



# Know your Constitution

The Cayman Islands Constitutional Commission



# SECOND REPORT OF THE CONSTITUTIONAL COMMISSION

2010-2011 Annual Report  
C a y m a n I s l a n d s



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## Statement from the Constitutional Commission

In our second year of work the Constitutional Commission has remained committed to achieving our constitutional responsibilities. Although hurdles and challenges are inevitable in the Commission's developmental process, we will continue striving to ensure that the independence of the Commission is fortified as we contribute advice to Government and consult the community on matters concerning constitutional status in the Cayman Islands. As a democratic country, every citizen has the powerful and meaningful opportunity to shape Cayman's progress. The Commission encourages you to be an informed and proactive participant of the democratic process rather than a passive consumer of information.

Appropriately, the 2011 theme for Constitution week was "Embracing our Constitution" – which speaks to the heart of a proactive and participatory democratic approach to the functioning of our Government and that of our community as a whole. We are at a point in history whereby the collective community clearly understands the necessity for the Cayman Islands to exemplify the principles of accountability, transparency, good governance, and ethically sound decisions to ensure progress is made for the benefit of this generation and all others that will follow. In this regard, the Commission continues to encourage adherence to a concise framework of checks and balances designed to support the people and their Constitution. In essence, the progress of democracy in our Islands is centered on an efficient and effective symbiotic relationship encompassing the public and a Government elected 'by the people for the people'.

The Constitution is the supreme law of the Cayman Islands and it provides the framework for the achievement of good governance and protection of civil rights. As such, our Constitution established a number of Commissions which respectively have diverse remits designed to enhance democracy in general. For example, the Human Rights Commission continues to receive reports of alleged human rights infringements and engage the public with information through various mediums, while the Commission for Standards in Public Life has worked to ensure the prevention of corruption and conflict of interests through the setting of standards of ethics and procedure. Constitutional provisions also permitted the establishment of Advisory District Councils that are anticipated to embolden collaborative governance, deep community engagements, and tangible results evidenced in accordance with the will of the people and the broad spectrum of needs within each district.

Since the publication of our first report, the Commission has undertaken multiple research-based projects, provided opinions and advice on constitutional matters, and reached out to the community by establishing an internet presence – [www.knowyourconstitution.ky](http://www.knowyourconstitution.ky). As a matter of commitment to the people of the Cayman Islands, we will continue to keep the interests of the

public at the forefront while promoting greater understanding and awareness of the Constitution. Moreover, we will work to demonstrate the inherent values of the Constitution through fact-finding projects, discussion papers, and informative reports that examine the Cayman Islands and other jurisdictions. Furthermore, this Commission will strive to capitalize on the benefits of technology, including social media, to close the gap between us and the younger generation – a diverse group of individuals deserving of the opportunity to be involved in constructive and stimulating debates on issues that will impact their lives.

The Constitutional Commission was saddened by the passing of our Chairman Pastor Al Ebanks on 18 November, 2011. In his memory we will continue to promote constitutional development in the Cayman Islands and we encourage everyone to take a stance as an informed, involved, and inspiring member of the Cayman Islands community.

CONSTITUTIONAL COMMISSION OF THE CAYMAN ISLANDS

# Part I: The Cayman Islands Constitutional Commission

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## 1.1 Appointment of the Commission

The Commission is a three-person body established under Section 118 of the Cayman Islands Constitution Order 2009. Under the Constitution, this Commission has a threefold remit of advising government on questions concerning constitutional status and development, promoting public understanding and awareness of the Constitution and its values, and publishing reports, papers and other documents on any constitutional matters affecting the Cayman Islands. In broad terms, this Commission may be said to combine the functions of an advisory body with those of a think tank on constitutional matters.

The current members of the Commission are:

- (1) Chairman, Pastor Al Ebanks (serving for a 3 year term)
- (2) Julene Banks (serving for a 2 year term) and
- (3) Wil Pineau (serving a 4 year term)

During the period under review the Commission held nineteen standard meetings, on the following dates –

- 12-Oct-10      04-Jan-11      31-Mar-11      12-Jul-11      25-Oct-11
- 19-Oct-10      11-Jan-11      05-Apr-11      13-Sept-11      08-Nov-11
- 09-Nov-10      08-Feb-11      12-May-11      27-Sept-11      06-Dec-11
- 30-Nov-10      22-Feb-11      14-Jun-11      11-Oct-11

The Commission also conducted public meetings in each of the six electoral districts as follows:  
North Side – 7<sup>th</sup> April, 2011      East End – 14<sup>th</sup> April, 2011      Bodden Town – 5<sup>th</sup> May, 2011  
George Town – 19<sup>th</sup> May, 2011      West Bay – 13<sup>th</sup> October, 2011      Cayman Brac – 27<sup>th</sup> Oct. 2011  
The meeting in the Sister Islands was a joint meeting with the Premier’s White Paper Committee.

