Federation, and Great Britain, and that all political ties with them is totally dissolved: and that as a free and independent nation, destined to guide mankind back to the way of peace, contract alliances, establish commerce, and do all acts and things which independent nations may do of right. In pursuit of these goals, and support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge, each to the other, that no man or government shall ever rule the people of Anguilla from a foreign shore, or impress upon us a remote will, or dominate our future by degree, so help us God."

The document was signed: "Ronald Webster" and underneath his name, the title "President".

Between Holcomb, Webster and a few others who are forceful figures on the island, Anguilla has managed to alienate itself from the rest of the Caribbean and has now lost much of the sympathy it once had. The result of this newest action on Webster's part has caused Robert Bradshaw of St. Kitts to take the initiative.

On the island itself, the people and politicians who distrust Holcomb or view his presence and influence on Webster as a danger have been unable to gain sufficient strength to alter past events. During the debate on the Constitution, for example, three of the members of the seven man council were against breaking with Great Britain and submitted amendments to that effect. At that point, Webster called Holcomb to the council meeting in order "to go over the Constitution and explain it". Reacting to this, one of the three "moderates" declared that since Holcomb was invited into the meeting, he was leaving -- and did so. Following Holcomb's "explanations", the amendments were withdrawn.

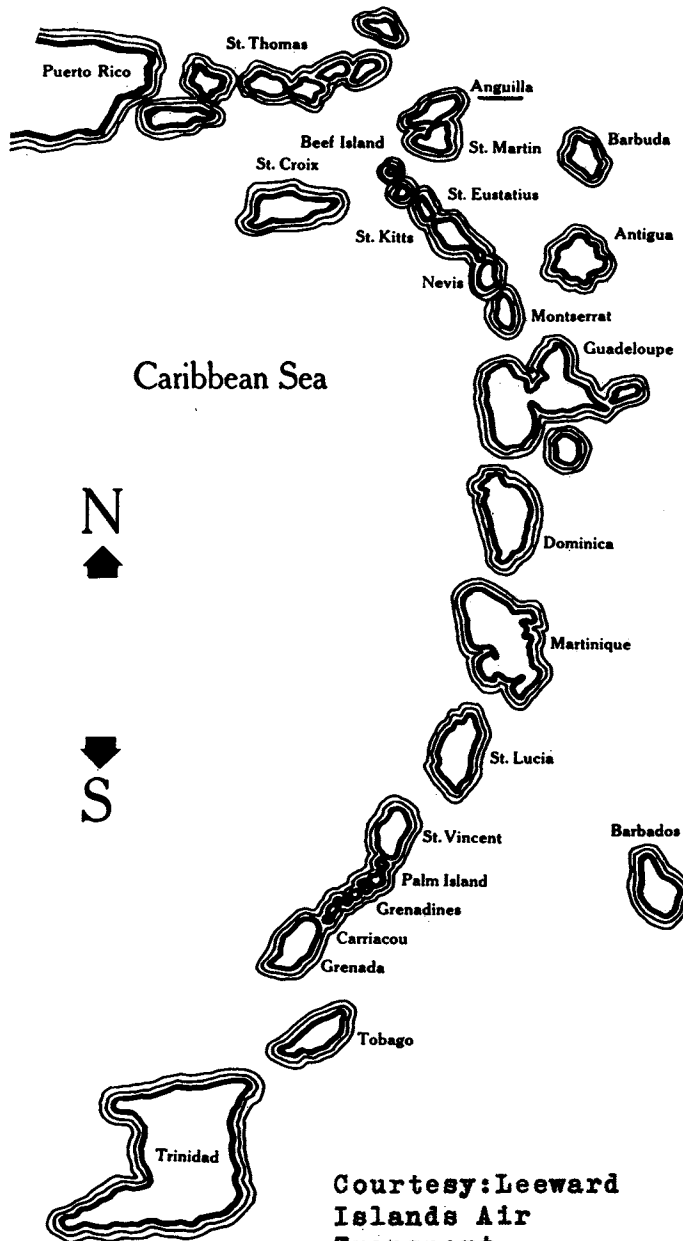
Since the voting and ratification of the Constitution, these "moderates" on the Council have been forced to back the referendum. A political split in the island, they feel, would only bring Bradshaw back to the island and such fears protect Webster from harsh attack. Consequently, the moderates are caught between the threat of extremists and Holcomb dominating the political and economic life of the island on the one hand, or the threat of a return to St.Kitts-Nevis and Bradshaw on the other.

Meanwhile, the new Constitution has stipulated that new elections are to be held within the next six weeks when a President and Vice-President will be chosen, though Webster has apparently already assumed the higher office. At the same time, H.M.G. and other Commonwealth Caribbean countries are deliberating about what action to take. During the last week of February, the British are sending a high ranking delegation to the Caribbean to explore the "Constitutional problems" of the area and will visit St. Kitts and even perhaps Anguilla. Their recommendations will be crucial and

H.M.G. is "officially" thinking. Reports in the West Indies are circulating that perhaps the Anguilla-St.Kitts dispute may spark what one newspaper called "the first West Indies War".

Yours,

*Frank Mc Donald*



Received in New York February 24, 1969.