

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 ADVANCEMENT

People must be given opportunity to decide

These are my personal views.

In the last election the majority of candidates who are now Members of the Legislative Assembly ran on the basis that they were against constitutional advancement. It was therefore not an issue in the 1988 Elections. The Constitutional Commissioners recommend that the increase in the number of Legislative Assembly Members be brought into force by April or May 1992 and that "the remainder of the amended Constitution would then be brought into force immediately after the election." (Page 20 last sentence).

Peoples Wishes

The people must be given an opportunity to decide what constitutional advancement (if any) they wish either by a referendum or in a general election.

The Constitutional Commissioners report says that the majority of Caymanians favour the referendum for major important issues and suggest that a law be passed for it rather than being put in the constitution.

The best and least disruptive to the country's stability is by a referendum after one or two draft constitutions are prepared. The Legislative Assembly can pass a law which asks one or two simple questions, for example, "Do you wish to have the constitution changed as in the published draft constitution 'A'?" Yes or No. If no, Do you wish a Chief Minister and the Ministers all appointed by a majority of the Elected Members, and removed by a majority of the Elected Members as in draft Constitution B?" Yes or No.

Any MLA opposing a referendum on a major national issue does not want to hear the wishes of his people because he is afraid they may differ from his. Statesmen listen to their people and act accordingly.

General Election

If no referendum is done then the draft constitution must go to the next general election and thereafter the new MLA's decide whether or not to bring in the draft or amend it by a resolution passed immediately after the beginning of the first Legislative Assembly meeting. Only one general election is needed (NOT TWO). This is the

English traditional choice but because of the many other issues involved may not be as clear as a referendum.

Only a small percentage of the voting public met with the L.A. Select committee, the Commissioners and go to public meetings. The vast majority of the public, the silent majority, will only indicate their wishes by secret ballot at one General Election or referendum. They have a right to do so on these constitutional matters and should not be deprived of it by their M.L.A.'s or the U.K. Government.

L.A. Resolution

The L.A. Resolution passed unanimously in the Legislature in the November 1990 session stated "and be it further resolved that this Honourable House recommends that the implementation of any recommendation for Constitutional changes with the exception of the paragraph numbered 3 above (which was mainly the increase in Legislative Assembly seats) shall not take place without the changes being the subject of a general election."

Governor's Undertaking

Further, the Governor on 25th July 1990 in the Legislative Assembly stated as follows:

"It appears to me, and I may be wrong, from

what some Members have been saying, that there is some anxiety if there is a Constitutional Review and that if, as a result of the Report, for instance the United Kingdom Government thought that changes were necessary, such changes could not, in my opinion, and I think I can say this quite clearly, be brought forward and implemented before a General Election. Perhaps I should repeat that."

He went on to say:

"If there is a Constitutional Commission and a report and if, as a result of that report the United Kingdom Government believed that there were some changes necessary, I am absolutely certain that these changes would not be proposed by the United Kingdom Government or implemented without them being the subject of a campaign and a General Election. I hope I have made this clear, I think it does need to be made clear, this is not an anxiety which I think any of us should feel."

These three statements are totally clear. The United Kingdom government will not force major constitutional advancement against "the wishes of the people" indicated at a general election but the people and their Legislators must stand up for what they want.

The Constitutional Commissioners, could never be recommending that changes as major as they propose be brought in without the changes being the subject of a Campaign and general election or a referendum.

Stand Up

Other West Indian Islands have gone to destruction because their citizens, unfortunately many prominent citizens, refused to stand up for their rights and took the approach that the changes would probably come anyway so why fight them. Then when their countries were destroyed and they were forced to leave the land of their birth they wished they had stood up at the time and fought for what they thought was right.

In the words of Sir John Sharpe a former Chief Minister of Bermuda at the legislative conference held in Cayman last year "you should make haste slowly" on constitutional matters. Sufficient time for full public input must be given. Any new constitution must be "in accordance with the wishes of the People of the Cayman Islands" and tested at the polls. There must be a referendum or the changes must be an issue in the next General Election.

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