## 1.2 Constitutional Mandate

Section 118(3) of the Constitution states:

*The functions of the Commission shall be –*

- a. to advise the Government on questions concerning constitutional status and development in the Cayman Islands;*
- b. to publish reports, discussion papers, information papers and other documents on constitutional matters affecting the Cayman Islands;*
- c. to promote understanding and awareness of this Constitution and its values; and*
- d. to exercise other functions as may be prescribed by a law enacted by the Legislature.*

At the time of publication of this report the Legislature had not enacted any legislation authorizing the Commission to exercise any further functions than what is prescribed in section 118(3) (a), (b), and (c).

Section 118(4) grants the Commission its independent status when it states that “in the exercise of its functions, the Constitutional Commission and its members shall not be subject to the direction or control of any other person or authority”.

## 1.3 Commission’s Work Plan and Overview [2010 – 2011]

The Commission devised a work plan at its inception that was divided into the following phases which have been operating concurrently. This report provides a briefing of the engagements undertaken by the Commission during the reporting period.

### • Organisational Phase

*The Commissioners will adopt rules of procedure and a work plan and form thematic committees;*

#### 1. Policy and Procedure Manual

The Commission’s policy and procedure manual continues to serve as a guide to our operations. There were no amendments to the policy and procedure manual during the reporting period. The manual can be accessed by the public through our website.

- **Public Education Phase**

*The Commission will inform the public about its work and process. This will include promoting understanding and awareness of the Constitution and its provisions through various media;*

### **1. Partnership with Caymanian Bar Association**

The Caymanian Bar Association's (CBA) Student Chapter was engaged by the Commission to assist in the development of a public education document. The document was crafted with the intention for it to serve as a general guide to the Cayman Islands Constitution. In a format similar to that of 'frequently asked questions', the document provides concise answers to a multitude of questions related to the Constitution as is available on our website.

### **2. Partnership with Government Information Services**

The Commission partnered with Government Information Services (GIS) to prepare an educational packet titled "You and Your Government". In an effort to encourage the people of the Cayman Islands to understand the relationship between the Constitution and the various functions of the Cayman Islands Government, we have created the booklet to help people understand their rights as well as the relationship between the public and their government.

### **3. Constitutional Commission's Website**

The Constitutional Commission launched itself onto the internet with a presence located at [www.knowyourconstitution.ky](http://www.knowyourconstitution.ky). The website provides diverse information pertaining to the workings of the Commission, including our policies and procedures manual, reports, meeting minutes, information on our Constitution and that of other jurisdictions, correspondence letters, opinion pieces, news, videos, pictures, and various other sources of interaction and information. The website is envisioned as a means in which to reach out to a wider cross section of the community to promote understanding and awareness of constitutional matters and the work of the Commission. The Commission continues to focus its attention on understanding ways in which to capitalize on technology to assist in achieving its remit.

#### **4. Radio Appearance, Talk Today (Radio Cayman)**

Commission members attended Radio Cayman's Talk Today programme, hosted by Sterling D. Ebanks, on 6 December, 2010, 10 January, 2011 and on the 23<sup>rd</sup> June, 2011. The purpose of the Commission's presence on Talk Today was to stimulate discussion in a public forum to promote awareness, understanding and information sharing on the Constitution. The appearance on the 23<sup>rd</sup> June, 2011 included Professor Sir Jeffrey Jowell, KCMG, QC, a leading authority on constitutional matters,

#### **5. Television Appearance, Spotlight (Government Information Services)**

The Commission accepted an invitation from Government Information Services (GIS) to record a 'Spotlight' segment on 9 February. The 'Spotlight' segment aired on the local television station Cayman 27 and was then posted on YouTube for worldwide exposure. The Commission embraced this opportunity as a way in which to inform the public as to the inner workings and purpose of the Commission.

