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Constitution News

VOLUME 1, ISSUE 5

OCTOBER 2007

Register as an Elector Before December 2007 to Participate in the 2008 Referendum



Mr. Kearney Gomez
Supervisor of Elections

The Constitutional Review Secretariat has been in operation for approximately seven months and we are nearing the time whereby the Public Discussion Paper will soon be presented to the Cayman Public. The presentation of this discussion paper will trigger an intense Public Consultation Period (Phase 2) early next year which will culminate in the holding of a National Referendum which is expected to be held mid 2008.

Publication of public meeting venues and dates will be released before the close of this year and it is expected that the 2008 Referendum will be held shortly after the conclusion of these meetings.

However, even though we have not reached the Referendum phase (Phase 3) of the Constitutional

Modernization Initiative, members of the public must begin preparing themselves now in order to vote in the 2008 Referendum.

Last week, the Supervisor of Elections, Mr. Kearney Gomez, announced that the Elections Office will begin opening on Saturdays to accommodate persons who wish to register as electors under the constitution. Registering as an elector will allow a person to vote during national elections as well as the 2008 Referendum.

Persons eligible to be registered as electors are encouraged to do so before December 2007 if they wish to participate in the 2008 Referendum. Over the next three months, The Constitutional Review Secretariat will be encouraging persons to register as an elector. Elector Registration forms will be available at our booth during the Pirates Week Heritage Days.

To register now, please complete the Elector Registration form on pg 2 of this issue and contact the Elections Office or visit their website to identify your district Registering Officer.

To Contact the Elections Office:

Elections Office
Kirk House Building, 4th Fl
George Town, Grand Cayman
Tel: (345) 949-8047 • Fax: (345) 949-0631
E-Mail: electionsoffice@electionsoffice.ky
Website: www.elections.ky

Don't wait! Register now!

NO

FORM 4

CAYMAN ISLANDS

ELECTIONS LAW

(2004 REVISION)

Section 11

Application For Registration as an Elector

To the registering officer for the electoral district of _____,

I, _____
(full given and family names in block capitals)

of _____
(full street address)

whose occupation is _____, being of the
male/female sex do hereby apply to be registered as an elector for the
(delete as appropriate)

Electoral District of _____, and do declare
that the following particulars are, to the best of my knowledge and belief, true and correct in all respects.

1. My date of birth is _____ and I enclose a copy of my birth certificate.
(day/month/year)
2. My place of birth is _____.
(place and country)
3. One of my parents or grandparents was born in the Cayman Islands namely _____
(full name)
a parent/grandparent and I enclose a copy of his/her birth certificate.
(delete one) (delete as appropriate)
(To be completed if applicant's place of birth is not in the Cayman Islands)
4. I possess Caymanian Status (and enclose a copy of my letter/certificate of status).
(delete if not applicable)
5. I am a British Dependent Territories Citizen by virtue of a connection with the Islands and acquired such citizenship
by birth/descent/naturalisation/registration (and I enclose a copy of my naturalisation/registration certificate).
(delete as appropriate) (delete as appropriate)
6. I have been ordinarily resident in the Islands since the _____ day of _____ 19____ 20____
and during the three years immediately preceding this application I have been absent from the Islands for a total of three
hundred days or less.

Note: Completion of items 7 to 11 is optional but should be completed if possible-

7. Street address: _____

8. Postal address: _____

9. Home telephone: _____

10. Work telephone: _____

11. I am/am not physically incapacitated.
(delete as appropriate)

Date: _____

Signature of Applicant

(signature must be totally within box)

For Office use only	Applicant is qualified for registration and his/her name has been placed on list; or Applicant is not qualified for registration because _____
	_____ Signature of Registering Officer

For note as to qualifications to be registered as an elector see reverse side of this form

Secretariat Director Presents CMI to Rotaract Blue



Secretariat Director, Suzanne Bothwell, was the guest speaker of the Rotaract Blue Cayman Islands' meeting, held on 19 September 2007. Mrs. Bothwell discussed the four phases of the Constitutional Modernization Initiative (CMI) while highlighting some of the prospective constitutional issues to be discussed during the coming public consultation period - Phase 2. Mrs. Bothwell encouraged this group of young aspiring professionals to become involved in the process. While addressing the attentive group, Mrs. Bothwell stated that "as potential leaders of this country, it is important to keep informed throughout this constitutional reform process". The president of Rotaract Blue, on behalf of the members, invited Mrs. Bothwell to return at a future date to further discuss the constitutional issues that will be formally presented during the public consultation period. The meeting with Rotaract Blue is the first presentation of the CMI to a non-governmental organization. The

