**Response to Cayman Compass editorial of 5 October, 2016**

**By Premier Hon. Alden McLaughlin, MBE, JP, MLA**

**6 October, 2016**

Madam Speaker,

Good morning. I am constrained to rise and once again address yet another factually incorrect editorial by the Cayman Compass.  It’s a shame Madam Speaker that the editorial board of the Cayman Compass continues to pen opinion pieces without full knowledge of or seemingly any care for the facts.

The editorial of Wednesday, 5 October, 2016, is titled “Smith Cove: Alden Pond?”  I suspect that the editorial board considered that this title was very clever; obviously a play on “Walden Pond” by Henry David Thoreau.

But rather than being clever, what it actually is, in my view, is an opinion piece that is at best uninformed and speculative – wrongly stating as fact that this Government *“… not too long ago had the opportunity to acquire the privately held portion of land adjoining Smith Cove — and walked away from it*.”

The Compass editorial board went on to add that “… *if officials knew Dart was willing to part with the property, and they did place value on protecting the public space from encroaching development, why didn’t they do a separate deal for what is, in the context of the public sector budget, a relatively small amount of money?”*

One would hope that before they went down the road of making wrong assumptions the Compass editorial board would seek clarification on things they don’t really know about.  Well the facts are as follows:

The land adjoining Smith Barcadere was first discussed under the previous UDP administration as part of a variety of proposed changes to the original NRA Agreement.  The Dart Group was seeking the Government of the day to consolidate several future public access rights of way along Dart properties on the West Bay Road, and in exchange it would provide the equivalent size in a property that could be used as a new public beach.  Various properties were put forward for consideration at differing times – including the land adjoining Smith Barcadere.

In other words Madam Speaker – what was proposed was a linked arrangement where the public would lose future access rights to the Seven Mile Beach through land owned by Dart along the West Bay Road.  In exchange the public future access rights would be replaced by other property owned by Dart – including at one point the land adjoining Smith Barcadere.

Madam Speaker I wish to emphasise for the listening and viewing public that the two considerations were linked.  That is, Government would give up public future access rights along a large area of Seven Mile Beach through property owned by Dart in exchange for other property owned by Dart that could become a new proposed public beach, including the property next to Smith Barcadere.  There was neither consideration nor was there ever an offer by Dart to independently and/or separately sell the land adjoining Smith Barcadere to Government without Government first giving up the public rights of future access along Dart properties along Seven Mile Beach.

I repeat Madam Speaker - There was neither consideration nor was there ever an offer by Dart to independently and/or separately sell the land adjoining Smith Barcadere to Government without Government first giving up the public rights of future access along Dart’s properties along Seven Mile Beach.

You may recall Madam Speaker, as may the members of this Honorable House, that in my statement to the House on the NRA 3rd Amendment on June 8th this year I spoke to the fact that in restarting the negotiations for the 3rd Amendment to the NRA Agreement certain items were considered as absolute non-starters by this Government and were passed on to the civil servants and technocrats involved in the negotiations.  The non-starters agreed by this Government included trading away any public access rights to our beaches – even though this may have provided a dedicated public beach elsewhere.

Too many of our people over the years have fought to ensure that the public access rights remain protected and this Government is not going to change that.

And so the 3rd Amendment signed by this Government sought to, and I quote from my statement, ‘maintain the future public rights of way access to the sea along developed Dart properties.” And I also noted in that same statement, “This also left control of such public rights of way with the CPA rather than allowing Cabinet to make these changes.”

 In addition to any policy decisions around maintaining future public access rights, the technocrats doing the negotiations with respect to the 3rd Agreement also pointed out their concerns about such a clause in the agreement concerning any property, including that near Smith Barcadere.  This was because the consolidation of the future public access rights of way, which Dart was seeking, would commit the legislature and planning authorities to decisions that are intended to be made independent of the Cayman Islands Government and could have been considered unlawful. In essence Cabinet would have the ability to instruct the Central Planning Authority to undertake an action that under the law the CPA is solely authorized to make. We couldn’t, Madam Speaker, in all good conscience agree to that.

In addition, independent consultants PricewaterhouseCoopers also questioned the legality of the proposed consolidation of public rights of way.

And so Madam Speaker, this strengthened our belief that removing the consolidation of future public access rights of way from the third amendment was the right thing to do.  And with that decision, the swap for land such as that adjoining Smith Barcadere was automatically taken off the table.