#### **6. Television Appearance, Day Break, Promotion of Constitution Week (Cayman27)**

The Commission was represented during an appearance on the Cayman27 morning show Day Break. The television appearance served to highlight Constitution Week 2011 and promote the importance of actualizing this year's theme – 'Embracing Democracy'.

#### **7. Booklet Series**

Currently, the Commission is in the process of preparing a series of booklets aimed at providing information to the public to enhance the general knowledge of residents with regard to the Constitution and the structure of government in the Cayman Islands. The series is intended to build on the "You and Your Government" publication. The goal is to produce a comprehensive information package titled "Navigating the Present, Charting the Future" that delves further into the various subject areas such as:

- A Brief Overview;
- The Executive Branch;
- The Legislature;
- The Governor;
- The Judicature;
- The Public Service;
- Finance;

- Institutions Supporting Democracy; and
- Elections and Referendums.

## **8. Funding for Public Education and Awareness**

With respect to the present economical climate, funding for Commission operations, projects, and initiatives has been significantly reduced in line with assisting Government to achieve necessary savings. For this reason the Commission continues explore various other local and international funding opportunities.

### **• Public Consultation Phase**

*The Commissioners will meet with key stakeholders and the public to engage in discussions to gain feedback/solicit and determine the views of the public on constitutional matters;*

#### **1. District Meetings**

The Commission coordinated a series of district meetings to discuss various topical issues with residents of the respective districts. Meetings were held as follows:

- North Side Civic Centre - Thursday, 7 April, 7-9 pm;
- East End Civic Centre - Thursday, 14 April, 7-9 pm;
- Bodden Town Civic Centre - Thursday, 5 May, 7-9 pm;
- South Sound Civic Centre - Thursday, 19 May, 7-9 pm;
- John Gray Memorial Church West Bay – Thursday, 13 October 7-9 pm; and
- Aston Ruddy Centre Cayman Brac – Thursday, 27 October 7-9 pm.

The meetings also served as a means in which to answer questions from those in attendance and receive feedback from the public. The Commission covered important topics such as the Electoral Boundary Commissions Report, the concept of “one man one vote”, Civil Servants Rights regarding Political Activities, Advisory District Councils and Referendums. On reflection, the district meeting did not garner significant attendance from residents; presumably, for a myriad of reasons not limited to time constraints, personal obligations, and logistics. However, the Commission feels that the presentation and exchange of information was meaningful for those residents who did attend. In light of the low turn-outs, the Commission has committed itself to examining more efficient methods of sharing information with the public and effectively interacting with the community, including the diverse opportunities presented through technology and print media.

## **2. Advisory District Councils (ADC's)**

Input was sought from various Governmental and non-governmental bodies with regards to Advisory District Councils; to which the Commission put forth its opinion on the Bill in addition to general commentary on Advisory Councils.

As part of the correspondence, the Commission conveyed a desire to explore, through research, the role of the Councils and the functionality as an additional layer of Government. A response was provided to the Governor after His Excellency queried the merits of the research undertaken by the Commission. In this response, the Commission noted that in order to understand the practical application of the constitutional powers within the executive branch and the relationship between central government and its advisory bodies and the benefit of that relationship to the wider community, it would be prudent to undertake a study of the existing governance structure and the manner in which advisory bodies functioned. The Commission conveyed that it was also of the view that this information should be readily available to any member of the public.

## **3. UCCI Conference on Leadership, Governance, and Empowerment**

Mr. Roy Bodden, President of UCCI, and his partnerships developed a conference at the university that provided the public with the opportunity to listen to expert paper presentations on diverse topics applicable not only to governance but the gamut of socioeconomic and political issues. Members of the Commission attended various sessions between 17 March, 2011 and 18 March, 2011 wherein issues discussed included political leadership, ethics in government, sustainable development, and financial management.

The Commission welcomes similar future opportunities centered on information sharing with the public. In this regard, the Commission conveyed its appreciation to Mr. Bodden through formal correspondence. Additionally, recommendations were made by the Commission for Dr. Livingston Smith to offer his presentation "Reforming Caribbean Political Parties for better Governance and Empowerment" to a wider audience through local media.

