

The Concerned Citizens
P.O. Box 294 GT

April 29th 2002

His Excellency the Governor
Governor's Office
Government Administration Bldg.
George Town
Grand Cayman

Re: Constitutional Review

Dear Sir,

We, the Concerned Citizens, give our support to the Constitutional Review carried out by the Commissioners.

As a group concerned about the welfare of our country and what it has become, we attended most of the meetings held by the Constitutional Commissioners. It is our view that the Commissioners understood the magnitude of the responsibility on their shoulders and the deep feelings that the Caymanian people expressed to them in their preparation of the Draft Constitution. They understood Caymanians' concern that they need to protect the indigenous society and culture and to preserve the Caymanian people's way of life. We can only conclude that their recommendation is without any bias or gain.

We disagree with the Caymanian Bar Association's recommendations on the definition of a Caymanian. We would like to state that the Bar Association is only an association and does not speak for the majority of the Caymanian people. The Bar Association did not consult the public in the preparation of their submission. The Concerned Citizens held meetings with a wide cross section of the populace before submitting their proposals to the commissioners. We support the Commissioner's definition in their Proposed Draft Constitution.

Further to our earlier submission to the Constitutional Commissioners, we would like to put forward additional recommendations and wish that these also are forwarded to the Foreign and Commonwealth Office. The additional recommendations are as follows:

- That persons, who are successful in their application for Caymanian status, must renounce their other citizenships.
- Children of at least one Caymanian parent who have lived abroad for most of their lives, should be exempt from holding public office until they have lived in the country for a minimum of ten years.

- The Constitution for the Cayman Islands should recognise the contribution of the indigenous people to the development process of these Islands and to protect and recognise their history and culture. It is important that in preamble, our Constitution acknowledge our unique history and the development of government prior to 1972 to reflect the independent and resourceful nature of past generations of Caymanians. We do not want to lose our identity as the American Indians, the Australian Aborigines and others. We would like to have it mentioned in the constitution that we were once known as "the islands that time forgot". We submit that our heritage be entrenched in our constitution, as it is in the Fiji Islands' Constitution.
- We support the letter by the Ministers' Association with respect to the Fundamental Human Rights on the freedom of religion and would state that the Constitution should give recognition to the following:-

"It shall recognise and respect the freedom of conscience of the individual to profess and practice alone or in a community with others, in private or in public, his or her religion, belief or persuasion in accordance with the dictates of his or her own conscience, subject to such restrictions as may be **imposed by the laws of the Cayman Islands** in the interest of public order, (or) public safety for the protection of the public, protection of public health or public morals, or to prevent a public nuisance." or for the protection of the rights and freedom of others provided that such restrictions are reasonably justifiable in a free and democratic society." Our society has been founded on our Christian beliefs. Accordingly, we shall continue to build, nurture and support such beliefs and they should therefore be entrenched in our Constitution.

- We also recommend that the Chairman of the Public Service Commission and a member of the Human Resource Department should serve as a member of the Judicial Commission.
- We recommend that the Constitution establish a Human Rights Commission. Its functions should be:
 - a) To educate the public about the nature and content of the Bill of Rights, including its origins in international conventions and other international instruments and the responsibility of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination in respect of Human Rights.
 - b) To make recommendations to the Government about matters affecting compliance with human rights.
- The Human Rights Committee shall consist of three Caymanian members. One shall be the Ombudsman, who will be the Chairman. One shall be a minister of religion and the third shall be a qualified lawyer.
- In the 1972 Constitution, it speaks of the personal staff of the Governor, and the salaries and allowances paid to them. The salary and personal emoluments of the Governor should be made public knowledge as it is charged on the revenue of these islands. Presently the Governor's staff is non-Caymanian. As the people of Cayman

are responsible for the allowances and emoluments of the Governor and his office, we feel that as taxpayers, this office should be staffed by Caymanians as in the past. It is only recently that this practice has ceased and needs to be reinstated.

- The draft constitution should include an appointment of an Independent Constitutional Commission without the involvement of the Foreign and Commonwealth Office. This commission shall consist of all Caymanians:
 - a) a chairperson and
 - b) two members
- Any Judge, including the Chief Justice, shall be discharged from office for any inability to discharge the functions of his office, or for misconduct in the same manner as any Civil Servant in accordance with the General Orders.
- Lastly, we support the Commissioner's recommendation on the electoral constituencies.

Thank for considering our additional recommendations

Yours respectfully,

Robert Bodden, for and on behalf of The Concerned Citizens