



Constitutional Modernization Initiative

*Verbatim Transcript
of*

**Public Consultation Meeting
Held on**

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Heritage House

**Cayman Brac
Cayman Islands**

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**MONDAY
31 MARCH 2008
CONSTITUTIONAL MODERNIZATION MEETING
HERITAGE HOUSE
CAYMAN BRAC**

WELCOME

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): I would just like to thank everyone for coming tonight. My name is Suzanne Bothwell. I am the Director of the Constitutional Review Secretariat. We should be starting in a few minutes, and I thank you for coming out on time, and we are just waiting for one or two people and we will be ready to go.

If you are thirsty or nibblish, we do have some refreshments at the very back of the room.

I just wanted to say that we do have a few documents that were in your seats. I just wanted to explain what they were. The book is a Companion Guide—the thickest book—is a Companion Guide to the Constitution. This is pretty much what it says it is: it's a Companion Guide to our current Constitution. You also have the blue book or the *Summary of Proposals*, and the red one. These are the documents that were put out by the Secretariat, which set out most or all of the Constitutional proposals that are now being discussed. The small Law that is there in your package is the 2003 Draft Constitution that was negotiated with the United Kingdom when we had the last Constitutional Reform, and we thought it would be appropriate for you to at least have a copy of that at this point in time so you can see some of the things that had been negotiated in the past, and there are a few other historical documents there. And lastly, most if not all people should have a copy of the slide show. It sets out in very succinct terms what this whole thing is about. There is a very brief comparative analysis showing some of the areas that we are discussing, and what is happening in other overseas territories.

We have lots of seats in the front.

Mr. Moses Kirkconnell (Second Elected Member for Cayman Brac and Little Cayman): Good evening. Let me thank you all for coming out. Before we get started, I'm going to ask Mr. Merlin if he would stand and ask God's blessing on this meeting and on Cayman Brac and the Cayman Islands.

PRAYER

Mr. Merlin: [inaudible]

Mr. Moses Kirkconnell: I'd like to welcome the Leader of Government Business and the two Ministers on his left at the head table. I'd also like to

welcome the Secretariat. I see we have one sitting in the back there. Thank you for being here in Cayman Brac. This is the second Constitutional meeting that is being held. On Wednesday night it will also be held on Little Cayman. I also want to recognize my colleagues in the back from the Backbench, thank them for being here, thank them for taking the extra time and for making the extra effort to come to Cayman Brac, and as always, thanks for the support they give me and all they help with in accomplishing things for Cayman Brac and Little Cayman.

With those short words, I am going to thank you all for being here, and say to you that tonight is your evening to ask questions. You have quite a few people here that are knowledgeable about constitutional modernization, and it is our opportunity to grow and work with a living document, and frame this for many years to come to the advantage of the Cayman Islands.

With that, I would ask Mrs. Suzanne to take over and run the meeting tonight.

Mrs. Suzanne Bothwell: Thank you, Mr. Kirkconnell. Before I begin, I would just like to invite the Leader of Government Business to say a few words. He does have a few things he'd like to say. Just for the meeting tonight, we are recording it for Radio Cayman, so it will be aired at a later date, so I am asking that during the meeting if anyone has any questions, we will pass around the microphone, because in order for the equipment to pick up your voice, we will need to have it in the microphone. So we will be asking you to do that today. And also if you have cell phones, Blackberries, all of those wonderful gadgets, if you can either turn them off or put them on 'Silent,' we would greatly appreciate that.

So I would like to hand over to you the Honourable Leader.

Hon. D. Kurt Tibbetts (Leader of Government Business): Thank you, Suzanne, and a very good evening to all of you. I see some faces that we saw today, but I also see many other faces that were not at the meeting today, so for those of you who were at the luncheon today, if you hear some things that were said once again, just bear in mind repetition bears emphasis.

I want to quickly give an outline of the process as we have engaged thus far from the time we produced a *Summary of Proposals*, which we launched on the 12th of January, and I think there are copies on the chairs this evening for all of you, for those of you who may not have received the copies before; and that *Summary of Proposals*, folks, is simply a starting point for the discussions. We sat and talked about this for quite some time. We took advice from professionals and from our consultant; we also had the benefit of going through the modernization process in 2001 through 2003, where we had actually gotten to the point where negotiations had taken place, and the United Kingdom had sent us back a Draft Constitution, which Suzanne mentioned just a short time ago, there is a copy for each of you to see. That Draft Constitution was the result of our negotiations in 2002, and unfortunately,

after it got to that point, the process was simply and suddenly stopped. So we had the benefit of already going through the process to that extent.

We also had the benefit, during our deliberations, of looking at some of the other territories who went through the same Constitutional Modernization process, and who have completed their process, and who now have new constitutions, namely, Gibraltar, the British Virgin Islands, and the Turks & Caicos Islands.

And of course, we have to remember that this process actually began with the United Kingdom producing their White Paper of 1999 entitled 'Partnership for Progress and Prosperity,' whereby introducing that paper, they invited all the Overseas Territories to re-examine their existing constitutions with a view to modernizing the relationship with the UK. Most of them have already completed the process. We are now in the middle of making every possible attempt to complete the process for the Cayman Islands.

Having had the benefit of all of that, we produced the *Summary of Proposals* which I think, Suzanne, you called the 'Blue Book,' and that *Summary of Proposals* is the result of all of these deliberations that we have had. We have put on paper our thoughts, but not our thoughts to say that that is what we believe should end up being what we negotiate with London. It is simply up to this point where we produce the document, what our thoughts were, with a view to evoking the debate with the public, and being able to engage with you, the public, as we are doing tonight, for you to look at these proposals so you can make your own comparisons, you can ask your own questions, you can familiarize yourself with the various options, and then we can hear from you what your thoughts are.

For instance, in this proposal there is a section which speaks to the eligibility of a person who would wish to seek to be elected as a Member of the Legislative Assembly in the Cayman Islands, and following up on the 2003 Draft that was issued, we had in our *Summary of Proposals* that it was our first stab at it that people who would wish to seek office, the eligibility would allow a first-generation Caymanian to seek to be elected. And everywhere we have gone, including today at our luncheon meeting, it was brought up, and we have already accepted that that proposal that is in our original blue book, the document entitled '*Summary of Proposals*,' that we agree that the status quo is what should remain, not what has been proposed. I only use that example to show you that what's in the blue book is not fixed; it's not that we are fixed on those ideas; it was just a starting point.

So, having said that to you, the final thing that I want to say before I turn the meeting over to Suzanne so that we can get into the discussions, is that there is also a tactic that I can only at this point in time term as a scare tactic, where there are some people who are suggesting that what we are proposing is going to lead us to independence. If you look in your *Summary of Proposals*, that is the blue book, on page two, down on the bottom of it, under the caption 'Continuing as an Overseas Territory of the United Kingdom,' I read this today and I need to read it again tonight, because I need to make sure that

people are not misguided or misled into believing that that is what we wish to happen. I quote from the book, and it reads:

“We believe that there is no desire in the country to seek independence. Our aim is to improve the relationship with the United Kingdom, to make our internal government more democratic, efficient and accountable, and to prevent any recurrence of the unfortunate incidents that have in the past strained our relationship with the mother country.”

