



CPR CAYMAN

Cruise Port Referendum Cayman

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Members of Parliament
House of Parliament
33 Fort Street
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Cayman Islands

29 November 2024

Dear Members of Parliament

CPR Cayman Strongly Objects to Waiving of Notice Period for Referendum Bill and National Conservation Amendment Bill

We write to express our concern that the 28-day public consultation period may be waived in respect of the Referendum Bill and the National Conservation Amendment Bill. According to Section 7(2) of the Cayman Islands Constitution:

"Every Bill shall be published in a Government Notice, and the Parliament shall not proceed upon any Bill until the expiration of 28 days after the date on which the Bill was so published, unless the Premier certifies in writing under his or her hand that consideration of the Bill is too urgent to permit such a delay."

At the upcoming sitting of Parliament on 9 December 2024, 21 bills are set to be presented, many of which are uncontroversial and serve the best interests of the Caymanian people. However, two bills—the proposed Referendum Bill and the National Conservation Amendment Bill – fail to meet the constitutional requirements that would justify the Premier's decision to override the 28-day notice period and bypass the full public consultation process.

These two bills address issues of significant national importance and are highly contentious. Given the current state of the government, which is operating under a quorum but remains in disarray, it would be unjustifiable and a violation of good governance principles to waive the constitutionally mandated 28-day notice and public consultation process. Full transparency and public engagement are essential for critical matters of such gravity, and these processes must not be undermined.

Vague question and lack of public disclosure

Regarding the proposed Referendum Bill and the question put forth by Minister Bryan - *"Should the Cayman Islands develop cruise berthing infrastructure?"* - we find the question to be vague and lacking substance.

The public cannot reasonably be asked to vote on a matter without critical details such as:

- a detailed financial model;
- an updated environmental impact assessment;
- proposed design and associated cost; and
- a clear and specific location for any such project.

Furthermore, the logistical implications of accommodating 2-3 million cruise passengers annually must be addressed. Where would this influx be managed, and what would the costs of the necessary supporting infrastructure be? Currently, George Town and main tourist attraction lack the capacity to absorb such an increase without significant strain.

A referendum question must be fact-based and presented with clarity. It should include accurate, comprehensive information to ensure the public can make an informed decision. The question must be unambiguous, straightforward, and clearly articulated, with transparency about the project's beneficiaries and its broader impact on the Cayman Islands.

Lack of Referendum Regulations

CPR Cayman once again takes this opportunity to urge the Government and the Governor to proactively develop standalone referendum legislation governing Government Initiated Referendums (“**GIRs**”) and People Initiated Referendums (“**PIRs**”) in line with international best practices, to allow for fair and effective referendums in the future, when they are required to decide on matters of national importance.

The constitution clearly envisions a standalone referendum law, and while the outcome of the appeal of *Roulstone v CIG* may not compel Government in all instances to have the stand alone legislation, it is undoubtedly in the best interest of Cayman's democracy, to have such legislative framework to guide the many intricacies of both PIRs and GIRs, to ensure our constitutional right to a fair and effective vote in all matters.

Furthermore, CPR is also concerned about the lack of any constitutional commissioners at this time and the absence of an independent body to provide oversight on constitutional matters like referendums.

It is imperative that the Government respects the Constitution, adheres to principles of transparency, and allows adequate time for public consultation on issues of national significance. CPR Cayman urges each Member of Parliament to honour the 28-day notice period, particularly for the Referendum and National Conservation Amendment Bills. These are not routine legislative matters but pivotal decisions that will shape the Cayman Islands' future.

The people of the Cayman Islands deserve clarity, transparency, and meaningful participation in the decision-making process. Anything less risks undermining public trust and the integrity of our democracy,

Yours sincerely

CPR Cayman

cc *Governor Jane Owen*
 Stephen Doughty MP