



# CPR CAYMAN

Cruise Port Referendum Cayman

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18 September 2019

His Excellency the Governor, Martyn Roper, OBE  
The Premier, Hon Alden M McLaughlin Jr MBE JP MLA  
Deputy Premier, Hon. Moses I. Kirkconnell, JP, MLA  
Minster Hon. Juliana O'Connor-Connolly, JP, MLA  
Minister Hon. Tara Rivers, JP, MLA  
Minister Hon. Roy McTaggart, JP, MLA  
Minister Hon. Joseph Xavier Hew, JP, MLA  
Minister Hon. Dwayne Seymour, JP, MLA  
Deputy Governor Hon. Franz Manderson, Cert. Hon.  
Attorney General Hon Samuel Bulgin JP

By Email

Copy to:

Rt. Hon Lord Tariq Ahmad of Wimbledon, Minister of State for the Commonwealth & the UN, FCO  
Leader of the Opposition Hon. Arden Mclean, JP, MLA  
Hon Members of the Legislative Assembly  
Elections Supervisor Mr Wesley Howell  
Auditor General Ms Sue Winspear, CPFA

Dear Honourable Members of Cabinet

We write to you in good faith following CPR Cayman's submission of the original petition for our first people-initiated referendum on the proposed cruise berthing facility to Cabinet this morning, through Cabinet Secretary Mr Samuel Rose.

In the interest of good governance in what will be the first people-initiated referendum in not only the Cayman Islands, but in all of the Overseas Territories, we seek your reply on the below matters of importance to a fair and impartial referendum process in the interest of all citizens of the Cayman Islands.

## **Referendum Date**

We seek your confirmation on the below timelines as determined by the Constitution, and processes outlined by the Elections Supervisor in May 2019, and our understanding that subsequently, the earliest date the Referendum could be held is effectively in January 2020.



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Section 77.2 of the CI Constitution 2009 states 'Standing Orders shall require that, except in a case of emergency, every Bill introduced by the Government shall be published at least 21 days before the commencement of the meeting at which it is scheduled to be introduced.'

The Elections Office 30 May 2019 Press Release states 'From the issuance of the WRIT, based on previous referendums, the process is expected to take approximately 10 weeks, which will allow the Elections Office time to prepare staff, materials and carry out the referendum process including postal ballots.' In addition to the official press release, the Elections Supervisor advised of the 10 week period between issuance of the Writ and the Referendum Day in meetings on Tuesday 28th May, and the CPR public meeting on 30th May, and this information was carried in the local press ( e.g. [Compass 1](#), [Compass 2](#)).

Although the Elections Office has already started their preparations, as with previous referendums, 10 weeks at a minimum is necessary to ensure a fair and just process to ensure that all voters have time to educate themselves, understand the referendum question, and ensure overseas students and voters have sufficient time to organise their voting ballot.

## **Disclosure of information in the public interest, before the referendum date**

In the interest of good governance in our first people-initiated referendum, it is imperative that the Caymanian people have the opportunity to make a fully informed decision at the polls on the Government's proposed cruise berthing facility, and we request your assurances that the following information and reports, will be made public, sufficiently in advance of the referendum on this matter of significant national importance.

- a. the revised cruise berthing and cargo port design showing numerical data to quantify the footprint including dredge area, concrete area and location relative to the surrounding marine ecosystems
- b. the quantity of pilings, width of pilings and anticipated piling depth inshore and further out to shore
- c. the final or updated business case report and/or related information that is available such as projected increases in cruise passenger arrivals
- d. full details of the proposed design build finance operate maintain contract with Verdant Isle Port Partners, including all conditions of the 25-year financing arrangements



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- e. confirmation that the appropriate protections and standard clauses which serve to protect the interests of our government and the public purse from penalties and potential lawsuits for breach of contract including the following, are included in the proposed contract:
  - i. Force majeure clauses that benefit Verdant Isle Port Partners and financiers of the project
  - ii. A decline in cruise passenger arrivals over the 25-year term of the PPP and loan facility
  - iii. Global recession
  - iv. Hurricanes and Natural disasters
- f. the results of the geo-technical studies
- g. the updated Environmental Impact Assessment
- h. in light of scientific data presented by Caribbean Central Marine Institute, an update on the Government's position concerning Seven Mile Beach impacts and coral relocation
- i. studies which are not yet complete, a timeline of when these studies will be completed and shared with the public

We are very conscious that this is a historic event and a positive sign of our democratic evolution. We are sincerely committed to ensuring that it serves our people justly and that the outcome is the best for all of us. We look forward to your kind reply.

Yours sincerely,

**CPR Cayman**