So even before we were elected as a Government, in our manifesto we spoke to this same effort, and we have said before, and I say it again tonight: We are satisfied that the people of the Cayman Islands have no desire to change the relationship we have with mother country as us being a British Overseas Territory. Not only are we satisfied with that, but we are in agreement with that, so there is no desire for independence. It is simply that our last Constitution being a 1972 document, and some 36 years have passed since then, it is time for us to tidy it up, to bring the relationship more in suiting the times that we're in. That is the whole effort that we are about. But we need to be able, when we go to negotiate, whether London comes to Cayman to being negotiations, or if at some point in time we have to go to London to continue those negotiations, we need to know that what we are going to negotiate with reflects the wishes and aspirations of you, the people. And we can't presume what those wishes are, what those aspirations are, we have to hear from you. Hence, the process that we are going through now.

Suzanne, I believe that you can continue from there, and today was a lively session, folks; we had some very interesting questions, and good dialogue, and I do trust that we will be able to engage in the same tonight, so it will help to guide us through the process as we continue. Thanks very much.

Mrs. Suzanne Bothwell: Thank you, Leader of Government Business.

Just to explain the format tonight: the purpose we're here again is because we want to really hear from the Cayman Brac community, you who are present tonight. As the Leader of Government Business said, we had a luncheon today with some groups, and it was very thought-provoking discussion, and also good insight into how your community feels about certain subject areas. Just as a reminder of why it is that we're going through the Constitutional Review process, because we are one of the territories that the UK has asked to look at our Constitution, and the *Summary of Proposals*, the blue book that you have, really covers, as I said earlier today, three major areas. The first major area is the sharing of responsibility with the elected, with the local government, and that includes the issue of Governance in this country, when decisions are made about the Cayman Islands in the United Kingdom, that there is an involvement with the local government; they are consulted.

They are also involved in either approving certain things, because if decisions are going to be made for us that have an international impact, then

we should be—the sentiment is that we should be involved in that process before we are bound by anything. And that relates specifically to the area of what we call ‘External Affairs.’ That deals with the international obligations, as a member of the global community, many agreements have been extended to Cayman by the United Kingdom. From the 1950s onwards, probably even before that, but definitely from the 1950s onwards, and increasingly these agreements come in conflict sometimes with the things that the Cayman Islands hold to be important, and the Government has decided that since we are undergoing Constitutional reform, that we as a community should use this as an opportunity to have dialogue with the United Kingdom, and negotiate a position whereby if these agreements are extended to us, and they place an obligation on us, that we should first be consulted, there should be dialogue with us, and in some cases approval by our elected Government.

The other major area which the Constitutional reform process deals with is accountability in Government, whether it’s accountability through the Public Service, your elected Government, or Her Majesty’s representative, namely, the Governor. There have been proposals for an anti-corruption commission, which will be relevant to high-ranking public officials and also the elected representatives. This is something that we are seeing in most modern democracies, because these groups of persons represent the public, and if there is any indication of maladministration, failure to carry out your job or corruption, there must be an independent body who can review this and make recommendations.

Secondly, in relation to the finances of our islands, going right back again to accountability, the Government has recommended that the statutory limits of public debt—meaning the limits at which the Government can actually engage a debt, indebt the country, really—should be given constitutional backing. That should be reinforced in the Constitution so that any future Government who wishes to pursue capital projects or so forth are bound by the provisions and they do not overextend the country.

And similarly, we see that in terms of accountability, they have proposed what we call ‘People-Initiated Referendums.’ That’s a little highlight there. Really, that is participative democracy. That is accountability which stems directly from you the Cayman Brac community and the Grand Cayman community, whereby if there is an issue, a national issue of importance that you would like to bring to the Government’s attention, no longer would you just draw your MLA around a corner where you catch him and complain, or sign a petition, and then you don’t know where it goes, but there will be a formal statutory process whereby the voting community can trigger a referendum, which is a national vote on a subject area, and cause the Government to act upon it.

Since we are in Cayman Brac, and I know one of the areas that your MLA Mr. Kirkconnell is very keen to hear your opinions on, is that of single member constituencies. I am going to go right into it and hopefully this will help stimulate discussion and dialogue on the other areas of constitutional reform.

One of the proposals that is being made, and that has been made in the past, is that the Cayman Islands move to a single member constituency, one person, one vote electoral system. Now what this means, is that instead of the multi-member system we have right now—in Cayman Brac, you have two; I am from George Town and we have four representatives—and I can vote for four people—there has been a suggestion, and this was actually endorsed in the last constitutional review process that we shift away from that system and move to a more democratic system of elections. One may say, ‘Why is this new system more democratic?’ First of all, it treats each voter equally. No person’s vote will be worth more than the other, so if you are in Cayman Brac or Little Cayman, your vote is worth one, and if you are in East End or West Bay, that same vote is worth one instead of four to one, depending on where you live.

Secondly, that one vote will be exercised in a physical boundary, which is not your district as we traditionally know it, but a boundary demarcated specially for elections. The purpose of that would be to allow you, the citizens, to obtain greater accountability through your elected representatives. Some persons, for example, in multi-member constituencies, have stated that they feel that they are not sure who represents them. If they are in West Bay, whilst there may be four representatives, or George Town, the same four representatives, who represents them? Which one of those persons? Is it one, two, or all who is responsible within their group for a particular issue? And what single member constituencies would do is if, for example, Cayman Brac was divided into demarcated areas, then the person who is returned to the LA from that constituency is your elected representative. There is no confusion. No longer do you say ‘Well, I have this person and that person and that person,’ but you know who has been voted in for that constituency, and that will be the only person representing you.

Likewise, in Bodden Town, if Bodden Town is broken into three constituencies, then persons who get in in each constituency will be representing the people who live in that physical area. So that is something that has been discussed, pretty much splitting the Cayman Islands up into constituencies, and if that takes place, what would happen is that the elected representatives will move from 15, which we now have, to 17, because there was a—electoral boundaries that did a review and had recommended that we increase the seats based on our population by two to make it 17.