Secretariat intends to conduct a series of such presentations to private groups to discuss the CMI. If you would like the Secretariat to visit your organization to discuss the CMI process, please contact us at:

Constitutional Review Secretariat
Elizabethan Square, Phase 3, 2nd Fl
George Town, Grand Cayman
Tel: 345-244-3603 • Fax: 345-946-4023
E-Mail: ConstitutionalReview@gov.ky
Or

To find out more about the CMI, please visit our website at www.constitution.gov.ky

Rotaract Blue is the youth arm of the Rotary Club and is sponsored by Rotary Club of Grand Cayman Central. Rotaract Blue is for persons between the ages of 18 to 30. The club meets every Wednesday at Bistro Restaurant on Mary Street at 6:00 p.m. For more information, please contact Rotaract Blue at rotaractblue@gmail.com.

**Our website has
all the information
you need to be a part
of the Constitutional
Modernization Initiative.**

**So log on to
www.constitution.gov.ky
today!**

FACT

**In 1962, Ormond
Panton and
his chief ally,
Warren Conolly
of East End,
became the first
two members
of the National
Democratic
Party.**

Constitutional Modernization Initiative (CMI) Update

Companion Guide Finished!



The Companion Guide is finally finished and will be available to the public in November. This booklet will be a question and answer guide to the constitution for those members of the public who wish

to have a more intimate yet user friendly understanding of the highest law of our islands. All of these awareness initiatives will assist Caymanians and residents alike in learning about how the constitution can be and should be a living document which has relevance to each and every one of us.

Once the Companion Guide becomes available, the Secretariat encourages members of the public to pick up a copy to learn more about the constitution and be prepared for this constitutional reform!

The work of the Secretariat is well under way with respect to fulfilling its mandate. Look out for what's happening next! Knowledge is Power. Let's Start Shaping Our Future Together!

Public Discussion Paper Soon to be Released!

The time is nearing for the publication of a discussion paper highlighting constitutional proposals that will officially launch the CRS' public consultation period. Members of the public are encouraged to pick up a copy of this document when it is published and attend public meetings when they are announced!

CMI at Pirates Week Heritage Days



Come out and visit our booth during the Pirates Week Heritage Days. The staff of the Constitutional Review Secretariat will be present to bring about further awareness of the Constitutional Modernization Initiative (CMI). A display will provide viewers with information about the CMI and work of the Secretariat. Our giveaways will be handed out and Elector Registration forms will also be available!

Secretariat and the Human Rights Committee Team Up!



That's right! Residents can look forward to a public lecture on Human Rights in November. This event will be sponsored by both the Human Rights Committee and the Constitutional Review Secretariat. Look out for more information in the media and in our next issue!

Currently, there are 103 members, including companies and individuals, on our mailing list! If you would like to be the next member, please submit your request to

ConstitutionalReview@gov.ky

A Constitution in Modern Times

The Balance of Power

The 1972 constitution is largely a colonial document which vests primary constitutional responsibility in the hands of the Queen's representative, His Excellency the Governor. This is hardly surprising since up to the 1970's the Cayman Islands were operating under a rudimentary system of government.

Today, some 30 years later, we have



reached a maturation level whereby the disconnection between how our government should operate and how it is permitted to operate under the constitution is apparent.

A recent example of this disconnect may be referenced in the April 23rd; Cayman Net News article entitled "Cabinet Ministers Demand Say in Key Government Agencies". The report concerned the frustration of Cabinet Ministers over the fact that they were excluded from discussions regarding the police, an area which the Governor has special responsibility under the constitution.

What was being advocated at the time was not that the government wished

to interfere with how the police execute their responsibilities, but rather, to be kept informed and be part of the discussions. The rationale given was that because they are the elected representatives, they are required to approve funding for the police and the people hold them accountable irrespective of what the constitution says.

Under our present constitution, the Governor holds special responsibilities which cover the areas of defence, external affairs, internal security, police and the public service. With respect to the above, the constitution only requires the Governor to keep Cabinet informed in so far as they may involve the passage of laws and the economic or financial interests of the Cayman Islands.

Today's society expects more from our respective governments. Whilst elected representatives remain the custodians of power, the people are equally capable of understanding the issues of government and have for the most part rendered obsolete, the patriarchal politician. Today we are keen to hold our representatives accountable. Therefore, in order for elected representatives to live up to their new found obligations, the government must be a party to any formal discussions that involve the Cayman Islands whether or not these discussions fall under the exclusive remit of the Governor.