### **• Research and Expert Consultation Phase**

*The Commissioners will consult with experts for clarification of constitutional matters;*

#### **1. Governance Structure**

The Commission began research on the governance structure of the Cayman Islands as means of exploring the role of advisory bodies to the Cabinet. This research was initiated

following the development of the Advisory District Councils Bill 2010, which was passed by the Legislative Assembly. The Commission attended a meeting with the His Excellency the Governor, Deputy Governor and Attorney General concerning its research into the governance structure as it was felt by the Premier that such topics were outside of the remit of the Commission. While the Commission is grateful for the discussions the Commission maintains that such research is not only necessary for the furtherance of good governance but also in the public's interest as an educational tool to assist citizens in becoming better informed. The Commission is now in the draft stages of producing such a paper which, when finalised will be posted to our website.

## **2. People Initiated Referendum**

Research was conducted regarding People Initiated Referendums in the context of the Cayman Islands Constitution. The intention of the research, and subsequent paper, is to highlight the provisions of the Constitution as it pertains to direct democracy. People Initiated Referendums provide the public with an avenue to directly shape policy and legislation; for this reason, the Commission finds the topic to be of importance at the public education level. Currently, legislation as required by the Constitution is lacking. The Commission officially released its research paper on the subject at the West Bay District Meeting on 13 October 2011; the document may be accessed through our website.

## **3. CEDAW Conference**

Commissioner Julene Banks attended a conference on the Convention for the Elimination of Discrimination against Women (CEDAW). The Conference was held in Anguilla in October 2010, and Commissioner Banks attended at the request of the Human Rights Commission Chairman. At the conference, she provided an audience with a brief presentation on the status and progress in the Cayman Islands relating to gender equality. Following the conference, she prepared a report detailing her opinions, which was subsequently posted to the Constitutional Commission's website.

## **4. Meeting with Professor Sir Jeffery Jowell, KCMG, QC**

The Commission attended a meeting with Sir Jeffery Jowell, who is a leading authority on constitutional matters. Sir Jeffrey was heavily involved in Cayman's constitutional negotiations. During the meeting the parties discussed the role of the Commission and addressed questions concerning remit.

*The Commissioners will analyse the views expressed by the public and prepare reports, papers and other documents as appropriate in response to those views;*

### **1. Opinion on Rights of Civil Servants under the Constitution**

Following public debate and discussion on the topic of petitions and the ability/restrictions placed on civil servants from signing such petitions, the Commission embarked on a report to present its opinion to the public. The report sought to address the question of constitutional protections, if any, afforded to civil servants under Section 11 (Expression) of the Constitution and the relevance of Section 70 (People Initiated Referendums) in this particular context.

In a democratic society, freedom of expression is one of the key tenets underpinning all of the other freedoms, privileges, rights, and responsibilities. It is noted however that a strong, apolitical public service is also a key element in providing stability and good governance. Thus, analysis of this query must focus on the question of reasonable justification for the imposition of restrictions on public officers. The question posed must then be considered within the context of the public interest which in itself is a complex issue and difficult to define.

Ultimately, the Commission's report opined that the necessity existed for more clearly defined guidelines to enable the balancing of freedom of expression of civil servants and their obligation to conduct themselves in a politically neutral manner. This report was published in the local media and uploaded to the Commission's website for extended public access.

The Commission understands that the Deputy Governor is currently working to develop a policy on the topic in which he provides a substantive guide for civil servants. In the absence of clearly stated legal restrictions placed on civil servants and their involvement in political activities, the Commission concluded that any actions arising out a civil servant's exercise of their freedoms under section 5(d) of the PSML and sections 11 and 70 of the Constitution may be a matter best decided in a court of law.

- **Advisory Phase**

*The Commissioners will advise the Government, either at the request of Government or on the initiative of the Commission, on matters concerning constitutional status and development in the Cayman Islands.*

## **1. Advisory District Councils Research**

Following an undertaking by the Commission to research the structure and functioning of Advisory District Councils and the general relationship of advisory bodies with the government, the Commission was informed of advice provided to H.E. the Governor by the Government Legal Department. The aforementioned advice, offered the view that there is no reasonable link between the objective of our study and the Commission's specific mandate in relation to Constitutional matters.

Subsequent to the Legal Department's advice, and in light of the recent passage of Advisory District Councils into Law, the Commission advised the Governor through written correspondence of its perspective on the matter. The Commission conveyed that it perceived such research within its remit to enquire exactly how the information from the ADC to their elected officials would be communicated to Cabinet and acted upon.

