


CAYMAN'S SEA & SUN			
High Tide: 6:02 a.m. - 11:16 p.m.			
Low Tide: 4:00 a.m. - 2:51 p.m.			
Sun Rise: 5:45 a.m. - Sun Set: 7:04 p.m.			
Moon Rise: 6:33 a.m. - Moon Set: 8:23 p.m.			
			
CNC USS: 12.90			
CUC USS: 9.75			
FT30	1064.40	GOLD	373.10
E- USS	1.6708		
DJIA	2972.40	SILVER	4.54
CS- USS	87.14		
Provided by Cayman Securities			

# Caymanian Compass

26th Year THURSDAY 13 JUNE 1991

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## Constitutional report released

By Carol Winker

The Report of the Commissioners who reviewed Cayman's Constitution earlier this year was released yesterday by Governor Alan Scott.

Recommendations made by Constitutional Commissioners Sir Frederick Smith and Mr. Walter Wallace, following their visit here in January, include:

Increase in elected representatives from 12 to 15; creation of the posts of Chief Minister and Leader of the Opposition; increase in the number of Elected Members of Executive Council from four to five; restoring the office of Chief Secretary in place of Administrative Secretary; keeping the changes made last year to Finance Committee; including a Bill of Rights.

Calling the Report "a very significant moment in Cayman political history," Mr. Scott declined to comment on its contents. But in summarising the process of constitutional review, he observed, "I am absolutely certain we must not rush it. People should have all the time they need to study it, question it, understand it."

The Report will be tabled by Financial Secretary Thomas Jefferson, Leader of Government Business, when Legislature begins its June meeting on Wednesday. (Legislators, however, received copies yesterday morning before the Governor briefed reporters.)

It is expected that elected representatives will hold hearings and invite more public comment before recommendations are debated in the House. Then the proper procedure is that desired changes in the Constitution, if any, would be passed in the form of a motion which would go back to the Secretary of State for approval.

The Commissioners in their Report

assume that it would take several months "to exhaust local debate on our report" and several more months to complete the drafting of amendments. On this basis they recommend that any change in the number of representatives be brought into force by April or May of 1992 to prepare for general elections in November 1992.

"The remainder of the amended Constitution would then be brought into force immediately after the election," they suggest.

The exception would be a recommendation for single member constituencies (instead of two or three representatives per district). Such a change would require study by an in-

dependent Boundaries Commission and there is not enough time for this before the next election.

The Commissioners' 21-page Report explains the background for the review of the Islands' 1972 Constitution as requested in a motion passed by the Legislative Assembly last year because of the country's political, social and economic development in the previous 18 years.

Before listing their specific recom-

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## Constitutional report released

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mendations, the Commissioners state: "If there are any issues on which Caymanians are agreed, they are that existing links with the Crown must be maintained and that any constitutional change must not only preserve stability but must also stop appreciably short of full internal self-government, the penultimate stage before independence.

"There is no wish whatsoever to alter the present status of the islands as a Dependent Territory on which, it must be said, much of the islands' prosperity may depend. Conservative and cautious by nature, many

Caymanians approach the issue of constitutional change if not with suspicion at least with some degree of apprehension."

The Commissioners made their observations following receipt of 64 written submissions; discussions with 92 persons representing 16 organisations and 63 individual members of the public; open district meetings attended by a further 120 people.

In their Report, the Commissioners note that the most controversial issue was the proposal to create the post of Chief Minister.

Having a Chief Minister would not require a party system, the Commissioners maintained. They suggest the Governor appoint as Chief Minister the elected Member of the Legislative Assembly who appears to be best able to command the confidence of the majority of MLAs. An alternative would be to appoint the MLA who gets a majority of votes from MLAs in a secret ballot (in much the same way as ExCo is presently selected).

The Chief Minister would select four other MLAs as Ministers and be in a position to "inspire, discipline and control them and even advise their dismissal".

[The Commissioners' comments about a Chief Minister are detailed on page 4. Extracts of the Report pertaining to other recommendations will appear in future issues of the *Caymanian Compass*.]

Acknowledging that a majority of people were in favour of enshrining Finance Committee in the Constitution, the Commissioners nevertheless conclude that the Committee should be provided for in the Assembly's Standing Orders, as it is now.

They say the Speaker should continue as chairman (rather than the Financial Secretary as was the custom before last year). They recommend that the Assembly decide whether Official Members of Executive Council be members of Finance

Committee, based on whether or not these Members are "vital to the proper functioning of government" at this stage of Cayman's development.

Another matter on which much representation was received was the tightening of qualifications for voters and Assembly candidates in favour of the "born" Caymanian.

"We have given this matter the most serious consideration but are of the opinion that no change in these qualifications is necessary or desirable since, in our view, a further tightening could result in the disenfranchisement of descendants of Caymanians by status," The Commissioners state.

They add that the 1987 Constitutional amendment on this subject "should continue to meet the desire of Caymanians to run their own affairs."

Governor Scott's release of the Commissioners' Report came about two and a half hours after a question was asked in Parliament in London.

He said it simply elicited the fact that the Report was completed and in the House of Commons Library, with the document published in the Cayman Islands under the authority of the Secretary of State for Foreign and Commonwealth Affairs for public comment.

A statement is expected from the Foreign and Commonwealth Office about the Report, according to Mr. Scott, and it will be transmitted to legislators, then published.

An immediate 1,000 copies of the Report will be available as of this morning to members of the public at no charge, with more to be produced if necessary, Mr. Scott said, so that people can examine the recommendations. Copies may be obtained from the office of the Senior Information Officer in the Tower Building (third floor) or, in Cayman Brac, the District Commissioner's office.

Individuals may collect one copy each; organisations, six copies each.