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**Remarks by THE LEADER OF GOVERNMENT BUSINESS
THE HONOURABLE D. KURT TIBBETTS, JP., MLA
Cabinet Press Briefing
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CONSTITUTIONAL NEGOTIATIONS

Good morning to our viewing and listening audience and also to you, members of the media!

As you are aware, the first round of formal negotiations on a new Cayman Islands Constitution concluded last night at the Ritz Carlton. These talks over the last four days involved a delegation from the Foreign and Commonwealth Office of the United Kingdom Government, H.E. Governor Stuart Jack and Hon. Samuel Bulgin, Attorney General and a National Negotiating Team comprising representatives of the following:

- the elected Government;
- the official Opposition;
- the Chamber of Commerce;
- the Human Rights Committee;
- the Cayman Ministers Association

- and the Cayman Islands Conference of Seventh Day Adventists

Joining us this morning, are three members of the United Kingdom's delegation.

- Mr. Ian Hendry, the leader of delegation, who chaired the talks;
- Ms. Helen Nellthorp;
- and Ms. Susan Dickson.

I wish to thank the UK team for agreeing to attend this morning's press briefing to share their perspective on how the process has gone so far, and also how they view some of the issues.

After four days of intense, constructive and sometimes robust negotiations, Government is pleased to report encouraging progress. We made significant headway on a number of key issues and we are increasingly optimistic that with continued hard work, cooperation and a spirit of compromise, we will end up with a document that the vast majority of the people of Cayman can support. Without a doubt the example which stands out most in this round of talks is the Bill of Rights. The whole issue of human rights and a Bill of Rights for the Cayman Islands has been by far the most contentious issue in the constitutional modernization debate. Going into these discussions, there were lingering reservations among some stakeholders on this issue which the British see as an integral component of a new Constitution.

Because we are keenly aware of the sensitivity of the Bill of Rights issue and the concern that it reflects Caymanian values, culture and mores while at the same time protecting the fundamental rights and freedoms of the

individual, Government prepared a draft bill of rights which was circulated to all delegates at the talk. This document formed the basis for the discussions on this subject during the negotiations and I am happy to say that by and large, it has gained substantial approval, including from the Opposition. As Mr. Hendry cautions, and as I am keenly aware, nothing is agreed until everything is agreed, but this is a hugely encouraging sign. Government wishes to place on record its thanks to the stakeholders, including the Opposition, for their support.

With regard to the balance of the package of proposals which forms the basis of the negotiations with the UK, there is broad agreement in principle among all stakeholders at the talks with the notable exception of the Opposition who still seems to be taking the position that we should retain the status quo and that the constitutional relationship with the UK is not in need of modernisation.

The proposals on the table are the same revised proposals which Government published and circulated nationally in May for public scrutiny, consideration and comment. Indeed, they can be called the people's proposals. They reflect views as expressed by Caymanians from all walks of life during the nationwide consultations on Constitutional Modernization. Because of this, Caymanians can feel a true sense of ownership of the new Constitution we are negotiating on their behalf.

For the benefit of the general public, I wish to repeat what Government is seeking to achieve by way of a new constitution. We are saying that Caymanian society and the wider world have changed fundamentally since

1972 when the present Constitution was introduced. Our people have grown in maturity and self-confidence. Their needs with regard to participation in national governance have also changed.

Certain complaints, which we are hearing with increasing frequency, are a clear indication that the present Constitution is inadequate when it comes to meeting the changing needs of Caymanians. These complaints relate not only to the elected government but also the United Kingdom. They essentially speak of the need for greater openness and accountability by every key official, elected and appointed, involved in running the affairs of this country.

Against this backdrop, Government is seeking through these negotiations, to redefine the constitutional relationship with the United Kingdom so that there is more shared responsibility for decision-making. Our relationship with the United Kingdom has evolved. We are no longer a colony in the historical meaning of the word. The relationship which exists today is more like a partnership. And partnerships do involve a sharing of responsibility. Government is also seeking to make the Cayman constitution more democratic by giving the elected government a greater role in administering the nation's affairs. In this way, the democratic will of the people, as expressed at the ballot, will be paramount.

While all other stakeholder groups and particularly the Chamber of Commerce support this position, the Opposition disagrees. The United Democratic Party is saying, essentially, that they are happy keeping things the way they are. As one Opposition representative has put it, Caymanians

are not ready to take on this kind of responsibility for themselves. This attitude amounts to a clear lack of confidence by the UDP in the ability of the Caymanian people. Government disagrees with this view. It is certainly not what Caymanians told us during the series of public consultations.

The bright spot is that the negotiations are still at an early stage. Therefore, between now and early December when the second round of negotiations is due to be held, Government will redouble its efforts to engage the Opposition. The UK have undertaken to send us a working draft of the constitution in two to three weeks and Mr. Hendry has encouraged us to do our best to narrow our differences with the benefit of having this working document. We shall do our part in that regard.

Compromise is possible if the interests of the Cayman Islands are placed before any other interest. The nature of negotiations is such that no participant ever ends up getting everything he or she wants. This is particularly so in sensitive negotiations of the type we are engaged in. Negotiations always involve some give and take. This requires compromise on the part of each participant. It also calls for the focus to be placed on the bigger picture, instead of narrow individual interests.

Once this approach is taken, a win-win situation is possible. This is the approach Government has taken all along. That is why, following the last-minute publication of the Opposition's proposals last week, we convened that historic meeting at Bodden Town to seek a national consensus. Following this meeting, Government quietly approached the Opposition for further discussions last weekend before the negotiations. We were led to

believe such a meeting would have definitely taken place. In the end, it did not because of the Opposition's unwillingness. We hope they rethink their approach to this matter. We are dealing with serious business – the country's future. The nation's interests must come first.

I have said all of this to underscore Government's commitment to working with the Opposition in the national interest to thrash out our remaining differences. I cannot emphasize sufficiently that the more united we are as a country; the greater are our chances of success in these negotiations. It is time for the Opposition to reciprocate. They must appreciate that in doing so they will not be doing the Government a favour. Rather, they will be discharging a solemn responsibility to the nation. They must begin to take this responsibility seriously.

I'll now invite Mr. Ian Hendry, head of the UK delegation, to share his thoughts. Afterwards, we will take your questions. Thank you!