

Why Jean Rony matters? “Near Bahamian” – “Dreamer”=” what’s the difference?

We have seen the sad unfolding drama of Jean Rony vs. the Commonwealth of the Bahamas. It is a sad story with no real winners. Rony was brought to and born in a country, by no act or omission of his own, by parents who were desperate to escape the dire poverty of Haiti. Years later he finds himself returned to the Bahamas and detained again for an offence he did not commit...being born and reared in a country in which he has grown; a country which was not the home of his forebears. The offence is not known to Bahamian Law but it is a serious offence nonetheless. It carries with it the burdens of too many decades, the indifference of too many politicians and the growing indignation of perhaps thousands of "near Bahamians" who sit idly by dreaming of a day on which the family of those who fashion themselves as full citizens of the Bahamas will become regularised.

What is a “near Bahamian”? The Majority of "near Bahamians" are Black people. They are the children of a people who hail from the impoverished Island of Haiti formerly one of the wealthiest countries in the Caribbean. They, like other, "near Bahamians" exercised no vote on the question as to where they would be born; neither did they cast a ballot as to the circumstances of their birth. The world into which they were born was a fast changing one as they were born into an economy with a voracious appetite for the cheap labour of their parents. Their parents were the exploitable labour force whose labour was contracted for a day and exploited for a lifetime; an exploitation which had no color reason or rhyme save the super exploitation of reliable cheap labour. This is the world and life of a Jean Rony! He is no aberration and he is no mistake!

A "near Bahamian" is a person who qualifies prima facie, for reasons of the accident of birth, to be registered as a citizen of the Bahamas upon the attainment of 18 years of age. It was the wisdom of the framers of the Constitution of the Bahamas that this category of persons should, upon the passage of a fixed time, be entitled to apply for citizenship in the Commonwealth of the Bahamas. By Article Seven of the Constitution " A person born in the Bahamas after 9 July 1973 neither of whose parents is a citizen of the Bahamas shall be entitled upon making application on his attaining the age of eighteen years or within twelve months thereafter ..., to be registered as a citizen of the Bahamas." Article Seven concludes by stating that any application for registration shall be subject to the interests of national security or public policy. It was a curious Article to include in our Constitution but it may have been necessitated by the large number of expatriates who lived and worked in the Bahamas at the time and, during the currency of their employment in the Bahamas, they had children.

Different countries have different rules for the acquisition of citizenship. The Bahamas offers citizenship in a unique way. Citizenship in the country is awarded by descent and marriage. Thus the children of a married union where the father of that marriage is Bahamian his offspring, upon birth, to that union are considered to be Bahamian citizens. It is a curious anomaly that automatic citizenship is also reposed upon the family of a household led by a single Bahamian female. In marriage citizenship is awarded patrilineally and out of marriage citizenship is awarded matrilineally. One of the clearest

of unintended consequences of our constitution with its myriad ways of acquiring citizenship was and is the impact of Article Seven of the Constitution and the unexpected explosion in growth of the Creole speaking population. Jean Rony matters because the problems generated by the natural growth of these "near Bahamians" is the "Big Elephant" in the room which will not be ignored and but for the illegality of his parents he would be a Bahamian with all the rights and privileges that presents. It does not solve the problem to dismiss them by suggesting that he can claim the citizenship of his errant parents or that he can find a Haitian Aunt or Uncle and return to Haiti and live with them. More importantly we can not force him to embrace a culture with which he is unfamiliar. Rony is a native born dreamer is he not?

**Halsbury Chambers**