Now the options for everybody in the Cayman Islands, including Cayman Brac, is do we want to move, do we think it is a good idea to move to this new system, as opposed to what we have? If you say, stay with what we have, then we stay. If it is move to a single member constituency, for Cayman Brac, a particular proposal has been raised given the size of Cayman Brac and the fact that you are connected quite closely with Little Cayman, and the recommendation is—and I am not going to actually show you, but it is under the one person, one vote section—but the recommendation for Cayman Brac and Little Cayman is that instead of splitting you into two constituencies, which was recommended in 2003 by the Boundaries Commission, instead of doing that, dividing up the island, instead you would just be one constituency

called ‘Cayman Brac and Little Cayman,’ but to preserve the role of one person, one vote, you would just vote for one person, one of two members that would be returned to the LA, so you would still retain your two seats in the Legislative Assembly, but you, the citizen will exercise one vote. That would take place also in Grand Cayman, whatever constituency a voter falls in, they have one vote. The only difference would be that your constituency boundary would be somewhat different from Grand Cayman.

So that’s the option for Cayman Brac. Some of you, we discussed this earlier today, but it’s something for consideration for Cayman Brac in particular, but also in the context that all of the islands are looking at this issue, so really and truly what you may need to do is have a first preference, and if that first preference is not the same as the majority view in the country, then what’s your backup preference, so it is something like that. So does anyone have any thoughts or comments about single member constituencies, the voting, what kind of electoral system we should have in the Cayman Islands?

No?

Mrs. McFarland (Question #1): Good evening, Mr. Minister, Mr. Kirkconnell, Moderator, and distinguished guests. I don’t really have anything about the one man, one vote, but one thing I have is the national importance of another issue, and another business, that really triggers me and I want to know what it is about in the referendum and the new Constitution to come, what is the Government, or the Island, doing about spouses that married to Caymanian, both female and male? I really would want you to address that, because you have this—a participative democratic elector requiring Government to take on issues of national importance and that is a part of importancy [sic] because I am a paper Caymanian and we want to know...

Hon. D. Kurt Tibbetts: Forgive me, but—and I heard what you said—but I think I would just like for it to be a little bit clearer. What about the spouses of Caymanians that you are talking about? What is it you are asking about them?

Mrs. McFarland: What am I talking about? It’s like—like I’m a Jamaican—and you are married to a Caymanian and I’m, I don’t know, Mr. Moses—

Hon. D. Kurt Tibbetts: And as you call it, you’re a ‘paper Caymanian’—

Mrs. McFarland: Yes, because when you say ‘Caymanian’ you know, you na really—you understand, Mr. Minister.

Hon. D. Kurt Tibbetts: Yes, I hear what you’re saying.

Mrs. McFarland: Yes, as Mr. Moses, our representative, one of our representative for the island, he’s very good to my ‘usband and me, but I’ve been married for eight years and I’ve seen many dishonesty where I alone take

care of my 'usband, and at this point, my 'usband is just waiting on death, and many sickness, and all of the family member come in, decided to use lawyer and ready to throw us out and like you get status and you get nationalization and you can' vote for the constituencies, or you can' vote, but you really don't have any right in other country. What is really the right? What is the referendum have to do with the spouses of a Caymanian, ex-pat, because we have right, too, because the next election will be 2009. I will be able to vote. What are my rights if my 'usband die a-mornin'? Where am I going?

Hon. D. Kurt Tibbetts: Mrs. McFarland? I understand you.

Mrs. McFarland: So I really want to know, and there are people here tonight who can speak because you know my husband, Mr. Kurt Tibbetts—my husband is Mr. Cridland McFarland, he's have both amputees, and it is very hard taking care of him on myself alone, na' really—the Government has helping some years, but for his family to really come around and not being there for him when him on his feet, but at this last moment you don't have anyone who you can run to, and that is really dishonesty, because the Constitution need to also amend that, because if my husband die, I still have a vote for you, so I really want you to really say something about that.

Hon. D. Kurt Tibbetts: Mrs. McFarland, I will answer you.

Mrs. McFarland: Go ahead, sir.

Hon. D. Kurt Tibbetts: Make me feel comfortable now—you can sit down now.

Mrs. McFarland: Thank you.

Hon. D. Kurt Tibbetts: All right. I hear you loud, but something that you need to understand, unless I hear otherwise from my colleagues, is that you have every right that a Caymanian has. Now—no, I'm telling you—so I don't know what the specific situation is, and perhaps it is best in this forum not to get too deep into the specific circumstances, but I can tell you this, and it's you that termed it like that, but as a, as you call it, as a 'paper Caymanian,' which means that you are originally from another country but you have acquired Caymanian status, whether that be through marriage or whether it be through tenure, the fact—yes, I know, I understand—but the fact of the matter is that you have every right that any other Caymanian has and that is every *legal* right, so if there is something that is not happening right, you really need to seek legal advice.

Now with regard to, in any circumstance, family not assisting where one might think they should, I think that's a bit difficult to get into, because I don't think there are any legal or domestic legislation, I don't think there is any domestic legislation which pointedly says what responsibilities family members have, I mean, in years gone by, you never had a problem like that because

everybody took care of each other. So from that angle, I can't answer you anything specific. I certainly don't have a problem talking to you about it otherwise, I don't, but I can assure you that although you are Caymanian by acquiring Caymanian status, you have every right that I, who am talking to you, has as a Caymanian. Okay? So if there is something that's wrong, I really suggest that you seek legal advice because you have every right.

Mrs. McFarland: Thank you, Mr. Minister. 'Tis indeed fe it, but I need for something to mandatory like or you coming up 'cuz I was looking on something 'cuz all these documents take time to read, ya can' just flash-flash through them so 'cuz some a' dem are fine print an' ya need to read fine print before you make any move becah' you be make wrong move. But you need to mandatory, just like how you are going to mandatory one man, one vote, you need to present that like—I don't know, you can' really do it, because it's the Queen, when you, either they come here or you go to, but you need to see that that put in place for paper Caymanian, 'cuz I really have to say that, 'cuz when you go for the job they are telling you that the native have to get it first, so I don' really understand but, if a Caymanian who married to spouse is here, and fe say the rights for them, and ting like that, ca' people are right now in this audience, certain things that you can' dealt wit' becah' you can' force children to look 'bout their parents, but my main issue tonight and my main concern tonight is that spouses must have right, too. Once you a Caymanian, once you accumulate papers that you are a part of this territory you have all right, just like my 'usband, I s'pose fe have all the same right.

Hon. D. Kurt Tibbetts: But you do.

Mrs. McFarland: But 'im don'—it not 'appen on the Brac, not 'appen, no disrespect', it na 'appen, 'e jus' come in like—back'a Jamaica the mudda say he deh very far be'ind—rude—not even use the word dere tonight, but you need to look into Mr. Minister and I thank you very much for your panel and thank you for coming over 'ere, and thank you for really bringing Cayman Brac at the front line and thank you very much, Mr. Mose, God bless you.

Hon. D. Kurt Tibbetts: Thank you, and just to close the discussion on that specific topic, I don't have a problem speaking with you otherwise, but I can assure you that in our own domestic legislation, the Immigration Law, the 2006 Immigration Law, someone like yourself has every legal right that I have, but if there are any specific issues perhaps it's best we talk about it otherwise, all right?

