

# Viewpoint

## Do Caymanians really want constitutional change?

In chapter two of the Constitutional Commissioners' Report of 1991, Sir Frederick

Smith and Mr. Walter Wallace point out in the opening paragraph that the 1971 Constitutional Review conducted by the Earl of Oxford and Asquith, was done after "some years of local groping after constitutional change."

No such 'groping' took place prior to the 1991 review, at least not among the general populace. It is, by many, a firmly held opinion that the 1991 Constitutional Review was the by-product of Motion 3/90, which put the three Official Members of ExCo on Finance Committee, and which was posed only after much strong opposition and debate.

Motion 3/90 was not brought by the government bench because the Constitution had become outdated to the point of being unworkable, nor was it brought because the day-to-day workings of government had ground to a halt. It was brought because the government had lost majority support in the House and could not garner enough votes to sanction its grandiose schemes. The decent thing for them to have done was resign. Or at the very least

resign from their high altitude dreams of the MGTP and the 'resort type hospital.' At that time the Governor also had available to him an 'alternative'—he could have dissolved the House and called a new election. It was not that the Constitution had become unworkable, it was that those bound by the Constitution refused to live within its framework. They chose to

change the rules in mid-game and then call for a Constitutional Review, probably in an attempt to cover their tracks. But the electorate—the people from whom the demand for constitutional change should come—were not informed, not were their views or opinions sought.

Caymanians are by and large a retiring and undemanding people. While it is true that the Commissioners gave ample time and opportunity for meetings with them, it is highly unlikely that more than a very small fraction of the electorate met with and communicated their wishes to them. This was not so much because of lack of interest, but because many people feel intimidated and uncomfortable asking questions and making suggestions to persons whom they believe to be better educated and more knowledgeable on the subject being discussed. It would seem that the largest percentage of persons presenting views to the Commissioners was the members of various social organizations, who do not necessarily present a true cross-section of the population. In light of the fact that many people believe



### CANDIDLY YOURS

By Consuelo Ebanks

that the Commissioners had met with the elected representatives prior to their first meeting with members of the general public, and already had a feel for what the people wanted, one is forced to wonder if the Caymanian people really want what apparently they will be getting?

The most far-reaching change, if the 1991 Constitutional Review recommendations are accepted, will be the creation of the post of Chief Minister. By their own admission, the commissioners in discussions stated, and we all know very well, that the late James M. Bodden from 1976 to 1984 led the elected government. As such he, with a few technical exceptions, was the 'Chief Minister.' We have to bear in mind, however, that he had the undivided support of his colleagues and that section of the electorate which supported him. The late Mr. Bodden did not arrive at that position by mere 'appointment.' From the time he entered politics in 1972 it was

obvious he would be the one to 'blaze the trails.' His running mates accepted this, candidates islandwide who wished to be associated with his policies accepted this, and the people islandwide who supported him and his Unity Team, accepted this. There was therefore a sufficient gestation period.

It is true that since the 1984 general election no single individual has emerged as leader of

the elected government, but the problem during those years has not been caused by lack of leadership, but rather lack of policy. Creating the post of leader, unless the individual placed in that post is truly a leader, will not necessarily consolidate policy and give this country the sense of direction it severely needs.

In chapter 5 under section (b) of Appointment of Chief Minister, the Commissioners recommended appointment by majority vote of the elected members of the Assembly. This suggestion is superior to (a) which suggests that: 'The Governor, acting in his discretion, shall appoint as Chief Minister the elected member of the Legislative Assembly who appears to him best able to command the confidence of a majority of the elected members.' The Governor under the present Constitution has a tremendous amount of power, although he seldom chooses to use it. It is not now necessary to give him more by allowing him 'discretion' to choose the Chief Minister.

It is the duty of every elected member at this time to go to every creek and corner of

these islands—just as they do when campaigning—and explain the Constitutional Report to the people. If the recommendations or part thereof are to be accepted and enacted following the general election of 1992, the people of this country have an undeniable right to have possible changes explained to them, since it was not previously done. This would still give a gestation period short of full term, but at least may allow a stage of maturity for this country to survive.

The report recommends strongly that the Chief Minister must be free to choose his ministers, and on the face of it—the reasons given that he could 'inspire, discipline and control them and even advise their dismissal (which advice the Governor would be obliged to accept) if their performance does not come up to scratch'—seem all well and good. The other side of the coin is that if the Chief Minister is able to sufficiently 'scratch the backs of his ministers' and a few other elected members he would be able to stay in power, despite the fact that he may be corrupt and ruining the country. The re-

port is strongly against a simple majority for a no confidence vote. If a simple majority vote can put a person in a position of power, it should be sufficient to remove them. Otherwise we could be throwing ourselves into the arms of a multi-headed dictatorship.

Despite the fact that we have many honest, able, decent, well-meaning individuals among us who have offered and undoubtedly will continue to offer themselves as candidates, the position of elected representative continually becomes more attractive personally. Elected representatives are now well paid, and rightly so; they can continue to carry on private business and may find themselves in a better position to improve their business connections if they so choose. Therefore it is only proper that they should be required to work under a Constitution which allows the electorate the right to hold proper reigns on them.

Public education by way of meetings and consultation with the people must start now if we do not want to give birth to a monster in 1992.

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