



## 2016 Constitution Day Message 4 July 2016

Celebrated each year in the Cayman Islands on the first Monday in July, Constitution Day 2016 marks the 57<sup>th</sup> anniversary of Cayman's first Constitution, which came into effect on 4 July 1959.

This was a significant step for the Cayman Islands. Not only did it disengage the governance of these Islands from Jamaica, the 1959 Constitution also restructured the established local legislature and defined the executive body that was to be drawn therefrom. While it is notable that the structure put in place in 1959 has, for the most part, endured, the intervening 57 years have witnessed some landmark revisions and refinements along the way.

These revisions have included:

- The removal of nominated members, who were originally included in the 1959 arrangements, from the Legislative Assembly and the Executive Council (the precursor to what is now the Cabinet);
- Various changes to the number of official members and their powers, including the transformation of the Chief Secretary into the Deputy Governor and the transition of many of the powers previously exercised by a Financial Secretary to a Minister with Responsibility for Finance;
- The development of Ministerial Government, with Ministers more accountable for their portfolios to the Legislative Assembly and ultimately the electorate;
- The establishment of a Leader of Government Business and a Leader of the Opposition, with the former subsequently being accorded additional powers and termed as the Premier; and
- Some recalibration of the respective roles of the Governor and the elected Government.

It is important to understand what prompted these revisions and thus Constitution Day is an opportune time to reflect upon our constitutional history and to understand where we have come from in this regard. With this perspective, we should also be better positioned to evaluate the effectiveness of the constitutional arrangements that now pertain and to offer an informed view on whether further revisions are required.

Since a constitution represents a social contract between government and its people and given that our constitutional arrangements are not set in stone once and for all – as the revisions that have taken place since 1959 aptly demonstrate – we should all therefore be alive to the potential need for further improvements on an on-going basis and, indeed, to changing circumstances that may require constitutional adjustment.

The recent debate surrounding the operation of the National Security Council provides one good example of why such vigilance is appropriate. Presently there appears to be some confusion as to whether the Council is only advisory in nature, leaving the Governor free to act on policing and national security matters as she sees fit; or whether it is that the elected government should be able to exercise greater influence over national security policy. It is unclear as to how this uncertainty will be resolved and while the Constitutional Commission has formed no view on this matter, in circumstances such as this it may be that an amendment to the Constitution is ultimately needed to provide clarification. In a similar vein the Constitutional Commission has previously highlighted a number of other provisions in the 2009 Constitution that may benefit from amendment and these recommendations remain available for review on the Constitutional Commission's website.

Having been established as one of the Institutions Supporting Democracy in Part VIII of the 2009 Constitution, the Constitutional Commission is charged with promoting understanding and awareness of the Constitution and its values and, in pursuance of this mandate, we encourage all persons concerned to view this public holiday as a timely reminder of the fundamental importance of our Constitution. The Constitutional Commission would also welcome any suggestions as to how it could assist with or facilitate a wider appreciation both of our constitutional history and of the contemporary issues relating to the operation of our current constitution.

Please contact us by e-mailing [info@knowyourconstitution.ky](mailto:info@knowyourconstitution.ky), or calling 244-3685. To find out more information about the Constitutional Commission, please visit [www.knowyourconstitution.ky](http://www.knowyourconstitution.ky).

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