

Low Tide: 2:06 a.m. - 1:45 p.m.  
Sun Rise: 6:03 a.m. - Sun Set: 6:58 p.m.  
Moon Rise: 5:12 a.m. - Moon Set: 6:31 p.m.



# Caymanian Compass

26th Year

FRIDAY 9 AUGUST 1991

25¢

CNC/US\$	13.20				
CUC/US\$	11.70				
FT 30	2014.60	GOLD	356.85	C- US\$	1.7125
OUA	3026.61	SILVER	3.07	CS- US\$	87.18

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## CAYMAN CONSTITUTION

# ExCo Members call for minimum change before '92 election

By Carol Winker

Two Members of Executive Council have expressed the view that, with one exception, changes should not be made to Cayman's Constitution before the 1992 general elections.

Messrs. Norman Bodden and Linford Pierson, who also serve as first and second elected Members of the Legislative Assembly for George Town, made their personal opinions known at a public meeting outside the Court House on Wednesday night.

The 1992 general election should be fought on the grounds of those who stand for Constitutional reform and those who oppose it, Mr. Bodden declared. If those who want change are elected, then changes can be implemented after the election, he said.

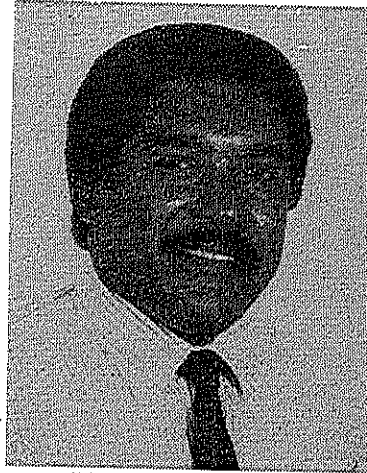
Mr. Pierson, who spoke first, said his opinion was that it was never intended a new Constitution would come into effect before the next general election. Those who do not approve of changes will have the opportunity

to say so in the next election campaign.

The only change there would be before elections is provision to increase the number of MLAs from 12 to 15. To wait until after general elections would simply mean having two elections very close together, he argued.

Mr. Pierson said it was his opinion "and shared by many" that the three additional MLAs should be from the three largest districts, in keeping with population growth and ratios. These are: West Bay, George Town and Bodden Town.

He identified the "most controversial" proposals in the Constitutional Commissioners' Review undertaken earlier this year by Sir Frederick Smith and Mr. Walter Wallace. These are: the creation of the post of Chief Minister and his appointment; the appointment of parliamentary secretaries; "no confidence" motions; referendums, Finance Committee and single member constituencies.



Mr. Linford Pierson

On this last point, he stated, "I will not under any circumstances support change to single member constituencies at this time."

He said he did support having a boundaries commission, but did not think it was in the country's best interests to change the present system (in which George Town and West Bay voters have three votes; Bodden Town and Sister Islands voters have two; North Side and East End voters, one).

It would be "totally wrong" to divide George Town into three or four areas and have one representative say, "I am not responsible for you -- only for the people on my side of the line," he said. Changing the present system would be divisive, "and we do not



Mr. Norman Bodden

need this at this time." Supporting the post of Chief Minister, he said such an appointment would provide direction, instill discipline and give Governments a recognised leader.

Mr. Pierson did not support appointment of the Chief Minister at the discretion of the Governor as stated in the Commissioners' report. In the absence of a party system, he said, appointment should be on the written recommendation of a majority of all elected MLAs.

Parliamentary secretaries would involve more MLAs in the operation of Government and provide a "training ground" for future ministers, he said.

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# ExCo Members: delay Constitutional change

from page 1

But creation of this post would not guarantee Government an automatic majority because parliamentary secretaries would not be bound by collective responsibility.

Mr. Pierson said one of the most controversial issues in recent times had been the addition of Official Members to Finance Committee. But the Constitution says that Official Members of the Assembly are equal in all respects to elected Members.

Some parliaments do not have Official Members, he pointed out, but as long as they are there they should have the same rights.

On the subject of referendums, he said he had no very strong views as to whether this should be in the Constitution. Some provision should be in place, he agreed, but it could be by way of a referendum law.

Mr. Pierson said it was important to upgrade the Constitution in line with the pace of the country's political, economic and social development over the past 19 years. He reminded his audience that in 1972 Cayman had a population of 10,000 and annual Government revenue of \$3.5 million. Today the population is almost 27,000 and the annual revenue is \$120 million.

