Constitutional Commission

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Hon. W. McKeeva Bush, OBE, JP
Honourable Premier
4th Floor Government Administrative Building
Grand Cayman
CAYMAN ISLANDS KY1-9000

18 March, 2011

By E-mail: jodie.whittaker-morgan@gov.ky

Dear Hon Premier,

We welcome the open and honest sharing of your views as expressed in the statement issued in the Legislative Assembly on 17th March, 2011.

We acknowledge the mandate of the Constitutional Commission as set out in section 118 of our Constitution. The provisions of section 118(4) state 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. We wish to make it quite clear that no member of the Commission belongs to any political party or have any personal political affiliations. We seek to promote the independence of the Commission and support the tenets of democracy. This we believe can best be done in embracing the key elements of equality and freedom of expression which are essential in the promotion of the democratic process.

In expressing our views on the Advisory District Councils that are provided for in section 119 of the Constitution, our concerns remain regarding the value of that advice in the larger scheme of things. Cabinet's role as expressed in Part III of our Constitution is to exercise the executive power delegated by Her Majesty to the Government of the Cayman Islands, through the Governor and the members of the Cabinet. Cabinet has ultimate discretion in its decision-making process and may avail itself of all resources available in that process, whether it accepts or rejects what is offered.

If the input given at the district level will not filter upward to inform the Cabinet of the views of the people of the Cayman Islands, then in the cost-benefit analyses, what would be the worth of that information?

The research that we initiated is what we consider a prudent step before embarking on adding a new advisory structure. One must assess and evaluate what is already in existence, determine its objective, consider whether it is meeting its objective and whether it measures up to the anticipated outcome.

Because good governance flourishes in a system of checks and balances promoting accountability, transparency and open sharing of information, we are of the view that we are fulfilling the mandate of the Constitutional Commission to seek the information that we have requested. Our quest is to support democracy and to better advise the Government and the people on matters relating to effective governance and the implementation and advancement of the Constitution of the Cayman Islands. We are hoping that this will be a collaborative effort.

We welcome any suggestions and comments on how the Constitutional Commission should operate, whether they be from yourself or His Excellency the Governor, the Attorney General or any other member of Cabinet or from any other person that call the Cayman Islands home.

So again, we thank you for sharing your concerns regarding the course being charted by the Constitutional Commission. This promotes the healthy debate that we wish to encourage as we actively seek to carry out the remit of section 118 of the Cayman Islands Constitution. We also look forward to hearing directly from the people in the districts. We want to have a good cross section of participants at our district meetings and we welcome any suggestions that you may have in ensuring that we engage the youth in participating in these meetings. We believe that the best education is a hands-on learning experience and we are extremely privileged to have been afforded this opportunity to serve our country as we continue to build on the strength and resilience of our democratic freedom that we enjoy here in the Cayman Islands.
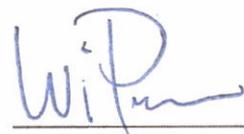
Yours sincerely,

Constitutional Commission

Al Ebanks
Chairman

Julene Banks
Member

Wil Pineau
Member

cc: His Excellency the Governor