

OPINION & INSIGHTS

AS I SEE IT



By Rahym R. Augustin-Joseph

Public order or public control? The problem with Caribbean protest laws

The Caribbean has long been shaped by protest, rebellion and revolution. From the Haitian Revolution to the Labour Riots of the 1930s, enslaved and working-class people have fought for better economic, social and political conditions.

It is in the Caribbean DNA.

Yet, even after political independence, newly minted leaders have clung to the impulse to control democratic rights through Public Order Acts – laws that regulate, and at times deny, the right to protest.

As I've argued elsewhere, C.L.R. James was right: the Caribbean should not take its claims of modern democracy too seriously. Free and fair elections alone do not erase our origins in crude authoritarianism, forged in the brutality of plantation slavery. Today, we must carefully nurture new democratic instincts. Ours is, as Maurice Bishop observed, a "five-second democracy" – a fleeting moment of sovereignty, surrendered the instant we mark an X on the ballot. Rousseau put it similarly: voting is both an exercise in, and a surrender of, sovereignty. Both thinkers envisioned a system where citizens retain their sovereignty while engaging in political life.

This democratic deficit has been glaringly

evident in Dominica in recent weeks, where dissent has been stifled under the guise of "regulation" and "law and order".

Leaders steeped in authoritarian juice insist they must vet protest applications to ensure security. But if the goal is truly to facilitate peaceful assembly, why require permission rather than mere notification? In some cases, protesters are simply begging to be heard.

It is unconscionable that a region once denied voice and humanity under slavery now seeks to silence dissent with excessive restrictions and punitive measures. The nurturing of democracy requires permitting and facilitating protests as an avenue for ordinary people to exhale and challenge governmental authority. It is utterly unacceptable for state officials, as their default action, to utilise violence to quell dissent; modern de-escalation must take precedence.

But what of the Public Order Acts themselves?

The usual refrain – "the law is the law" – is insufficient. As Dr Martin Luther King Jr argued, we must interrogate the morality of laws and push for their reform where they

undermine democracy.

Our Public Order Act is particularly troubling: it grants a minister unchecked veto power if the Commissioner of Police denies a permit. Worse, under Section 5(2), the minister can direct the commissioner, a supposedly independent official, on whether to grant or refuse permits.

Who polices the police? Can we expect a minister to approve a protest against their own government? Such discretion is inherently problematic, concentrating too much power in one individual.

Even more worrying is the minister's ability to ban public meetings indefinitely if they deem it "necessary". The law's vagueness – failing to define what justifies such bans – undermines the rule of law.

Where is the independent appeals process? At its core, this system lacks checks and balances. Should such power reside in one person, or should it require broader parliamentary or civil society oversight? Even the police chief's initial authority should be constrained by guardrails.

We risk becoming a country of men, not laws. The law isn't only for when things are "nice" but for anomalous situations, when

they are most likely to be ignored.

Can we trust those in power to permit protests against themselves? Should a single official decide on a whim, without providing reasons or facing accountability? Our nations must be governed by law, not the benevolence of leaders who ask for blind trust – a Hobbesian bargain.

As we enter an era of constitutional reform, the people must decide: Is protest a right we uphold?

And while we fight for these inherent rights – rooted in our history, not copied from Britain – we must heed George Lamming's wisdom: "You can't move to freedom, cause freedom is what you is, and where you start, an' where you always got to stand!"

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