The response of His Excellency the Governor Stuart Jack, CVO to the police issue was that "he understands the importance of keeping elected Ministers informed about developments pertaining to law and order". See Caymanian Compass on April 27-29, 2007- "Cabinet to get police briefings".

Public statements such as the above, is an indicator that our constitution

needs to be updated so that it reflects the mature relationship between the three major stakeholders, the Governor, the elected representatives and the people of the Cayman Islands.

**The
Secretariat
currently
publishes and
distributes 5000
copies of our
"Constitution
News"
newsletters each
month at over
70 locations
throughout the
Cayman Islands.**

**Please view our
website for a list
of locations.**

Checks and Balances through Freedom of Information

As part of my series on the “Constitution in Modern Times” I have discussed the “Balance of Power” and the measures that are used to ensure that no branch of government is too powerful and that there is overall accountability in government.

Over the last few weeks, we have seen a number of media headlines promoting accountability within our local system of government. The passing of the Freedom of Information (FOI) Bill was described by a local MLA Osbourne Bodden as a “paradigm shift for the government to understand that people have a right to information”. See Caymanian Compass on September 3, 2007. This of course is true, because for the first time, the people of the Cayman Islands would be able to exercise their right to enquire into the affairs of government allowing them to be come actively participate in the way the government is run.

On Wednesday, 26 September 2007, the Leader of Government Business, the Hon Kurt Tibbetts, JP, formally launched the FOI Unit headed by Mrs. Carole Excell. The messages of all presenters, which included HE the Governor, Stuart Jack, CVO, signaled a change in the culture of government. The proactive step of passing the Freedom of Information Law, 2007, goes hand in hand with the recognition that accountable government is becoming increasingly more important in our society.

Whilst experts still debate whether access to information has absolute footing

as a fundamental human right enshrined in the United Nations Convention on Human Rights, the majority view is that there is an inextricable link between access to information and the right to freedom of expression and the right to participate in the conduct of public affairs. See UNHCR arts. 19 & 21.



The United Nations itself in its Human Rights Handbook for Parliamentarians refer to the fact that “...many countries have adopted access to information laws and that such laws have proved instrumental in exposing human rights violations and fighting impunity...”

In my article of Friday, 21 September 2007, I wrote about checks and balances in government through the independence of the judiciary and the civil service. Likewise, we see that the freedom of information legislation provides an avenue for civil society to play a direct role in promoting increased accountability and improved

democracy.

The FOI Coordinator, Carole Excell, discussed the change in the culture of government when she stated in her message, that implementation of the FOI Law will no doubt be a challenge to the “...Westminster style of government which has a tradition of official secrecy...” Steps will therefore be taken through the FOI Unit to facilitate the change in policy which now directs that “...government information belongs to the public and is held on trust by the government for the people” (see message from FOI Coordinator of the September 2007 issue of FOI Newsletter).

Accordingly, we see that human rights will only be meaningful to the individual and the society if mechanisms are in place to exercise such rights. The implementation of the FOI Law marks a change in how the Cayman Islands recognizes and respects the human rights of its citizens and residents.

To complete this puzzle, we must now ensure that the right to access information in the FOI Law is enshrined in the highest law of our land - the Constitution. When the time comes to decide whether a Bill of Rights should be included in the Constitution, remember that access to information is supported in the fundamental right of freedom of expression and the right to participate in the conduct of public affairs. Without a constitutional footing, the enforcement of our rights are possible but not without difficulty.

Suzanne Bothwell
Director

Do You Know...?

The Cayman Islands have had three (3) female Speakers of the House

The first Speaker of the Legislative Assembly (LA) was Mrs. Sybil McLaughlin who is also a National Hero. MLA Julianna O'Connor - Conolly also sat as a Speaker of the LA. At present, Mrs. Edna Moyle sits as the Speaker of the LA.



Constitution Word Search

G I N F O R M A T I O N Y S
 Q O T Y Y U I O P A C Y T R
 D F V S T A P P O I N T I I
 E F S E I D H F G H E I L A
 F C J C R K L W Z X F R I F
 E E C U O N V B E N R O B F
 N Q W R H E M R T R E H A A
 C U I I T H O E P A E D T F
 E G H T U J E K N L D X N C
 V B N Y A M Q R W T O R U O
 T R E T S I N I M Y M I O O
 P A S D F G H J K A L F C X
 C V B S T H G I R T I U C I
 P O W E R O P A S C D F A H
 J K L Z X C V B E N M Q W E

The following words are found in the articles under "A Constitution in Modern Times" section of this issue. These articles may also be found on our website at www.constitution.gov.ky under Constitutional Supplements. Find the words in the letter grid.