A Member of the public (Question #2): Good night, Mr. Minister, and good night to everyone who is sittin' in here.

As Mistress McFarland says, we are here as ex-pat from another country, and we came 'ere and married to one of the native Caymanian, and as she asked about the right, but I don' see that we have any rights, because as I say

so, I am married to one, and he has been taken away from me, and I cannot see him and I don't have any rights to anything what he have, right? I just left alone. I have been put out of the house and I have to seek elsewhere to live, seen? So what right do I have then with the family members, because I have to take care of him until he reach lower than when he could not decide for himself, he was taken away from me, so what rights do I have?

Hon. D. Kurt Tibbetts: Unfortunately, I can only answer you the same way I answered Mrs. McFarland, but I am quite happy to talk with you outside to find out exactly what the specific situation—because I suspect for me to get a clear understanding, you are going to have to speak some things that are personal, and I would prefer not to have that in—

A Member of the public: I don' wan' to speak person-

Hon. D. Kurt Tibbetts: That's what I'm saying, I prefer for that not to happen in this meeting, so that we could concentrate on the actual Constitution, but I would be quite happy to speak to you otherwise.

A Member of the public: Yes, because I want to seek advice, because everywhere I go to seek advice I was told that certain things has happened, which I don't want to talk about that—

Hon. D. Kurt Tibbetts: I will be quite happy to speak to you, ma'am.

A Member of the public: You know, certain things is happened so I have to leave it at that, and I—

Hon. D. Kurt Tibbetts: I'm here until Wednesday; just let me know. I'm here until Wednesday, and I'm quite happy to speak to you.

A Member of the public: Okay, then, sir.

Hon. D. Kurt Tibbetts: That's not a problem.

A Member of the public: Okay, then.

Hon. D. Kurt Tibbetts: All right?

A Member of the public: Thank you, sir.

SINGLE MEMBER CONSTITUENCIES

Mrs. Suzanne Bothwell: Thank you very much. We were on the topic of single member constituencies in electoral systems, and I just wanted to give other

persons an opportunity to voice their opinion on this. It is of critical importance that if you have an opinion, you let us know, simply because once this public consultation is over, the Government will be revising the proposals to reflect the feedback that we've gotten from people, and we're going to go to referendum on those issues, so if Cayman Brac in particular has an issue with the proposal in terms of single member constituencies, tonight will be the appropriate time to voice those opinions. This is our last scheduled meeting. We can come back if we feel that people want us to come back, but this is the opportunity to say what you have to say, or say what you think, I should say, on this issue or any other issue.

A Member of the public (Question #3): Good evening, everyone. Can I have some clarification? Isn't Cayman Brac and Little Cayman just now regarded as one electoral district? Are you suggesting in the new Constitution that we split it into two and have a representative from either island?

Mrs. Suzanne Bothwell: That was the original recommendation—

[Inaudible]

Mrs. Suzanne Bothwell: Oh, no, not from either island, sorry, no; the original recommendation that was made in 2003 after we had the first rounds of constitutional talks was that if Cayman moved to a single member constituency system, Cayman Brac and Little Cayman would be split into two constituencies, and I don't know if anybody can talk about how the divide would work, would have worked if we had gone that way...

Hon. D. Kurt Tibbetts: What transpired then when the Boundaries Commission was created was if we were going to move to 17 single-member constituencies, Grand Cayman would make up 15 single-member constituencies, and Cayman Brac and Little Cayman would make up 2. But I need to tell you about Grand Cayman so you can get the flavour of the whole thought process with it.

From—as you know now, West Bay have four representatives, George Town, four, Bodden Town, three, East End, one, North Side, one, and Cayman Brac and Little Cayman, two, making up 15. Well, we were going to go to 17 representatives, each elected in a single-member constituency, so whereas West Bay now has 4 representatives and George Town 4, West Bay would be split up. The whole Grand Cayman would be split up into 15 constituencies, and it will be done in such a way to try to get as equal numbers as possible in each constituency when you looked at a concentration of the population throughout Grand Cayman

Here in Cayman Brac and Little Cayman, we were going to have two single-member constituencies, and I can't remember exactly where the divide was, but when they looked at where the concentrations of the population were, I think it was like somewhere along where the Bluff Road is, that—from the

Bluff Road coming east would be one constituency, and from the Bluff Road going west, and Little Cayman, would be the other constituency, and each constituency would return one representative. So you're still ending up with two, but it would be single-member constituencies, and it would mean that each person would have one vote, and each constituency, first past the post would be the person who would be returned, he or she. That was the 2003 recommendation.

I can say more, but I just wanted to make you—

A Member of the public: Okay, I understand that. So what is proposed now? The same thing?

Mrs. Suzanne Bothwell: What is proposed now is that instead of Cayman Brac and Little Cayman being split into two, that you will remain one constituency, but you will still only have one person, one vote, so each person who votes for candidates, the person with the most votes will get in as an MLA, and the second person who comes behind that person will get in as an MLA, but you, the voter, will just have one vote, so you will have to choose who you vote for. So you wouldn't vote for two people like now if you so chose, you would just be able to vote for one person. But there wouldn't be a split east or west, it would just be Cayman Brac and Little Cayman.

Hon. D. Kurt Tibbetts: And that's what Suzanne was saying, that we want to hear your views on that. Now the rationale behind that, just to let you know, is in order for the process to be totally democratic, because everyone everywhere else would only have one vote. And to be consistent, and for it to be a level playing field, so that the people of Cayman Brac and Little Cayman don't have more democratic rights than anywhere else. They would also have one vote, just like those in the other 15 constituencies, if you understand what I'm saying. But in order not to split it up, you would have Cayman Brac and Little Cayman being one constituency. They would return two members elected to the Legislative Assembly, but those who vote for them would only vote for one, and whoever is first past the post and second past the post are the two that are elected. That's what's proposed. But hear me, now: We want to hear from you. What your thoughts are.

A Member of the public (Comment): I'm a believer in one man, one vote; however, if I look back at the history—and I've only been back in the Brac 21 years this November—it always seems to be that the elected members all live on Cayman Brac, and there never seems to be a representative from Little Cayman, so even what you're suggesting sounds like that's what's still to continue with the first man past the post, and the follow-up man; more than likely, they still will remain mainly representative, and living on, Cayman Brac, and therefore able to relate more to the problems of Cayman Brac rather than Little Cayman.

[Inaudible]

Hon. D. Kurt Tibbetts: If I understand, or if I remember correctly, I think it's 20-something voters in Little Cayman, so by sheer numbers alone, it would physically be impossible to have a representative specifically for Little Cayman. It just doesn't work. And I believe that's what you were trying to intimate.

A Member of the public: Yes, that's what I'm...

