

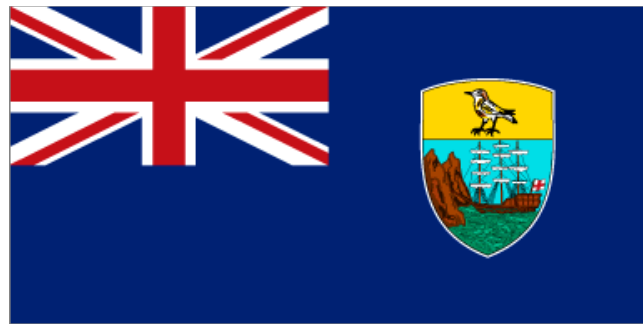
The Governor & St Helena

The Governor of St Helena is both The Queen's representative, and represents The Queen, in the Territory. This is more than just a matter of semantics. A Governor, within his colony, is not a civil servant, nor even a 'senior official'. The constitutional powers of the Crown are embodied in his person and he is also the personal representative of the sovereign. He is the Head of State in St Helena and its Dependencies, and in practice occupies a position analogous to the President in the French constitutional system. He is, therefore, also the head of the Government. His position crosses the division of powers customary between the executive and administrative arms of government by being fully responsible for the public service; and between those and the judicial arm by being, *ex-officio*, a Justice of the Supreme Court.

The powers and duties of colonial Governors vary from one dependency to another according to the constitutional provisions of the Territory. The common factor being, in the lapidary words of William Strang, former Head of the Foreign Office and one-time political adviser to Field Marshall Montgomery, that "...*he stands at the nodal point in the traffic of business, the point at which instructions from above meet recommendations from below*". In St Helena, the Governor is advised by an Executive Council, which comprises a majority of elected members who are Members of the Legislative Council. St Helena, thus, has a system of Westminster-style democracy in which the elected representatives of the people shape the policies that determine what will be done in the name of the Government. These elected politicians are in a majority over those appointed *ex-officio*, but given that St Helena is not independent the powers of the Governor reflect its status as a British dependency.

It is also, in part, the Governor's responsibility in St Helena (as it is the rôle of Governors and other senior officials appointed by the British Government in all Overseas Territories) to project Britain in the Territory. The Governor has to ensure that St Helena's legitimate interests are represented to the United Kingdom. At the same time he must reflect the UK point of view as far as he can without losing his credibility with the island's population as their chief representative. The Governor is, consequently conscious of his responsibility to both Governments in all that he does, and the Foreign & Commonwealth Office has to rely to a very considerable extent on the Governor to judge where the balance is best struck. If the British case is under-represented in public in the Territory, then this has to be accepted in London as the necessary consequence of supporting the Governor whom the FCO have appointed.

The Territory can be said to have come of age in 1985 with the grant of Armorial Bearings by Royal Warrant. As one of Her Britannic Majesty's overseas possessions the national flag of St Helena is the Union Flag of the United Kingdom of Great Britain and Northern Ireland: the 'Union Jack'. But there is a defaced blue ensign, which is flown to identify Saint Helena as a Territory. This was altered in 1985 to include the St Helena Coat of Arms in place of the flag badge (see page 85) depicting an East Indiaman and the rocky coast of St Helena. These latter items, with the addition of a wirebird set in the upper part, now form the Coat of Arms of the St Helena Government. This flag flies above the Supreme Court building in Jamestown and on other Island occasions, such as St Helena Day.



The St Helena Government Coat of Arms (left) was granted to the island by order of Her Majesty The Queen in 1985. The escutcheon of the Arms is carried on the fly of the ensign, in common with other United Kingdom Overseas Territories' flags, and is used to distinguish the Territory internationally, eg at the Commonwealth Games

There is a system of lay magistracy on the island. The Governor selects and appoints the magistrates, who sit as Justices of the Peace when required to hear non-indictable and summary offences. The Supreme Court, established in 1839, hears indictable offences and appeals from the Magistrates Courts. The Chief Justice and other Justices are appointed by Letters Patent on the recommendation of the Governor. The Governor no longer sits in criminal or civil cases, but might occasionally undertake some administrative functions which are, nonetheless, the business of the Supreme Court. There is also a Court of Appeal comprising three Justices of Appeal. Until recent years the Court had convened, when required, in London. But, in the interests of justice being seen to be done, the Governor selected a panel of Justices prepared to sit on the island: thus leading to the first sitting of the Court of Appeal on St Helena on 29th May 1998.