

Joint Statement by:

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*...on the Continued Detention of the Bahamian Straw Vendors in New York
4th October, 2010*

“The statement by the Prime Minister at his press conference on Wednesday 29th September that the government has made a formal complaint to the United States government about the detention of the vendors is not enough. His government has been too lackadaisical about this matter.

“Their Minister of Foreign Affairs was insensitive to the seriousness of this matter and simply did not do enough in the early stages of the crisis to look after the interest of these nine young Bahamian women.

“Indeed the Deputy Prime Minister's early statement was dismissive and now that he has had to act under pressure from the Progressive Liberal Party, the government has announced that its lawyers in the United States will join the defense efforts for and on behalf of the vendors. We warned him not to lecture the Vendors but help them. He has now changed his mouth and his tune. Thanks to the PLP, The Bahamas government is doing what it is supposed to do: help the Bahamian straw vendors.

“This is a complete about face for the government whose Prime Minister said on 22nd September 2010 in the House of Assembly that the government would make no statement on the issue because Bahamians get arrested in the United States all the time.

“The Government has now come to recognize its complicity in this matter. What they have announced is still not enough. They must now move to get help for all the Vendors to meet the bail conditions. We believe those conditions are burdensome and unfair.

“The Official Opposition Progressive Liberal Party believes The Bahamas Government ought to take steps to ensure that all of the straw vendors' bail conditions in the United States are met by the Government so that they can be freed on bail forthwith and that they receive effective legal representation.

“Further, the government ought to intervene with the United States government to ensure that the charges are dropped.

“We do not condone what these Vendors are alleged to have done or any breach of the law.

“However, the vendors who were arrested in New York operate their enterprise from the Straw Market, which is owned and operated by the Government of The Bahamas and the Government assesses customs duties on all of the commercial goods the vendors import to sell at the Straw Market.

“The Bahamas Government cannot be seen to be washing its hands of this matter. Indeed if these Vendors are guilty of any offence of selling counterfeit goods, the government itself has to explain its part in the matter.

“The Bahamas has been a signatory of the Berne Convention since 1973. This Treaty on copyright law requires the Bahamas Government to give the intellectual property of others the same protection as accorded the nationals of The Bahamas.

“The incontrovertible and easily verifiable facts are that the counterfeit goods are sold in a government owned and sponsored market. The Vendors are issued business licenses by the government, they have licenses to have booths in the market and the vendors, when they bring their goods in, declare their goods and pay custom duty to The Bahamas Government.

“If there has been illegality then, The Bahamas Government has profited from that illegality.

“The Bahamas Government, the Prime Minister and its Minister of Foreign Affairs cannot pretend that they are unaware of a history of the sale of counterfeit and bootleg items in this country and the profit that the country has gained from it.

“Indeed, not only did the country profit from running guns during the American civil war and rum during the American prohibition era; but in more recent times, the FNM government itself enshrined in our legislation, a law which permitted the sellers of electronic television signals to use pirated signals and sell them in The Bahamas for profit. The law was changed under the PLP.

“The government must therefore jump in with both feet in this matter. There must be an effort to get these vendors freed and returned home.

“We are pleased that the manner in which this incident was handled by the United States Government was the subject of a diplomatic note from the Bahamas Government to the Embassy of the United States.

“It took three days before the Consul General in New York was allowed to see the vendors after their arrest.

“The vendors were also prevented from making timely contact with their relatives. The conditions in which they are being kept in jail are said to be poor. It is also reported that prosecutors are pressuring them to confess. This is a serious allegation.

“The Bahamas must forcefully ensure that the Vendor's rights are protected by assisting them with legal representation. Indeed, that advice seems to have been followed.

“We call upon the Government to undertake a vigorous national education campaign to inform Bahamians of our legal obligations, under the Berne Convention and other international conventions and domestic law to respect intellectual property rights.

“Further, we call upon the Government to provide Crown Land, venture capital and marketing incentives to develop the indigenous craft industry for the Government sponsored Straw Market and throughout The Bahamas.

“The market itself must now provide a place for Bahamian goods and the Government must put in place policies that will facilitate Bahamian made goods to deepen cultural tourism in The Bahamas.

“The Government itself must begin to respect the intellectual property of musicians and artists in its own dealings with them.

“The Government has been shockingly inept and inadequate in preparing the country to be competitive in the new global environment.

“Further, we ask the Government to explain whether or not there was American surveillance in this country which led to the arrest of these vendors and whether Bahamian police were involved in or complicit in that surveillance.

“The Prime Minister tries to play fast and loose with public policy.

“When questioned about this matter in the House of Assembly on 22nd September he said that the Government would issue no statement because Bahamians get arrested all the time in the United States.

“Now he is talking about having issued a diplomatic note on behalf of the Vendors.

“He must go all the way and see that they are freed and freed forthwith, not to condone any illegal act, but in consideration of the fact that the Government has failed to address this vexing problem.

“We are particularly concerned that one of the vendors has been isolated from the others on the excuse that because she is an identical twin and cannot be easily distinguished from the other who is also imprisoned, she must be housed separately. The Government must make special representation with regard to her case.

“We intend to help the Vendors seek adequate counsel where the Government has failed.

“We will seek to mobilize the New York community to help the Vendors and we propose to start a defense fund to assist the Vendors with their expenses. We invite the public to contribute once such a fund has been established.

“We hope also to travel to New York to monitor their cases as they unfold.”

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