Hon. D. Kurt Tibbetts: That would actually be on Utopia. The numbers just don't allow for that. But I would daresay that—and I don't want to be seeming to blow our own horn here—but at least for this Government, Little Cayman is as important as anywhere else. I don't know what else to say to you about that one because—sheer numbers just wouldn't allow for that to happen.

Mrs. Suzanne Bothwell: I just want to add to the conversation—I think in that kind of situation, if a Little Cayman representative was to get in, they will have to campaign very heavily in the Brac also, because it's Cayman Brac and Little Cayman, and with them having a voting population of 30, there is absolutely now way they can be split into a separate constituency by themselves, because they just do not have the numbers, but never say never! History has shown in many countries that the most unlikely persons, the most unlikely place can make a difference, and they can persuade people that they are the best candidate, so it perhaps would mean, if persons are in Little Cayman who wish to put themselves forward, there has to be a realisation that it's for Little Cayman and Cayman Brac, so they have to well-known in both islands.

Hon. D. Kurt Tibbetts: Let me make sure that I understood you correctly. If I understood you, you were talking about running for Little Cayman alone, and I thought that's what you were saying.

A Member of the public (Comment): Yes, yes. In the—you know, if you're talking about democracy, regardless of the numbers, one man, one vote, it's an island all by itself. So is Cayman Brac. Grand Cayman will always have major representation, so I was just wondering why don't—why isn't there the possibility that we then make Little Cayman an entity on its own, with its own representative, thirty people in all, and Cayman Brac as well, so that you would have a representative from both islands in the democratic constitution.

Hon. D. Kurt Tibbetts: Right. But in the democratic constitution, you said you believe in one man, one vote.

A Member of the public: That's correct.

Hon. D. Kurt Tibbetts: Right. Now you have 23 people in Little Cayman who can vote—just follow what we’re speaking now—so you have an election in Little Cayman for whoever is going to represent Little Cayman. Those 23 voters have one representative. Okay? Cayman Brac has 900. How many representatives should Cayman Brac have? George Town has 5000. How many representatives should George Town have if 23 people have one? You see my point.

A Member of the public: Well taken.

Hon. D. Kurt Tibbetts: Thank you. I’m saying, I hear what you’re saying, and it is good to talk about those things, because if we didn’t have this discussion now it would linger in your mind and your mind and your mind, and not having had the benefit of a discussion about it, and perhaps we would never have known somebody was thinking it. So not because we mightn’t take on everything that you think of, or we mightn’t agree with everything that you speak to, we do need the discussion, for both our sakes. It’s healthy. Okay? Thanks.

A Member of the public: I agree. Thank you, sir.

Mrs. Suzanne Bothwell: Anyone else?

The gentleman at the back? Thank you.

Oh, Mr. Moses wants to say something, but you can still hand the microphone over.

Mr. Moses Kirkconnell: I’d just like to thank you for those comments and add a little bit to it. I believe there are some unique reasons why Cayman Brac and Little Cayman should be left as one electoral district rather than the last constitutional review when they did the electoral boundaries and had it come across the Bluff Road. But we on Cayman Brac and Little Cayman depend so much on each other, more so than at this point in time in Grand Cayman, and I believe that by keeping the two representatives as one, so to speak, rather than having the separation that this district is fighting—the east district is fighting the west district and Little Cayman for how the capital projects are really divided, and you’re going to have overlap with those capital projects, that that makes a lot of—a good foundation for keeping it together as one.

The second part is that we all that live here and have grown up here, have felt for a long period of time that maybe we don’t get all that we deserve from the Cayman Islands as a whole—

[Inaudible]

Mr. Moses Kirkconnell: Absolutely not. You know that. And this is our opportunity. We are framing a constitution not for today, and not for this election or next election, or not for myself or you, we’re framing it for the future

of the Cayman Islands, so we want to look at 20 years down the line, 30 years down the line, and see how we can enshrine in this framework something that makes us more equal. Something that guarantees more representation. Something that we feel comfortable with, that maybe we're at the bargaining table and we're getting more than we maybe even expected to get. So I think those are the thoughts that you need to—how do we best do that? How do we best leave ourselves in a better situation with the new constitution?

Mrs. Suzanne Bothwell: Okay, sir.

A Member of the public (Question/Comment #4): For the record, I would like to go down, because I'll be 70 in a few days, in a very short time, so I won't be here when some of these laws come to fruition, but I have a lot of grandchildren that would be coming up, and I would not—I hope in my lifetime I never see this island cut into in terms of districts at the Bight Road. I hope that that's the last, the very last priority, that we would take into consideration. One man, one vote, I go with that completely. I think biologically, culturally, socially, religiously, Little Cayman and Cayman Brac have been in harmony ever since we came out of water, so I think that this Government, a democratic Government, has the potentials and the possibility for our two representatives to manage both of these islands with one man, one vote, and the islands remain united, that they be one constituency, and I hope I never see it in my lifetime—two.

Mrs. Suzanne Bothwell: Thank you very much, sir.

[Applause]

SUITABLE REPRESENTATION OF THE SISTER ISLANDS IF NO SISTER ISLAND MEMBER IS IN CABINET

Mrs. Suzanne Bothwell: I do want to move right on to another topic that is specific to Cayman Brac and Little Cayman, and it's in looking at the future governance of all three islands. One of the proposals that was made was that the revised constitution also needs to enable suitable representation of the Sister Islands if no Sister Island member is in Cabinet. So what this means, for example, is that if no Sister Islands member is in Cabinet, can there be some sort of constitutional provision which stipulates how they deal with Cayman Brac and Little Cayman, and in terms of Government business. For example, every Government, they have their manifestoes, they propose capital projects, they set budgets for particular works to go on in the islands, particular initiatives. One of the questions we can ask ourselves is, in formulating these plans, first of all, is any attention paid to Cayman Brac and Little Cayman? And if there are unique circumstances in your islands, are those unique

circumstances, do they pay attention to that when they're doing the necessary works? And those are just two questions that I raise.

I know, for example, if we look at development and planning laws in the Cayman Islands, your Development Plan, your Planning laws, are somewhat different to that of Grand Cayman because of the unique circumstances of Cayman Brac and Little Cayman. But should this only be limited to planning? Should this be a consideration for all ministers of Government in each of their subject areas?

For example, if they are looking at education, you know, if there was a particular issue that was unique in education for Cayman Brac and Little Cayman, should there be some sort of guidance for the ministers in Cabinet, that when they are dealing with the issue of education, not only do they make a plan for the country, but because of the size of Little Cayman and Cayman Brac, they should probably also take a look at your islands separately to make sure that your needs are met. Not just the big picture but also the little, the minute. So these are things for us to consider.

Right now we have Mr. Tibbetts who, although he's not representing Cayman Brac, he wasn't elected from Cayman Brac and Little Cayman, he does have ties, direct ties to the islands, and that is a great thing, I think, for Cayman Brac and Little Cayman, but what if, in the future, the Cabinet, the members there don't have those cultural ties? Should there not be, perhaps, some express guidance in terms of how the islands are dealt with or looked at when Cabinet is meeting every Tuesday and they're passing policies on various subject areas, whether it's road works or education or tourism, what is the—how does Little Cayman and Cayman Brac fit into this? Does anybody have any thoughts?

