

Our Readers Write

LETTERS TO THE EDITOR

This is an open platform for all points of view, on any topic which concerns our readers. The views expressed do not necessarily reflect those of the Caymanian Compass.

Constitutional reviews

Following is a summary of our submissions for items that should be included in the Constitution of the Cayman Islands, together with some comments on the report of the Constitutional Commissioners.

For ease of interpretation we have used the term "Cabinet" to mean "Executive Council", "House" to mean "Legislative Assembly", and "Member" to mean "Member of the Legislative Assembly":

1. General

The overriding purpose of a new Constitution must be to move us toward a more democratic system of government. It must make us more responsible for our own affairs, allowing us to steadily mature in an orderly fashion toward greater self-determination and public involvement in the affairs of state. It must engender stability not through stagnation, but through the strength and maturity of our political infrastructure that we will gain from exercising our democratic rights and political realization.

Much of what we propose would probably function even more effectively with system of political parties. However the new Constitution must be secure and workable with or without organized parties, and it must contain "checks and balances" that are adequate even in the absence of the discipline and continuous, broad "rank-and-file" participation inherent in properly operating party machinery.

There are a number of items which the Commissioners have indicated need not be contained within the Constitution but could be dealt with by the House. For those which we have included below, we contend they are or will be essential to the design and good functioning of our Government and therefore must be enshrined in the Constitution.

2. Bill of Rights

The new Constitution should contain a bill of

rights. Similar provisions are already in effect in several other British Dependent Territories, and our citizens are no less deserving of such protection:

3. Increased number of representatives

We agree with "collective responsibility" for the Cabinet, but with the current number of representatives of the balance of power between Government and backbench Members rest with one "backbencher."

For this reason we suggest the total number of elected representatives should be increased to 15. In this way, even with a Cabinet of eight (five Elected plus three Official) Ministers, for a motion to be successful it would require the support of at least two other Members.

By reducing or eliminating Official Members from the Cabinet, the balance of power would even further enhance the significance of backbench support. This would certainly be a more democratic system than we have at present.

4. More equitable distribution of representation

The Constitution should provide a more equitable distribution of representation, such as "one man one vote" (or perhaps two votes). This would entail redefinition of the geographical boundaries of constituencies. To do it successfully will require a broad public education campaign to explain the benefits, but in our opinion it is necessary if we are to develop politically as a people. It would be a much more equitable system: at present for example an East End voter has only one vote whereas a George Town voter has three votes, hence in effect three times as much influence on the makeup of the House!

We agree with the Commissioners' view that a Boundaries Commission should be established to put this into practice, but we are of the opinion that such changes should not be

rushed into and we support the proposal that in 1992, 15 Members would be elected to the House by adding one each to the constituencies of George Town, West Bay and Bodden Town respectively such that there would be:

four Members for George Town;

four Members for West Bay;

three Members for Bodden Town;

and other constituencies would retain the same number of Members as at present.

5. Official Members

a. Number and Designation:

We agree with the Commissioners' comments that the post of Chief Secretary should be reinstated. Moreover we feel that the Chief Secretary should be the "Head of the Civil Service." If such is the case, we can agree that there should be three Official Members, namely the Chief Secretary, Attorney General, and Financial Secretary.

However should the post of Chief Secretary not be reinstated as we described, the number of official Members should be reduced to (at most) two, namely the Financial Secretary and Attorney General.

b. Voting rights

Official Members are not elected to office by, nor are they accountable to, the electorate in the same sense as Elected Members are, hence it is incorrect to state that they are in all respects "equal to Elected Members". We feel that Official Members should not be allowed to vote on items that do not directly affect their own portfolios or the "reserved powers", nevertheless we respect the view that this may be unworkable.

We strongly feel that:

i. Standing Orders for the House should be voted on by Elected Members only, and Official Members must have no votes on such issues.

ii. Similarly, Official Members must be excluded from "Votes of No Confidence" or

similar votes intending to remove the Chief Minister (and his Government) from office.

iii. Official Members should be constitutionally excluded from Finance Committee, except the Chairman should be the Financial Secretary and he should have a casting vote only.

Thus Finance Committee would consist of the 15 Elected Members, plus the Chairman. A simple majority of elected Members would decide the votes of this highly important committee. It is the Elected Members who are answerable to their constituents and hold office by their mandate, so it is the Elected Members who should decide on how public funds are applied.

6. Increase in elected representatives in the Cabinet

We feel that there should be five Elected Members in the Cabinet. Four "Members" cannot effectively cope with their responsibilities for all the portfolios assigned to them. Also this would increase the majority of the Elected Members within the Cabinet, and in our view this is a desirable constitutional advancement.

7. Chief Minister

There should be a Chief Minister selected from among the Elected Members. The Chief Minister in turn should select four other Elected Members to serve as Ministers in the Cabinet.

At present our Government suffers from a distinct lack of leadership, because all four of its Elected Members are on equal terms and possess equal powers under the current Constitution. The operation of a ministerial system will be less straightforward until we form political parties, but it would not be unworkable and in our opinion would be far better than the "leaderless" situation that so often presents itself here now. Even if the new Constitution does not require the estab-

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