

Thursday, January 28, 2016

Her Excellency, Ms. Helen Kilpatrick, CB
Governor of the Cayman Islands
Cayman Islands Government
Government Administration Building
George Town
GRAND CAYMAN

Your Excellency,

Re: News reports of a call for early elections by Hon Alden McLaughlin, Premier

It is with some trepidation that we the undersigned Independent Members of the Legislative Assembly feel compelled to write to you regarding recent news reports that the Honourable Premier Alden McLaughlin has expressed that there is the possibility of an early election being called. We have also had representations from a number of citizens of this country regarding their concerns vis-à-vis the possible social and economic ramifications of such an event, including its impact on the One Person, One Vote electoral system set for May 2017.

It has become obvious to us that there is now a groundswell of consternation within the population of this country, and, as this rhetoric is increasingly disseminated via the media, there is reason to believe that the uncertainty will only continue to grow exponentially. As a result, we as elected Members of Parliament, felt obliged to make specific enquires and carry out the necessary research in order to ascertain the probability of such an event occurring, as well as the legal and constitutional implications thereof. Our conclusions are as follows:

1. There are no provisions within the CAYMAN ISLANDS CONSTITUTION ORDER 2009 (the "Constitution") which allow the Premier to announce or order an early election. The only provisions in the Constitution which may trigger an early general election are outlined in sections 51 (1) and 84 (2) and (3). In all cases, the calling of a general election is at the discretion of the Governor, after consultation with the Premier.
2. We are therefore of the view that the Premier does not have the authority to call an election, as this constitutional power and its concomitant duty is vested solely in the Governor. We would further submit that there must be serious and extenuating

circumstances in existence in order for the Premier to consult with the Governor to request that an early election should be called and for the Governor to so order an early election.

3. Such circumstances which could justify calling for an early election would, in our view include, but not be limited to, a loss of the majority support of the elected members of the Legislative Assembly required for the creation of a government, which number is currently ten (10). We are cognisant of the fact that the Premier's party maintains a clear majority, despite the recent exodus of two (2) members of that party and losing the support of one independent backbencher.

We would submit further that even where such extenuating circumstances exist, the Governor must, before calling for an early general election, first consult all members of the Legislative Assembly in order to then determine if another government can be formed by the members, so as to obviate the need for an early election.

4. The precedent set by recent political history (circa 2012) in Cayman, supports the foregoing proposition as, in that instance, the then Premier, having lost the support of his ruling party, namely the UDP, was removed by affirmative vote, and at that time the Opposition and Independent members voted their support for the forming of a "Caretaker Government" for the remaining period of that election cycle.

The Premier has suggested the possibility of the calling of an early election and this has caused uncertainty and confusion amongst the population. In accordance with section 31 (3) of the Constitution we respectfully urge you to issue a statement clarifying the matter.

We wish to record our strenuous objection to the utterances of the Premier regarding the tacit threat of an early general election, especially given the current construct of membership of the Legislative Assembly and the precedent such a decision would set for future governments with a bare or slim majority. We would respectfully caution the Premier that to unnecessarily alarm the populace with the spectre of an early election, which the country is not prepared for, especially where the possibility of such an event is at best dubious, for motives which are uncertain, is tantamount to a dereliction of his overarching duty to lead the people of this country. We believe that it is a fundamental duty of the Premier to promote the stability of this

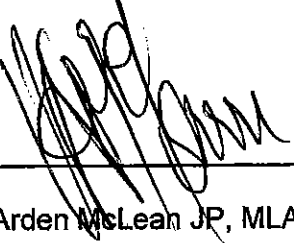
country, rather than to, apparently for reasons of practical politics, menace the population with an uncertain future.

It should also be noted that, given the gravity of this situation, all the undersigned five (5) Independent Members of the Assembly, are prepared to make representation to the Secretary of State for relief, in the event that we feel duty bound and constrained so to do.

It is not our intention to blow this matter out of proportion or to create controversy, but we solemnly feel that it was our duty to bring this matter to your attention, and so we would ask for your official acknowledgement of the matters raised above. Given the obvious 'good governance' issues which this matter further raises, we would also be grateful for an explanation of the measures which you propose to take if the possibility of an early general election arises.

We look forward to hearing from you.

Yours faithfully,



V. Arden McLean JP, MLA

Elected Member for East End



Anthony Eden OBE, MLA

First Elected Member for Bodden Town



D. Ezzard Miller MLA

Elected Member for North Side



Alva Suckoo MLA

Fourth Elected Member for Bodden Town



Winston Connolly MLA

Fifth Elected Member for George Town