[Inaudible]

Mrs. Suzanne Bothwell: No, no, no. This is why we're here.

A Member of the public (Question/Comment #5): I must admit that since the Hon. Kurt Tibbetts has been in Government, Cayman Brac and Little Cayman have suddenly lit up, and I thank him very much for that. Probably due to his ties to the island.

[Applause]

A Member of the public: I believe—

[Inaudible]

A Member of the public: Sorry, sorry. No, I have a phrase—I've worked in the health industry for many years, and I had a phrase that I used a lot at the hospital, and I still use in my present capacity in the residential care system, where we're 94 miles from nowhere. We've always been. Policies and laws are

passed in Grand Cayman which 80% of the time—it's gotten better—80% of the time cannot be translated to cover Cayman Brac and Little Cayman. So to get back to you about if there's no elected member for the Sister Islands, I believe that it would be a good policy for every ministry to have specific ideas, recommendations, whatever, related specifically to the Cayman Islands, so that not because—we are very fortunate just now to have the Hon. Kurt Tibbetts in the position he's in, who's looking out for our interests—that our interests will always be looked out for, because it's already built in to the Constitution. Does that make any sense?

Mrs. Suzanne Bothwell: Absolutely. So, for example, when ministers are assigned their subject areas from the Governor, because that's how they become the Minister of Education, the Minister of Tourism, Minister of Agriculture—that's how they get those subject areas. In addition to them just being assigned that, 'Here you go,' it could be, 'You are assigned these subjects. You are to operate in the best interests of the islands, and in particular pay attention to those specific needs, special needs of the Sister Islands, because we do have to recognise that you are separated from Grand Cayman by water; to a certain extent, perhaps, culturally, because even though we all have cultural similarities, there are things that make Cayman Brac unique and special, and also because your representatives are not necessarily featured in Cabinet, may not necessarily be featured in Cabinet, there's no guarantee. So it's not a matter, as you said, as a matter of chance or opportunity that you have someone there, but as a matter of principle, that irrespective of who holds those offices, they are given a particular mandate in relation to the Sister Islands.

Hon. D. Kurt Tibbetts: If I might—I don't want to stop you—you would rather speak first?

A Member of the public: No, I was just saying that's exactly what I would like to see happen.

Hon. D. Kurt Tibbetts: Okay. But let me bring another perspective. As it stands right now, some minister or some member of Cabinet over the last several—last couple of decades, anyhow—has been responsible for District Administration, which is Cayman Brac and Little Cayman. So for instance, there was a time when the Chief Secretary, the Hon. James Ryan, had as part of his responsibilities District Administration. Then, after that, if I remember correctly—it was Mr. Dennis [Foster] before, but—and then, well, okay—if you want to go that far back, then when Capt. Charles was an Executive Council member, he was in charge of District Administration, and then you had Mr. Dennis, you had—and it came back, and then when Ms. Julie was a minister, she was in charge of District Administration, and likewise, now, myself.

The question is, sometimes I know it's different, for instance, Capt. Charles perhaps, Mr. Dennis perhaps, Mr. Ryan perhaps, Ms. Julie perhaps,

me perhaps, with what has been termed ‘ties’ to the Brac and/or to Little Cayman. So are we saying that that’s insufficient, and we want something else? That’s what we’re trying—so I’m just making sure that we’ve got perspective namely as to what obtains now. If what obtains now is not the right thing, what is, is the question that I beg.

A Member of the public (Comment): I realise that there is a representative that covers District Administration in Cabinet, yes. What I’m trying to say is in future governments, if a situation occurs where there isn’t really a representative, and a minister is just given responsibility for the Sister Islands, that there are set down mandates that pertain particularly to the Sister Islands that would be taken into consideration, whether it be for health, whether it be for education...

Hon. D. Kurt Tibbetts: If I understand you correctly, what you really mean is that it is not so much the question that one of the subjects that a minister will have is District Administration, but to ensure that along with that subject, there are mandates, which means that Little Cayman and Cayman Brac can’t really be left out of the whole process.

A Member of the public: Amen.

Hon. D. Kurt Tibbetts: That’s what you’re saying. Okay.

[Applause]

Hon. D. Kurt Tibbetts: Yes, and again, it’s good to talk it through, because I wanted to make sure we had perspective, that there is a subject specific which is given by His Excellency the Governor to either a minister or a member of cabinet, which is called District Administration, but I hear what you’re saying now, and that’s possible. That’s possible to be worded within the Constitutional framework for that guarantee to occur, which I think is what the objective is.

A Member of the public: Absolutely, sir, thank you.

Mr. Royce Dilbert (Comment): Good evening, everyone.

Mr. Tibbetts, having you as leader of the Government has really improved, I would say, the lifestyle and the way of getting things done here in the Brac, but I think that over the past years, when we did not have a representative as far as Exco, I think these two islands suffered a bit. Having a mandate like you just said, Cayman Brac and Little Cayman does not get left out in certain decisions. I feel that it should be mandatory that election, the First Elected Member of these two islands should be on Exco, because I must admire Capt. Mabry Kirkconnell. Sometimes he sold himself to get things for us, if you follow what I mean. He voted with the condition that ‘I’ll vote for this if Cayman Brac gets such-and-such a thing,’ and I admired him for that. And I

don't think that Cayman Brac and Little Cayman should be left out of Exco unless you are back in the office, and Leader of Government.

Hon. D. Kurt Tibbetts: But, you see—you said 'Mr. Tibbetts' so I am going to say 'Mr. Dilbert.'

[Laughter]

Hon. D. Kurt Tibbetts: The difficulty with that train of thought—'cause I hear you loud—and perhaps if I were sitting in your seat and I were you I'd be saying the same thing. Unfortunately I have to look at it from a wider perspective. I understand exactly what you're saying, but if there are seven—let us presume that what is being proposed becomes a reality, okay? If there are seventeen representatives, out of those seventeen representatives, seven members are elected to the Cabinet. Now if Cayman Brac and Little Cayman has two of those seventeen representatives, the law of averages states, when you divide that equation out, that it is very likely that one of those members will be elected to Cabinet. But the law of averages never goes that far to give a guarantee. That's why it's called 'the law of averages.' But if we were to step beyond that and say one of those two must have a seat on Cabinet, then those who, although they are single-member constituencies, they are part of the district of West Bay, they will say, 'Well, listen now. If Cayman Brac has two, and they are guaranteed one member in Cabinet, if West Bay ga' four, then we wan' two.' And George Town ga' say, 'Well, we have five so we need three.' And then East End, North Side ga' say, 'Well, ya' leavin' us out in the cold, you throwin' us under the bus!' [laughter] Bodden Town has three, so they—you hear what I'm saying to you?

