



**OFFICE OF THE
PREMIER**
CAYMAN ISLANDS GOVERNMENT

MEDIA RELEASE

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PREMIER RESPONDS TO LEGAL OPINION ISSUED BY CPR

The Cayman Port Referendum (CPR) group on Saturday issued a legal opinion to the media.

Responding to this Legal Opinion Premier Hon. Alden McLaughlin said “The Government has taken legal advice on the conduct of this matter from our customary noted constitutional counsel in London and we are more than satisfied that the process being followed is fair and proper in every respect. What is becoming increasingly clear, however, is that CPR is not really interested in holding a referendum, presumably because they think they will likely lose, but are simply intent on derailing the cruise port and cargo port project by any means possible, including frustrating it by delay. The Government will not allow that to occur - we intend to provide the country with a referendum that is fair to all sides. If CPR really believes it has a legitimate challenge to the process being followed by the Government, it should immediately apply to the court for leave for judicial review and have the matter adjudicated by the court rather than debated in the media.”

In his statement on October 3rd 2019 the Premier provided a summary as to the process followed by Cabinet in determining the question. This is worth noting again.

Specifically, whilst no guidance is given in the Constitution on how Cabinet should go about settling the wording of the referendum, the Cabinet as far as possible had followed several common sense and natural justice principles. These were that the question should be:

- clear and simple, easy to understand and written in plain language;
- to the point, that is directed at the core issue in contention;

- definitive and not ambiguous or open to a variety of interpretations; and
- neutral, which means the wording should not create any encouragement for voters to consider one response more favourably than another and should not mislead voters.

Again Cabinet did follow the above principles. Cabinet also had regard to the Council of Europe's Commission for Democracy Through Law (the Venice Commission) in its Code of Good Practice on Referendums.

In addition, Cabinet sought to ensure that the referendum question reflected the intention of the petitioners, specifically Cruise Port Referendum Cayman (CPR). The wording of the CPR referendum petition did not readily assist in helping determine a question that met the criteria above as it is not written in plain language, nor does it set out any definitive proposition. Rather it simply asks that "the proposed cruise berthing facility.....be decided solely by referendum".

However, CPR's initial referendum website (<https://cprcayman9.wixsite.com/website>) offered two rationales for the petition that people were being asked to sign.

First, it states: "The purpose of the Petition is....to bring about a people-initiated referendum in which registered voters can vote through ballot 'Yes' or 'No' on whether the country should proceed with the proposed Cruise Berthing Facility." (emphasis added)

Secondly, it states "The aim of this petition is...to start a people-initiated referendum...on whether the country should move forward with the proposed Cruise Berthing Facility." (emphasis added)

These statements make clear the underpinning the rationale for the CPR petition and can be relied upon to represent what it was people were signing up for. Taken together, therefore,

they provided a starting point for the Cabinet in drafting an appropriate question, including the question requiring a clear yes or no response and whether the country should proceed or move forward with the project.

Whilst the petitioners have focused solely on cruise berthing, an enhanced cargo port has always been an intrinsic part of the Government's plans to provide for a long-needed, modern port facility that includes cruise berthing and an enhanced cargo port.

The Government has at all times acted in good faith and will ensure that the referendum process is completed timely and in a manner that is fair to all sides.

The Referendum (People-Initiated Referendum Regarding the Port) Bill, 2019 will be debated in the Legislative Assembly tomorrow (Monday 28th October). The debate will be aired live on CIGTV or on the CIGTV YouTube channel.

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