

Constitutional process continues

By Carol Winker

The Constitutional review process reached its halfway mark last Monday, when the Legislative Assembly voted to accept the report containing recommendations of the 12 elected representatives.

Lack of debate, however, left many questions unanswered and even raised a few more.

The 12 elected Members of the Legislative Assembly had been meeting over the past ten months in a special "select committee" to examine possible constitutional change in the light of their personal experiences and political philosophies.

A special meeting of the House was called for the tabling and debate of their report, but the meeting ended the same day it started because only committee chairman, Executive Council Member Norman Bodden, spoke on the report.

The spotlight shifted from what parts of the Constitution may change and why to when changes would come into force.

This shift in emphasis was seen in the private member's motions unsuccessfully brought by MLA McKeeva Bush seeking postponement of debate in order to give the public more time to understand the recommendations of the report.

But, as one member said, a "golden opportunity" to explain those recommendations to the public was missed when, for whatever reasons, MLAs did not speak.

Several representatives later shared their reasons in personal interviews with the *Caymanian Compass*.

Capt. Mabry Kirkconnell. Capt. Mabry (Cayman Brac and Little Cayman) was the first person spoken to and the brevity of his reply is due in part to the informal way in which it was solicited.

He said he intended to debate, but had left his notes at home because he didn't expect to have a chance to speak until Wednesday or Thursday.

After Mr. Norman had spoken, Capt. Mabry explained, he thought the usual procedure would have been followed, in that someone with an opposing view would rise to continue the debating process.

Mr. Ezzard Miller. Mr. Miller (North Side MLA, ExCo Member for Health and Social Services) said he would have spoken if he hadn't been so ill with the flu and on antibiotics at the time. He indicated regret at the way things turned out. "I really wasn't

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able to debate [the report]. I was disappointed others didn't."

He expressed the opinion that the private member's motions were brought by those who wanted "the last say".

Mr. Miller noted he "could not convince others" in select committee to agree to his views on "one man, one vote", which he considered the most important issue.

(The various positions are spelled out in the committee minutes, which are also being forwarded with the report to the Foreign and Commonwealth Office.)

Mr. Linford Pierson. Mr. Pierson (George Town MLA, ExCo Member for Communication, Works and Agriculture) declared, "If I had opposed the report, you can bet I would have been first on my feet."

He believed the lack of debate resulted from "political posturing" — members outwaiting each other left the Speaker no choice but to call for the vote after waiting a long time [and urging members to speak].

"I felt the public was denied a golden opportunity to hear the different views of representatives," he said.

But, he continued, it was "up to those who dissented to make their positions known.... I can hardly see them saying now at this stage that they don't agree with the Constitutional review, since their silence doesn't coincide with their objections."

Mr. Pierson said he had already made his position explicit in his public meeting. "I felt that since I was voting in favour of the report, I could hardly add much more."

Asked why the report recommends that changes come into effect "immediately" after the next general election, Mr. Pierson suggested that the implication was not as serious as it appeared.

"If you have a Government sworn

into power in 1992 that is opposed to changes, there is no way under our democratic process that the Foreign and Commonwealth Office would be able to force those changes," Mr. Pierson asserted.

Mr. Truman Bodden. Members who submitted a dissenting minority statement in the report set out their reasons, noted George Town MLA Truman Bodden.

When the report was read in the House by Mr. Norman and broadcast over radio that night, people could hear why four or five MLAs had taken different positions on such subjects as Chief Minister and parliamentary secretaries.

The recommendations of the majority did not contain reasons, Mr. Truman pointed out, "So how do you debate? Why should we begin when we don't know their reasons?"

It was on this basis, he indicated, that those who held minority opinions believed those who held majority opinions should speak. "Our reasons are out. We figured they should have stated theirs."

Mr. McKeeva Bush. "I'm not making any excuses for anybody, but as far as I'm concerned I was not ready," Mr. Bush admitted candidly when asked why he had not debated the report.

The West Bay MLA said he thought Government members would get up and give their reasons why they supported the various recommendations.

"I had set my course to try to get the motion through to put back debate," he said. He pointed out that much of what he would have said about the report he had already stated when introducing his motion to postpone debate.

Mr. Norman Bodden. Mr. Norman was appointed by Governor Alan Scott to be chairman of the MLAs' committee to review the Constitution. He probably would have been chosen by the MLAs themselves: he was the

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only member of ExCo to have been elected unanimously in 1988.

Mr. Norman pointed out that the MLAs' report will be sent to the Foreign and Commonwealth office with the minutes of all the committee's 24 meetings, plus all the special representations that were made to the committee.

The FCO will assess all this material, he said.

During his remarks in the House, he had described the present status as the halfway mark in the Constitutional Review process.

He explained at the time and repeated for this reporter the steps he envisaged taking place next.

A Constitution will be drafted, he said. While there is no requirement that the draft be sent back to Cayman, the committee did make this request.

Meanwhile, the Election Law will be amended to allow for three more representatives.

"Then the 1992 election campaign starts. I can't see how in that process the Constitution will not be an issue," he said.

The minutes of the committee meetings contains the observation: "The Committee notes that the FCO's procedures are still rather vague in regard to the timing of the implementation of the constitutional changes."

After the successful candidates are elected, Mr. Norman agreed that it was "not clear" whether the FCO's consultative process would relate to the timing of Constitutional changes in terms of specific dates.

"They might decide to implement at different stages," he said, noting that some members promoted the idea of various changes coming into effect only after a resolution for each would be passed in the House.

If the candidates who are opposed to Constitutional change are successful, Mr. Norman continued, the FCO would have to consider the situation

in light of that majority. The UK Government will determine "how much we get in the end," he said.

Mr. Norman explained his personal position on the issue of Chief Minister. "I honestly believe it will bring a more orderly conduct and presentation of business in the House," he said, "and the same for the Leader of the Opposition".

He emphasised that the MLAs' review was "not a situation of Government versus Backbench, not Backbenchers voting with the Government Bench... It was 12 independent members who contributed. Out of 42 recommendations, 27 were supported by all members."

Mr. Haig Bodden. The veteran Bodden Town politician expressed disappointment that debate did not continue. For his part, he was committed to the chairman of the Bodden Town Pirates Week committee to be on hand at 4:00 pm that day to greet the Governor for the district heritage day. If he had started after Mr. Norman finished (just before 3:00 pm), there would not have been time to debate, he said.

Noting that minority statements had been signed by only four or five of the seven MLAs who have voted together on major issues, Mr. Haig urged the public "not to be too concerned that the seven backbenchers did not agree on every point".

The constitutional document being proposed "is so revolutionary it's not expected any two people anywhere would agree on all of it...the four ExCo Members did not vote together on every issue."

The difference of opinion does not mean that the seven won't stand together on "the most pressing issue — replacing the present Government".

Efforts by the *Compass* to reach other elected representatives for comment were unsuccessful, partly because most were in committee meetings Wednesday through Friday.