And let me repeat a third time for the benefit of the Compass editorial board - There was neither consideration nor was there an offer by Dart to independently and/or separately sell the land adjoining Smith Barcadere to the Government without the Government first giving up the public rights of future access along Dart properties along Seven Mile Beach.

  Certainly if we were aware at the time that Dart was willing to sell the property we would have considered it.  But the country must also appreciate that besides renegotiating a bad NRA Agreement that the UDP administration had approved, this Government had a number of other priorities as well.  Those included meeting our obligations to the country as well as to the UK to restore Government finances. Part and parcel of those obligations was reducing debt, planning for repaying the US$312M bullet bond in 2019, and increasing the country’s cash reserves.  We also have an obligation, as the Compass knows well, to ‘Fix the Dump’ and upgrade key infrastructure such as our airport and roads.  Our obligations also extend to reducing various taxes and helping families and businesses keep money in their pockets.  So whilst the country’s finances are now in much better shape, back in late 2013 and early 2014 when the decision around maintaining future public access rights of way was made, there was little of what the Compass calls ‘a relatively small amount of money’ available for property purchases even if Dart had offered to sell at the time.

Indeed, I understand from the Dart Group yesterday that the fairly recent sale of the property last year came as a result of an unsolicited offer to purchase and that at no point did they ever list the land for sale.

But let me jump forward to today.  The development of this property near Smith Barcadere first came to the attention of the elected members of this Government last week around the time that we were all watching to see what Hurricane Matthew was going to do and while we were also making plans to host the visit of Baroness Anelay.

Nonetheless, both I and this Government were as concerned as the public regarding what would be a change to an area that Caymanians and residents have enjoyed for years and had considered, particularly the seafront and rock outcroppings, as part of the Smith Barcadere public beach and the Smith Barcadere experience.

As a George Town boy I grew up swimming in the Barcadere and spearfishing outside it in the deeper water. I hardly need the ‘Johnny Come Latelys’ at the Compass to tell me about the historic and environmental significance of Smith Barcadere.

Madam Speaker the Government Caucus had discussions about the proposed development next to Smith Barcadere last week and the question was posed as to whether the developers could be persuaded to not proceed and to sell the land to Government.

The Minister responsible for Lands, Mr. Tibbetts, proposed to reach out to the developer or its agents to determine what could be done to persuade them to not develop but instead sell the property to Government.  I have to say the Minister is known to be very persuasive and I am pleased to advise this House and the public that so far his conversations appear to be bearing fruit.  It is hoped that over course of the next few days we will be able to provide some good news regarding Government acquiring the property.

I can assure you, Madam Speaker, and the listening and viewing public, that this Government intends to continue to make every effort to acquire this property in an effort to keep Smith Barcadere, all of what we know as Smith Cove, available to Caymanians, residents, visitors and future generations in perpetuity.

I had hoped to delay any announcement until negotiations had been successfully concluded.  However, given the inaccurate editorial yesterday I felt it necessary to set the editorial board right this morning, but more importantly to provide an honest account of the history of this property vis-a-vis the 3rd Amendment of the NRA Agreement.

Madam Speaker, whilst I am disappointed with the editorial I am even more disappointed with two members opposite who sat with us in Caucus and who received regular updates on the progress of the negotiations with Dart regarding the 3rd Amendment to the NRA Agreement. They would have known that at no point was Government given the opportunity to buy the property next to Smith Barcadere and they would also have known how we worked hard in the early years to manage finances so as to accomplish all the things that we needed to do to restore our finances. So it may be disappointing but more and more it is becoming expected that the 4th elected member from Bodden Town and the 5th elected member from George Town feel compelled to jump onboard any convenient bandwagon to criticize the Government for, in my opinion, purely self-serving political reasons.

I will close by asking that the editorial board pay heed to the words of the great newsman and broadcaster, Edward R. Morrow who said:

“To be persuasive we must be believable;

to be believable we must be credible;

to be credible we must be truthful.”

And I also wish to leave the Compass with a quote from Thoreau’s ‘Walden Pond’:

“One piece of good sense would be more memorable than a monument as high as the moon.”

I pray the editorial board will not only appreciate the value of applying good sense when penning its opinion pieces but will also undertake to get the facts so that their editorials are believable, credible, and yes truthful.

The editorial board is certainly entitled to its own opinion but it is not entitled to its own facts. An opinion piece based on the facts can be considered journalism. But an opinion piece based on the imagination of the writer is fiction.

Thank you Madam Speaker for allowing me to make this brief statement.

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