Mr. Royce Dilbert: I agree with that to a sense, but just remember this: we are a district, regarded as a district, which is—I don't understand—

Hon. D. Kurt Tibbetts: You are one of six districts—

Mr. Royce Dilbert: Right, but separated by 90—

Hon. D. Kurt Tibbetts:--as of now—

Mr. Royce Dilbert: but separated by 90 miles of water.

Hon. D. Kurt Tibbetts: Oh, I understand that, I understand that, but—and you see—and I mean this, and I hope everybody can appreciate this. We understand all of that, but it is hard to be truly democratic and go the extra steps that you're talking about, because it just tilts the scales one way in the process of democracy a little bit too much. Now you talk about the separation—my friend said 94 miles, you said 90 miles, I guess it's pretty close to all two—

Mr. Royce Dilbert: Depends on...

Hon. D. Kurt Tibbetts: Yah, but I'm just saying that while we understand that that exists, it is—in my view it is much better to seek by way of a framework to make certain guarantees, than to speak to the bodies, because it is also very possible—and God forbid that this ever a reality—but we don't know this ten years from now or twelve years from now, whatever—you might have two very good representatives from Cayman Brac and Little Cayman, but either where they are—they must just, it might be the first time they're being elected—they simply may just not have the experience, and you go and you throw them into a seat on Cabinet, and they make a total ass of themselves! Forgive me, but that is possible.

You think I could go Power & Light and do wha' you' doin'? No, no. You take my point—no answer, beca' I know you know [laughter]. I wouldn't know which switch to turn. I'm only saying—so you see, while it would be nice to have it all carved out in the way that you're saying, and then you would—everybody would feel comfortable, that is, everybody from Cayman Brac and Little Cayman—if you look at the whole big picture, it is much better to look within the capacity of the framework to set up the guarantees that you wish, rather than to speak to the bodies, because that in itself can create difficulties. It can!

Mr. Royce Dilbert: Yes, I agree with that, but just remember, too, that if you fix a road in West Bay, all in Grand Cayman is still going to derive some benefit of it. So in other words, what I'm saying is that if you don't do it, have someone there to say, 'Well, this is needed for Cayman Brac,' a proper representation, you know—

Hon. D. Kurt Tibbetts: But—forgive me, Royce—but being a member of Cabinet and being—you wouldn't have a member of Cabinet just responsible for District Administration. There would have to be a share around of subjects, and all I'm saying is that you just don't know—in other words, you have to give the entire country, including Cayman Brac and Little Cayman, for whoever is the governing party, whichever party wins the majority—for them to give the best representation to the people of the country. And I'm not saying that that would not be a member from Cayman Brac, but I'm saying we cannot say that it has to be because we don't know. That's all I'm saying to you. And the questions that you want answered—(I'm coming to you—in a second)—the assurances that you are seeking need not be given by making sure a person is there, because that in itself can create other risks. Let those assurances be given by having a framework which dictates that that's what must happen. And if you have representatives who, for instance, may not be in Cabinet and they know that whoever is responsible for District Administration is not fulfilling those duties, then the fire that they ga' put up underneath whoever that person is—you know how life is! Poor old Moses feels it daily! Let alone ourselves.

Mr. Royce Dilbert: Anyway, thank you very much, sir.

Mr. Moses Kirkconnell: Mr. Dilbert, that was an excellent line of questioning. I'm glad the Leader of Government Business was here to answer you! Everybody in caucus meetings has thought long and hard about the points that you raised, and in my thought process, I looked at it and said, 'What would actually happen if there was—we're moving into a party system, and there is nobody from that party, so the member—you guarantee in the Constitution that the First Elected Member is in Cabinet, but that person goes into Cabinet with nobody from their Government, so they go in there completely on their own and everybody—they're in opposition, basically, and the Government has been formed. I can assure you, they're locked out, and the Government of the day will do everything they can possibly do to make that one member, who is the number one, First Elected from Cayman Brac, but by Constitution has the right to sit in Cabinet, and it would not benefit Cayman Brac or Little Cayman in that case.

We discussed—and I just throw this out to look at it from the next level, and say that there will be times when there will not be a member from Cayman Brac or Little Cayman that sits in Cabinet, but when they are not there, that you have the right for the Governor or the premier or the chief minister, or the Leader of Government Business, whatever he's called at that point in time, to appoint one of the elected members with real responsibility, constitutional responsibility, to interact with the District Administration and the District Commissioner in a way that they can bring information back and in a way that they can take it to the Leader of Government Business and it would work in that he could be or she would be the liaison between, and I think in the UK they actually call them Parliamentary Secretaries, but they're part of the Government, then, and they do reporting. But that's another train of thought and another concept to start thinking about. But it's following your lines of trying to get responsibility into the hands of the elected members from here.

[Applause]

Mrs. Suzanne Bothwell: And I would just like to say like, for example, we're seeing that on Wednesday you may not know that Cabinet is actually going to be held in Cayman Brac. Am I correct? On Wednesday. And that is a—even though it's a—it may seem like a nonissue, symbolically it means a lot because it means that Government, the elected Government, the Governor, recognises the Sister Islands as an important part of Government, and it's important that some important functions of Government also take place here. So maybe that is something that—and I'm probably getting you in lots of trouble—but something that the governments can look at in the future, is how to include the operation or the function of Government in a holistic way, not only where we know it usually happens in Grand Cayman, but find ways of doing that in Cayman Brac, right? So—food for thought, but I think there are many ways in which both you the citizen can think about, and also the Government can

think about to try and see how we can make sure that Cayman Brac is included as a whole member of the country, is considered in every thought.

For example, I had to do a report for Cayman's compliance on the Rights of the Child Convention, and one of the things that they were asking us to make a statement on was what portion of the budget was spent on child's welfare or things relating to children. Those are the kind of things that we have to report on to—these particular Conventions, so there are many unique ways in which a country can demonstrate that it takes on board the fact that all of its districts are unique, and in delivering Government's policies, that they take into consideration all these things.

NATIONAL SECURITY COUNCIL

Mrs. Suzanne Bothwell: Now I don't want to keep everyone here all night, because I do recognise it is now almost 9:00, I just wanted to move to some of the other major issues that were being discussed throughout the other meetings we've had. One of them is that of a national security council. I did discuss that earlier today, and this would be again sharing responsibility between the Governor and the elected Government. Right now police and internal security is the responsibility which, under the Constitution, is solely within the Governor's remit. So it is between him and the Commissioner of Police to discuss matters of internal security and police in this country.

One of the proposals that has been made is that there should be a council established which would comprise of the Governor, chaired by the Governor, but would include the elected representatives; the legal advisor of Government, the Attorney General; some ministers of Government; and thus far, some of the feedback we've gotten from members of the public has been to perhaps include two lay persons on that council. And the responsibility of the council would be to discuss and make decisions on policy matters, and advise the Governor on these policy matters relating to internal security and police. You may say, 'Well, why move now? Why change what's happening now?'

