



Office of the Official Opposition concerned with the Governor's use of reserve powers

Members of the Official Opposition of the Cayman Islands Government are calling on the Governor of the Cayman Islands to provide the legal mandate for his recent constitutional involvement in the Domestic Partnership Bill (DPB). This comes after the Foreign and Commonwealth Office (FCO) was quite clear in its 2019 response on the issue where it was stated that:

"...as policy on marriage law is an area of devolved responsibility it should be for the territories to decide and legislate on. As has been demonstrated by recent LGBT cases, the Territories' justice mechanisms and processes should be allowed the space to address these matters."

(Global Britain and the British Overseas Territories: Resetting the relationship: Government response to the Committee's fifteenth Report)

Hon. V. Arden McLean, Leader of the Official Opposition, remains adamant that the Caymanian people deserve, at the very least, to have full disclosure of the facts behind the Governor's decision:

"It is quite clear that the Caymanian people have been misled by the Governor with the full support of the Premier. In the absence of the requested release of the Foreign and Commonwealth Offices instructions to the Governor, it can only be assumed at this point that this action has been initiated by the Governor with the full support of the Premier."

He added that:

"The original Domestic Partnership Bill was clearly flawed and not fit for purpose, which is now evident by the Governor proposing 'a version' of the original Bill."

The Governor's version, released on August 10th, 2020, impacts 11 pieces of domestic legislation. These were never mentioned in the proposed Bill that failed to pass. When it was presented only 3 additional pieces of legislation were identified for amendment."

Regarding the Governor's decision to use Section 81 of the Constitution to pass into law a version of the DPB Mr. McLean adds:

"The reserve powers held by the Governor are quite specific. These are matters relating to the civil service, internal security and external affairs. This attempt to intervene in a domestic affair is no different from what is being done to the people of Hong Kong by the Chinese government, which has met with international condemnation, and offers of citizenship from both the U.K. and Australian governments to Hong Kong citizens."

"The Official Opposition believes that the Governor's recent decision needs to be challenged as this will set the dangerous precedent going forward where this Governor or future Governors may want to change other domestic legislation such as our Immigration laws or our company ownership laws. We are even more concerned having read today where the Minister of Finance brought up the issue of Direct Taxation which is also an agenda item for some within the UK's political landscape."

"The Government is quick to intervene when it believes that the Courts of the Cayman Islands are legislating from the bench and overreaching their remit, as was the case with the recent cruise berthing challenge. However, is suddenly silent on the current actions of the Governor,



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where there is a clear breach of his constitutionally defined authority. The hypocrisy of the Government on this, is in my opinion, an attempt to hide its incompetence.”

Speaking to the need for the Office of the Opposition to continue to champion the right of Caymanians to be governed in a fair, transparent and just manner, Mr. McLean stated that:

“The Cayman Islands operates as a participatory democracy with the right to pass local legislation. These actions are not the expression of a genuine commitment to a modern relationship based on partnership between the UK and our islands. The Office of the Official Opposition, in the face of the perceived cowardice of the present Government, has now written to the Secretary of State with our concerns and copied all of the political leaders of the other Overseas Territories.

We owe it to this and future generations to stand up for our history and traditions to ensure the peace, prosperity, and stability of the Cayman Islands.”

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