Mr. Bodden also commented on the differences between 1972 and 1991. The 1972 Constitution was designed for an age when 12 "truly independent" representatives were elected and affairs were conducted by consultation and consensus, he said.

But that is not the situation in the house today, nor had it been since 1976, he said, when closely aligned teams or groupings emerged.

There is a need to update and streamline the Constitution -- the most important document -- because it affects how this country's affairs must be handled.

Calling himself "a conservative by nature," Mr. Bodden said he did not believe in rushing in, or change for change's sake, or following other countries.

He reminded his audience of events leading up to the request for a Constitutional Review, pointing out that no commitment to change was made.

Shortly after the 1988 elections, he summarised, it was realised that if the eight backbench MLAs joined forces, any Government measure could be defeated. If this alignment continued, the seven-man Government would have "responsibility but no authority". This was an unworkable situation "which could never have been the intention of the architects of the 1972 Constitution."

He said Capt. Mabry Kirkconnell (Cayman Brac and Little Cayman) declared his independence and "enabled this Government to continue". Then one of the seven remaining Backbenchers "had the bright idea" that seven votes instead of a two-thirds majority (eight) should be able to remove a Member of ExCo.

So what if the Government were removed? he asked. It happens in other countries. "But we are not other countries," and untimely removal of any government would create instability and undermine investor confidence, he said. Against that background, a Government Motion calling for a Review was passed, 8 - 7.

Turning to the Commissioners' Report, Mr. Bodden described the subjects of Chief Minister and referenda as the "most contentious".

He said he had "no problem" with the post of Chief Secretary being reestablished (as distinguished from the present Administrative Secretary).

He said having a Chief Minister would help Government function more efficiently and effectively both

in ExCo and Legislature.

He elaborated on Mr. Pierson's response to the expressed fear that a Chief Minister might be a dictator. The issue should not be clouded by what has happened in other countries, Mr. Bodden said. The person selected would have had to be elected by voters and command the respect of colleagues.

He also endorsed the idea that a Chief Minister be elected by a majority of elected MLAs certified in writing. If he cannot perform as expected "or turns out to be a rascal" then he could be removed by two-thirds majority, Mr. Bodden said.

The other ministers and parliamentary secretaries should go out with him and the Governor should see if representatives can agree on a new Chief Minister before an election is called as a last resort, he urged.

Some people are like an owl, asking "who, who who" will fill the position, Mr. Bodden joked. "But we are designing a system for the country, not with personalities in mind." One day personalities won't be there, but the system must remain intact.

He supported having a leader of the opposition also.

With an additional Member of ExCo, (from four to five) there might be need for only one or two parliamentary secretaries, not necessarily three as recommended, he said.

He endorsed the Commissioners' recommendation that Finance Committee be left to the Legislature and provided for in standing orders (as at present).

The Commissioners also recommended two-thirds as the necessary majority in a vote of no-confidence. "As far as I'm concerned, that's sacrosanct," Mr. Bodden said.

He endorsed the approach of having a Referendum Law rather than putting this in the Constitution. He supported a Register of Interests for MLAs, but said it should apply to Official Members also.

He agreed with Mr. Pierson that a party system is not necessary for the ministerial system to work. He did not doubt that parties would

eventually emerge, but noted there are already "groupings, teams or sides".

After each man spoke for about 30 minutes, the meeting was opened for questions.

Asked why Bodden Town should have three MLAs, Mr. Pierson repeated his opinion that it was the fastest growing district, but said the matter had not been definitely decided.

Asked why MLAs couldn't help ExCo Members when the House is not meeting, Mr. Pierson said that was why the post of parliamentary secretary was recommended, plus the post of Deputy Chief Minister.

Asked if the Constitutional Review was not important enough to have put to a referendum, Mr. Pierson said no referendum could improve on the democratic process by which the review had been conducted. Commissioners had seen anyone who wanted to see them; the House select committee was seeing individuals and groups who requested appointments; the public meeting that very night was part of the process.

Asked whether present representatives had a mandate for change when they had not made that a 1988 campaign issue, Mr. Pierson said yes. "We were given a mandate to provide you with good government."

The "silent majority" are happy with their representatives in Assembly, he asserted. "Once they put representatives in there they want them to do the job they sent them to do."

He agreed that Government had not asked the public about changing Finance Committee, but neither had Backbenchers asked the public about changing two-thirds majority.

Earlier, Mr. Pierson had said he was "a little disappointed" at the size of the crowd, but added this could mean people were fairly satisfied with what their representatives were doing or they were happy with suggested amendments and would leave them in the hands of their representatives.

The meeting was chaired by Mr. John Hurlstone.