As far as a research study into the matter is concerned, the Commission takes the stance that in order to understand the practical application of the constitutional powers within the executive branch of the Cayman Islands and the relationship between central government and its advisory bodies and the benefit of that relationship to the wider community, it would be prudent to undertake a study of the existing governance structure and the manner in which advisory bodies function. We believe that seeking information of this nature is within our remit to "advise the Government on questions concerning constitutional status and development in the Cayman Islands."

### **1.4 Media Engagement**

The Commission remains committed to maintaining a working relationship with local media publishing houses as a means in which to connect to the community on issues related to the Commission and constitutional matters. The Commission stressed the importance of communicating with the general public to promote participation and interest in the democratic process, and to understand the varying perspectives of democracy.

## Part II: Progress Report on the Implementation of the Constitution

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Since the Commission's first report the following constitutional milestones have occurred:

### The Executive

The National Security Council (NSC), appointed by the Governor in accordance with section 58 of the Constitution, is responsible for advising the Governor on matters related to internal security, with the exception of operational and staffing matters. The NSC released a National Crime Prevention Strategy in 2011, which is available to the public. The Council comprises –

- His Excellency the Governor, as Chairman;
- the Honourable Premier;
- the Honourable Minister Juliana O'Connor-Connolly;
- the Honourable Minister J. Mark P. Scotland;
- the Honourable Leader of the Opposition;
- the Honourable Deputy Governor, *ex-officio*;
- the Honourable Attorney General, *ex-officio*;
- the Commissioner of Police, *ex-officio*;
- Mr. Dan Scott; and
- Mrs. Brigitte Kirkconnell-Shaughness.

### The Legislature

On 25 November, 2009 the Electoral Boundary Commission (EBC) was appointed by the Governor in accordance with section 88 of the Constitution. The EBC comprised of Carl Dundas (Chairman), Norman Bodden, and Adriannie Webb. Due to scheduling conflicts the EBC was not able to begin its work until March 2010 however the EBC subsequently conducted its research and submitted its report to the Governor and the Legislative Assembly. The report of the EBC can be found at [www.gov.ky](http://www.gov.ky). Following accomplishment of its constitutional mandate, the EBC was dissolved accordingly.

## The Judicature

The Commission noted the letter to the editor of Cayman News Services dated 18 October, 2011 from the Honourable Chief Justice, Anthony Smellie, and takes this opportunity to reiterate our support for the rule of law. In this regard, the Commission supports the Chief Justice's statement in principle, particularly his point of –

“The question of whether judges are right or wrong is a question of law. The law ensures that judges are immediately and uniquely accountable -- in a way that no other arm of Government is -- by way of appeal. And the appeal process is hierarchical: going up in the typical case, from a single judge (or judge and jury) to three judges and, then, finally, to five (in the Privy Council). This process ensures the greatest likelihood that the cases which involve matters of far-reaching consequences for persons and that are of fundamental importance to the society as a whole are properly decided.”

There is nothing new, or even wrong, about criticizing judges for unpopular rulings. However, criticism is counter to the progress of democracy when the core of judicial authority, the principle of judicial independence, is attacked. A crucial element of a democratic society is the principle of judicial independence. This power frees judges from the political pressures that might prevent them from impartially enforcing the rights and principles guaranteed by the Cayman Islands Constitution. Furthermore, without this principle, the system of separation of powers and checks and balances among the three branches of government cannot exist.

## Institutions Supporting Democracy

### Human Rights Commission (HRC)

The HRC continues to function under the chairmanship of Mr. Richard Coles. The Commission receives complaints from members of the public in relation to alleged breaches or infringements of human rights. Notably, pending the implementation of Part 1 of the Constitution, the HRC is in a position to only receive complaints pertaining to international human rights treaties to which the Cayman Islands is party to. The Commission will be releasing their 2011 Annual Report shortly. Relevant reports and information on the Commission can be accessed online at its website [www.humanrightscommission.ky](http://www.humanrightscommission.ky) or its Facebook page.

## **Commission for Standards in Public Life (CSPL)**

Under the chairmanship of Mrs. Karin Thompson, the Commission has embarked on various research projects, which has led to multiple interviews and fact-finding missions albeit without the implementation of a law to provide necessary powers to achieve its full constitutional remit. In February 2011 the Commission released its third report. Relevant reports and information on the Commission can be accessed online at its website – [www.standardsinpubliclifecommission.ky](http://www.standardsinpubliclifecommission.ky).

