

To: The Ministry of Sustainability & Climate Resiliency and Wellness

To: Cabinet of the Cayman Islands

To: Members of the Cayman Islands Parliament

33 Fort Street
George Town, Grand Cayman
Cayman Islands

23rd January 2025

Dear Right Honourable Ministers and MPs of the Cayman Islands,

Reference: Response to the Government of the Cayman Islands Public Consultation to proposed changes in the National Conservation Act 2013 and CCMI support for Effective Sustainable Governance & Commitment to the Marine Environment.

This document constitutes the Central Caribbean Marine Institute's (CCMI) response to the public consultation for the proposed changes to the Cayman Islands National Conservation Act (NCA). CCMI is an independent research and education organisation with a mission to understand and protect the marine environment for future generations. We believe in sustainable development that is based upon evidenced-based decision making and supported by rigorous scientific data. In this letter, we have explained not only our position on the proposed NCA changes but also our focus on the requirement for sustainable development practice within the Cayman Islands.

The current NCA act is designed to balance the preservation of natural heritage with the needs of societal development and growth, informed by sound evidence and scientific advice. CCMI identifies the most critical elements of the proposed NCA changes as:

1. the move away from international standards of sustainable development, including Environmental Impact Assessments (EIAs), which balance development goals with environmental protection by considering the short-term and long-term consequences of a proposed action, weighing potential mitigation strategies, and evaluating alternatives;
2. the reduction or elimination of requirements for consultation and oversight from respected professionals in the decision-making and governance process;
3. the increased likelihood that bypassing existing environmental protection measures will lead to avoidable, severe, compounding, and irreversible impacts to sensitive Caymanian ecosystems, particularly those already experiencing multiple stressors.



CCMI believes that the proposed changes to the NCA could have catastrophic and destructive implications for the environment.

Granting exemptions to the Cayman Islands Cabinet to bypass the need for EIAs for infrastructure projects and removing the requirement for Cabinet to consult with the experts within the National Conservation Council on coastal works applications will reduce the accountability, transparency, and reliability of the decision-making process.

Why should anyone care? Why does CCMI care?

In 2023, the oceans suffered the longest and most severe marine heating event recorded in history. Coral cover on Little Cayman's reefs, a benchmark for regional marine health, declined from 26% (2023) to 9% (2024). Meanwhile, disease has continued to decimate reefs across the Caribbean. Considering the impacts of these and other factors, including the spread of invasive species, we are in a state of environmental crises, both on land and in the water.

We have the knowledge to grow sustainably. We just need to apply it.

CCMI operates in the Cayman Islands. Our stakeholders are the local and regional marine ecosystem and the people of the Cayman Islands, specifically, the future generations who rely upon a functioning marine environment for health, wealth, and happiness. We are governed by the Cayman Islands laws and regulations, ensuring as an organisation, that we adhere to strict professional research and education standards, and consider our impact on the environment from our operations. We welcome this governance, ensuring that we check ourselves and our plans, to make sure our goals are also in the best interest of the environment and the community.

The legacy of Cayman Islands protection laws

Historically, the Cayman Islands has developed laws and species protections that are widely recognised as outstanding, giving the islands a reputation as some of the finest dive destinations in the world. This is thanks to the professionalism and expertise of the Department of Environment, as well as the efforts of other government departments such as the Cayman Islands Government Office in the UK.

The Cayman Islands, as a UK Overseas Territory, has ratified and committed to numerous international obligations that set clear targets for environmental management and sustainable development, enshrined in international law. These responsibilities require the Cayman Islands Government to protect and preserve rare or fragile ecosystems and habitats of depleted, threatened or endangered species (Cartagena Convention, 1983) and to ensure all areas are effectively managed addressing land and sea use change, to bring the loss of areas of high biodiversity importance close to zero by 2030 (Convention on Biological Diversity, 2030 Targets), amongst others. These frameworks drive CCMI's remit and

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commitment to the marine environment, shaping our strategy and our deliverables as we support the Cayman Islands Government in their obligations to these international treaties. We believe that a critical element of compliance with these obligations and progress towards achieving our commitments is the use of evidence-based decision making to balance the need for both development of the Cayman Islands and sustainability of the environment for future generations. We must all be held accountable and governed with a clear mandate.

Potential impacts of proposed NCA changes

The ocean and marine habitats have an intrinsic ability to heal themselves and adapt to changing conditions, but only when pressures from activities such as development and resource use are either minimised or effectively managed. A healthy marine environment in the Cayman Islands will be essential to resisting and adapting to the intensifying impacts of climate change on our shores. Intact coral reefs, seagrass beds, and mangrove ecosystems, for instance, are all critical for buffering wave energy and storing carbon dioxide (CO₂) from the atmosphere. As a low-lying, small island state, Cayman is particularly vulnerable to already changing weather patterns and the predicted increase in extreme weather in the coming years. A healthy and functioning environment is critical to societal well-being. Sustainable planning and effective governance are basic, yet critical requirements.

The current NCA is designed to balance the preservation of natural heritage with the needs of societal development and growth, informed by sound evidence and scientific advice.

The proposed 2024 Amendment allows for exceptions to the Act, granting cabinet the powers to make irresponsible decisions regarding environmental health by avoiding expert consultation.

These proposed changes also present challenges to meeting international obligations and achieving effective environmental management nationally. The National Conservation Act 2013 is a carefully considered law, developed through decades of work and consultation with the people of the Cayman Islands.

EIAs are an internationally recognised duty, enshrined in international laws, to which the Cayman Islands are signatories, such as The Convention on Biological Diversity and the International Tribunal for the Law of the Sea (ITLOS). EIAs are the process whereby the potential environmental consequences of an activity, such as development, are evaluated by technical experts to identify the likely areas of highest risk and to propose options for reducing that risk. Acknowledging that development is essential, this process is designed to ensure that the environmental harm caused by such activities is avoided or minimised, where possible, and when damage is unavoidable, avenues such as restoration and offsetting are explored to improve sustainability. There are multiple projects of significance on the horizon in the Cayman Islands that would be immediately and irrevocably changed by the proposed NCA law changes.



A plea to the Cayman Islands Leaders and Right Honourable Representatives:

The environment of the Cayman Islands is an intrinsic part of the identity of the islands and critical to the lives, livelihoods, and lifestyles of Cayman citizens and residents. The NCA is designed to ensure that our environment continues to provide the benefits and services that are critical to the well-being and growth of our community. The proposed changes represent a perilous step backwards for sustainable development and data-driven decision making in the Cayman Islands.

Development and a healthy environment are not mutually exclusive. Effective environmental management does not hinder growth; it is arguably the most important element to ensure continued growth for our children, their children, and the future of the Cayman Islands.

As such, CCMI is opposed to the proposed changes to the National Conservation Act and stands firmly in support of evidence-based decision making guided by representative government departments to safeguard the environment and its natural resources, ensuring access to these vital assets and prosperity for future generations.

Sincerely

Kate Holden

On behalf of the CCMI Team

Christopher Humphries

On behalf of the CCMI Board