- APPOINT
- GOVERNMENT
- FREEDOM
- DEFENCE
- MINISTER
- SECURITY
- AUTHORITY
- AFFAIRS
- POWER
- RIGHTS
- ACCOUNTABILITY
- INFORMATION

Frequently Asked Questions (FAQS)

Q: Who is the Governor?

A: The present Governor of the Cayman Islands is His Excellency Stuart Jack, CVO. He is appointed by the Queen to head the government on her behalf. The Governor has general oversight over how the government runs and has special responsibilities over areas such as defence, internal security, external affairs, the police, and the civil service.



Q: What is the Foreign and Commonwealth Office (FCO)?

A: Although the Governor heads the government in the Islands, he has to report to the Foreign and Commonwealth Office (FCO) in the United Kingdom. The FCO is headed by the Secretary of States who is responsible to the UK Parliament for the work of the FCO. In some cases, the Governor has to seek advice of the Secretary of State before he exercises some of his powers under the constitution.

The FCO is responsible for all the British Overseas Territories. The Overseas Territories in the Caribbean are the Cayman Islands, Turks & Caicos Islands, Anguilla, Montserrat and the British Virgin Islands. Bermuda is also a British Overseas Territory and it associated with the Caribbean, even though it is physically located off the coast of New York.

To Contact Secretariat:

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 Website: www.constitution.gov.ky

Answers for September's issue:

CONSTITUTION QUIZ: 1-f, 2-h, 3-e, 4-b, 5-c, 6-i, 7-a, 8-g, 9-d

Our Next Issue

Look out for the next issue in November 2007!

- **Human Rights Special**
- **Teen Spot**
 - Human Rights Word Search
 - Frequently Asked Questions (FAQs)
 - Answers to October's issue
- **Fact of the month**
- **Secretariat Profile**
 - Cabinet Secretary, Mr. Orrett Connor
- **What's Happening in the Region**

Secretariat Profile



Professor Jeffrey Jowell, QC has been retained as a consultant to the Cayman Islands Government to assist with the Constitutional Modernization Initiative. He is a Professor of Public Law at the University of London (at University College) and a practising barrister at Blackstone Chambers.

Professor Jowell is a renowned expert in constitutional and public law and the author, with Lord Woolf, the former Lord Chief Justice of England and Wales, of numerous books and articles on those subjects including the leading text book known as *de Smith, Woolf and Jowell on Judicial Review*.

Professor Jowell has advised on the national constitutions and the public law for a number of countries including South Africa, Serbia and Montenegro and Bosnia. He is the UK's member of the Council of Europe's 'Venice Commission' (The Commission for Democracy through Law) and a member of the UK's Royal Commission on Environmental Pollution.

Professor Jowell is happy to be working with the Constitutional Review Secretariat and the people of the Cayman Islands in

providing expert advice on specific areas of constitutional reform. He looks forward to seeing the Cayman Islands achieve a Constitution that reflects the social and political aspirations of the people of these Islands.

FACT

In 1948, 24 George Town women wrote to the Commissioner at the time, stating that there was nothing in the 1865 Act of the Cayman Islands denying women the right to vote and they intended to exercise their right in the forthcoming election.

What's Happening in the Region

- **"Gordon Brown clears the decks for a snap election"** – October 5, 2007. For more information please log on to www.timesonline.co.uk
- **"Human Rights Act key to fight against terrorism"** – October 4, 2007. For more information please log on to <http://business.timesonline.co.uk>
- **"The evolution of Jamaican Cabinets"** – September 16, 2007. For more details please log on to www.jamaica-gleaner.com
- **"18 for Cabinet in Jamaica"** – September 13, 2007. For more details please log on to www.jamaica-gleaner.com
- **"Pro-Europeans launch fight back against calls for treaty referendum"** – September 12, 2007. For more details please log on to <http://news.independent.co.uk>
- **"Tory MPs sign up to PM's 'new politics'"** – September 4, 2007. For more details please log on to <http://news.independent.co.uk>
- **"Governor Peary appoints Mr. Ralph O'Neal as new Premier"** - August 22, 2007. For more details please log on to www.bvi.gov.vg

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