## **Judicial and Legal Services Commission**

The Judicial and Legal Services Commission (JLSC) is an eight-person commission established under section 105 of the new Constitution. Under the Constitution, this Commission has a threefold remit of advising the Governor on the appointment of persons to offices to which section 106 of the Constitution applies as well as the removal of, and exercise of disciplinary action. The Commission has to date advised the Governor on the appointment of the Director of Public Prosecutions, a Magistrate and a Grand Court Judge.

## **Office of the Auditor General**

The Office of the Auditor General's (OAG) is the "watchdog" of public spending in the Cayman Islands. It is spearheaded by the Auditor General whose role and responsibilities are set out in the Cayman Islands Constitution and the Public Management and Finance Law. The OAG carries out its duties on behalf of the Legislative Assembly and ultimately the people of the Cayman Islands. In the past year the Office has launched a new website to increase public access to information; completing training opportunities to hone skills in financial auditing; formulated and published a Strategic Plan – "Making a Difference"; published a paper entitled "Effective Public Sector Governance and How External Public Auditing Supports It"; and published their 2011 Annual Report.

## Part III: Moving Forward

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The Commission is in the process of finalising the discussion papers on Good Governance and Crown Land. In early 2012, the series of informative booklets will be published as part of an ongoing broad public education and communications campaign. The Commission has been invited to participate in the UCCI 2012 Conference *50/50 Surveying the Past, Mapping the Future* and to present the research paper on People-Initiated Referendum. The Commission is also seeking to present on the topic of Self-Determination: Options for the Cayman Islands. The Constitutional Commission is committed to advising the Government, educating the public and promoting awareness of the Constitution and the challenging issues that will arise in constitution building and advancement

Dated this 31<sup>st</sup> day of December, 2011.

CONSTITUTIONAL COMMISSION OF THE CAYMAN ISLANDS

## Appendices



### Appendix 1: Members' Biographies



**Mr. Alden A. Ebanks**, affectionately known as **Pastor Al**, has been the full-time pastor of the Agape Family Worship Centre for the past 23 years. Over the past 30 years he has served on numerous Boards and in 2003, he was one of 500 persons recognised as a nation builder on the Quincentennial Wall of Honour. He has been an outspoken community leader on issues of national importance and was Co-Chair of the Chamber Working Group on Constitutional Modernization in the Cayman Islands and in this role has addressed the United Nations (UN) Committee of 24 both at the UN Headquarters in New York City and also at a regional seminar in Canouan, St. Vincent and the Grenadines

In 2009, he was a part of the negotiating team who successfully negotiated a new Constitution for the Cayman Islands. On December 9<sup>th</sup> 2009 he was appointed Chairman of the Constitutional Commission.



**Mrs. Julene Banks** qualified as an attorney-at-law in 1991 through studies in a joint programme with the University of Liverpool and the Cayman Islands Law School. Mrs. Banks also participated in an International Development Lawyers Course designed to enable public and private lawyers to facilitate the process of economic and other development in their countries. Mrs Banks is now in private practice focusing on Estate Planning and other family matters, especially advocacy for children and the elderly. She believes that personal empowerment through a systemic approach can bring about the necessary changes to families, societies and nations. She serves in the Sunday School, Women's Fellowship, Mission Outreach and other ministries as a member of the John Gray Memorial United Church, congregation of the United Church in Jamaica and the Cayman Islands. Mrs. Banks is a life member of the National Trust and believes that protecting our environment is a key to the wholeness and health of a country and its people. She sees the new Constitution as being a catalyst to bring about improved structures of good governance and the enhancement of the Cayman Islands. In 2003, she was one of 500 persons recognized as a nation builder on the

Quincentennial Wall of Honour and in 2010 was awarded the Queen's Badge and Certificate of Honour for services to the Community.



**Mr. Wil Pineau** is a journalist by profession and has served as the Chief Executive Officer of the Cayman Islands Chamber of Commerce since 1994. He has served on numerous government and private sector advisory committees and boards. He served as Secretary to the Non-Governmental Organisation Constitutional Working Group and has attended regional United Nations seminars and conferences on Self Determination in Anguilla, St. Vincent and the Grenadines and New York City. In 2009 he served as a member of the negotiating team during Constitutional talks in the Cayman Islands. Prior to the Chamber position, he served as Editor of *The New Caymanian* newspaper, Associate Editor of *Newstar* magazine and Editor of the reference book, *Cayman Islands Who's Who and Business Guide*.

