

## Casting away the colonial privy council is a fitting gesture for Jamaica

For even the hard-nosed observer of Caribbean affairs, Jamaica's newly elected prime minister has been saying some pretty stunning things recently.

At Portia Simpson Miller's swearing-in ceremony in Kingston on Thursday, she promised to remove the judicial committee of the privy council – a reconstituted panel of judges from the UK's supreme court – as Jamaica's final court of appeal.

The replacement for the privy council would be the Caribbean court of justice (CCJ). The Trinidad-based court is hailed as a "model" for international courts, but has been underused because countries, such as Jamaica, have not submitted to its jurisdiction.

A week before Jamaica went to the polls - in what was expected to have been a closely contested election - the leader of the People's National Party (PNP) said the unthinkable. At a nationally televised leadership debate, Simpson Miller gave full-throated support to gay rights. No one should suffer discrimination based on their sexual orientation, she declared.

In so doing, this veteran politician set up a clear contrast with former prime minister from the opposition party, Bruce Golding, who had infamously stated on the BBC's Hard Talk, that he would never have any gay or lesbian minister in his cabinet. Going even further, Simpson Miller promised a conscience vote on whether Jamaica's laws criminalising consensual male homosexual acts – "buggery laws" – should be repealed.

Given Jamaica's reputation as the most homophobic place in the world, Simpson Miller's comments on homosexuality could have been political suicide. But her party won a blinding victory, and she has been returned to serve as prime minister for a second time.

In many ways, Jamaica may be a bell-weather state for how conversations about human rights are conducted between the UK and its former colonies. Casting away the old colonial arrangement of submitting to the London-based privy council as a final court of appeal seems like a fitting gesture for a nation that will celebrate 50 years of independence from Britain this year.

In Jamaica, and throughout the Caribbean, the privy council has been viewed as the court that prevents the execution of the death penalty. Capital punishment is widely supported throughout the Caribbean region. For many who oppose the death penalty, the CCJ was conceived as an attempt to repatriate the right to hang. This debate has been a wrenching one that has seemed to pit human rights advocates against nationalism.

Simpson Miller, by her confident announcements on the CCJ and gay rights, is bringing together two ideas that have always seemed to exist only in conflict. Jamaica will restore authority to regional jurists on hot human rights issues such as capital punishment. It's a demonstrable vote of confidence in the nation's ability to conduct its own affairs – and a final act for the promise of nationalism.

At the same time, Simpson Miller has signalled an understanding of matters related to sexual orientation that are in keeping with existing international human rights law. Her courageous assertion on gay rights, at a time that it might have been politically costly to do so, is a clear and hopeful indication that Jamaica can do the right thing.

Source: The Guardian