## **Appendix 2: Tribute to Pastor Al**

(as read by Wil Pineau on 26 November, 2011)

I stand before you today to share the tribute of the Constitutional Commission and the Commissions Secretariat.

Today we pause to remember Pastor Al Ebanks a prominent leader in our community who meant so much too so many. He was a friend, a spouse, a father, a grandfather, a brother, a colleague, a mentor, a counselor, a true Christian believer who put the needs of others before his own. He embodied unique qualities that enabled him to move effortlessly in the community touching our lives in different ways.

His contributions to the Cayman Islands are priceless. He gave fully of himself in true service, living a life of faith that was evidenced in his works – whether it was advising Government on good governance, comforting little children in distress or leading humanitarian missions to feed and clothe the poor or distressed. Everything that he did was to the glory of God.

You have heard and read today of his life with his family, his education, his career and his service to the community but I would like to take a moment to recognise how we knew him best. He served as an outspoken community leader on issues of national importance and as the first Chairman of the Cayman Islands Constitutional Commission created under section 118 of the new Cayman Islands Constitution Order 2009. This Commission is a unique body and Pastor Al, being of a true pioneering spirit, welcomed this opportunity to make a difference in overseeing the application of the new Constitution in advising government, educating the people and promoting the advancement of constitutional matters.

Prior to his appointment in December 2009, Pastor Al dedicated his time and talent to researching and advocating the importance of educating the Caymanian people about self-determination and constitutional development. He co-chaired the Non-Governmental Organisations Constitutional Working Group from 2004 until 2008. In this capacity, Pastor Al addressed the United Nations (UN) Special Committee on Decolonisation (C24) both at the UN Headquarters in New York City and also at a Regional Seminar St. Vincent and the Grenadines.

In late 2002, he participated in Constitutional modernisation talks in London representing the Cayman Ministers Association. In 2008 and 2009, he served as a member of the delegation that successfully negotiated a new Constitution which was accepted by the people of the Cayman Islands through referendum vote in May 2009.

Pastor Al was instrumental in ensuring that the preamble of the Constitution reflected the essence and unique qualities of the Caymanian people. We can recall the vast amount of time and effort he dedicated to this mission working tirelessly to ensure that the wishes of the people were incorporated in the Preamble which read in part:

“The people of the Cayman Islands, recalling the events that have shaped their history and made them what they are, and acknowledging their distinct history, culture and Christian heritage and its

enduring influence and contribution in shaping the spiritual, moral and social values that have guided their development and brought peace, prosperity and stability to those islands, through the vision, forbearance, and leadership of their people, who are loyal to Her Majesty the Queen;

Affirm their intention to be—

- A God-fearing country based on traditional Christian values, tolerant of other religions and beliefs.
- A country with open, responsible and accountable government, that includes a working partnership with the private sector and continuing beneficial ties with the United Kingdom.
- A country in which religion finds its expression in moral living and social justice.
- A caring community based on mutual respect for all individuals and their basic human rights.
- A country committed to the democratic values of human dignity, equality and freedom.

There are sixteen other points listed in the Preamble that represent the strong foundation upon which the Cayman Islands can grow from strength to strength. Pastor Al was committed to the empowerment of all of the people who reside in the Cayman Islands and worked steadfastly for unity and peaceful governance. Our first Chairman of this unique Constitutional Commission has left a shining light for others to follow.

Clergyman, activist and prominent leader in the African-American Civil Rights Movement, Martin Luther King, Jr., once said “the ultimate measure of a man is not where he stands in moments of comfort and convenience but where he stands at times of challenge and controversy.”

By this definition Pastor Al was a man who was beyond measure. As 1 Corinthians, Chapter two, verse nine states:

“No eye has seen;  
no ear has heard;  
no mind has conceived  
what God has prepared

for those who love Him”

1 Corinthians 2:9

It truly was an honour and a privilege to work with such a dedicated and giving man.

We take comfort in knowing he is at home now and as a true Christian he looked forward to meeting his Saviour. We will forever be grateful for the time the Lord allowed us to be a part of his life.

Pastor Al – we know you are with us today and will be with us as we continue along our journey.

Thank you for every moment, every memory.

We pray that you will watch over your family and that God will help them to find comfort.

May your soul rest in peace.