Well, first and foremost, the elected Government has been elected by the people. They have been elected to serve this country, to ensure that it functions properly, and we would expect in most, if not all areas. Police matters, security matters, the welfare of a state is very important to each and every person. We want to make sure crime is kept low. We want to make sure the strategies used are lawful. We want to make sure that our police forces are funded properly, they're using their monies and they're applying the funds properly to meet the needs of the various communities. And also we want to make sure that all of this area—or all of the things done under this big umbrella of internal security are done in a manner that will enhance our country. And it, in a sense, manages the risk in our countries. If we were lawless, had a lot of violence, murders, what would happen to Cayman? A lot of shootings, we would have a lot of court cases, tourists may not want to come here any more, the financial

industry may fall. It will affect our abilities. We will be a-scared every day. We'll want to lock up our homes. So it's about managing that kind of risk.

And an observation that was made in the United Kingdom was that in order for the UK to properly manage risks in its overseas territories it must include the local government and the local community, because these are the best groups that know their community, and they know, they can contribute in a positive way to protect the country, to minimise risk, and to ensure that the country operates at a particular level. Because this decision has been taken in the UK, specifically the Foreign & Commonwealth Office, you'll see that—and I just want to refer you to the sheet called 'National Security Council,' that page—and I'll just try and find it here—we can see that the UK Audit Office last year, which is the office that reviewed the operations of the Foreign & Commonwealth Office—they said that the FCO needed to strengthen local ownership and participation in policing matters. There was need for objective, independent assessment of effectiveness and efficiency of territory police force according to local circumstances. And you'll also see in your red document, this one, we actually pulled an extract of the audit report for your benefit, which you'll see on Appendix 2 of the red document, and it actually goes through (sorry) the risks and how the different territories deal with it.

And we see here that Turks & Caicos Islands, the British Virgin Islands—I have both of them listed because they have the two most recently amended constitutions—they have actually implemented the National Security Council, and you see here that "the purpose of the council is to make recommendations to the Governor," and they are now functioning. Cayman—a similar proposal has been made because it has been highlighted as something the United Kingdom would like us to implement in terms of making sure we share risk properly, we manage our risk properly, and we are recommending a similar council.

And Gibraltar, who some of you may have heard about, which is an Overseas Territory off of Spain, near to Spain, they have also negotiated their Constitution, and they have what they call a 'Police Authority.' So they have a body which is not named the National Security Council, but a body entitled the 'Police Authority' which will comprise of these persons, or anybody who they wish to put on there, really, but it has to comprise of the Governor and some of the elected representatives, and we see most of the time the Attorney General. So that is something that they are looking for us to respond to, and what they're saying here is that this will help allow the UK—because when it looks at Overseas Territories, it's all about managing risk, making sure that they have a good financial industry, making sure they're peaceful, making sure that the UK's risk is low. And they have found this to be a way in which they can manage the risk.

But let's not only look at it from their perspective. What can this do for us? Right? Why do you see there be a need for your elected government to be involved in the policy-making decisions about internal security of this country? So, for example, I think we had Hurricane Ivan. Everybody remembers Ivan. What happens if, during the course of that devastation—I remember a warship

or a foreign ship was there to grant aid, or to grant other services. Is that an internal security issue? What does that mean in terms of when a person or country can enter your jurisdiction that doesn't belong to you? A foreign country. All of those things are things that we can think about.

What if, for example, the drug traffic trade gets out of hand in Cayman? How does that affect our internal security in the islands, our borders are being breached. Do they have to look at finding new ways, providing new funding to allow the police, Customs and Immigration to do their job properly, to manage our borders and protect our borders. And should that be a decision only between two people? Or should it be a decision between the Governor and the elected government? Any questions or comments?

Well, anyway, that's just food for thought, and if you—we've gotten quite positive feedback, I would say, in Grand Cayman. I think we really haven't had any negative feedback on that. So it is a constitutional proposal that we will continue to look at, and of course when it comes to revisiting the proposals, the decision will be made finally whether or not that will make the list of final recommendations for constitutional reform, and which you will be asked to vote on.

Hon. D. Kurt Tibbetts: Suzanne?

Mrs. Suzanne Bothwell: Yes?

Hon. D. Kurt Tibbetts: Just one second. Suzanne, I know, has a whole string of items that she can put forward for us to discuss, but I think to guide her, we need to kind of have a pretty good idea of how long you want us to go on. It is just shy of 9:15 now. When should we look to wind down? Because I wouldn't want us to be in the middle of things and people get uncomfortable and want to leave and stuff. Is 10 o'clock too late? Tell us. Ten o'clock is too late.

[Inaudible]

Hon. D. Kurt Tibbetts: No, no, no, no! Can we set 10 o'clock and see if we can—as much as we can get accomplished by then? Is that a good time or not? Ten o'clock is okay? All right. Okay, Suzanne, you know where to go.

Mrs. Suzanne Bothwell: Thank you. So seeing that we have, ten o'clock, perhaps we can use the time as most efficiently as possible, and from my end that would be that if there is anything that you would like to discuss and like to raise, that we can deal with those issues, and I do see one hand up.

A Member of the public (Question #6): Thank you. I was really glad to hear Kurt talk about the idea that we do not want independence, but I was going over some newspaper articles—I meant to bring it with me—about a month ago in Net News, and it referred to something that was said by Roy Bodden when he was Minister of Education in 2003 about these plans, and he said that

London—or not London—England said that if we reduce the decision-making of England significantly that we have to give a timetable for independence. Now I don't know if he was correct or what, but could you make some comment on that?

Hon. D. Kurt Tibbetts: I'm not going to make any disparaging remarks, or I'm not going to castigate. I don't know when the former Minister spoke to London, but he certainly didn't go to London with us, so I don't know who he spoke to or what did they say. But let me say this to you: All we need to do is to look at the constitutions that have been granted to the other Overseas Territories, some of them being our neighbours. None of the proposals that we have here, or even what the public may have been suggesting to us thus far, goes beyond any of those constitutions. And none of those territories have gotten constitutions and attached to that is a timetable for independence. So that alone tells you that that is not the case. But just to, as quickly as I can, say to you, when we went to London to negotiate—albeit that when we went we were the Opposition—Minister McLaughlin was there, and I was there out of the group that is here now. And I'm sure he will verify that during the course of our discussions it was always the up-front statement: 'Gentlemen, we do not wish to look to moving towards independence. We want to retain the relationship that we have as a British Overseas Territory. What we look for is some more autonomy, and some more role clarity, so that the process of accountability is one that individuals are firmly responsible for certain things.'

See, what has happened now, because over the years, since the last Constitution in 1972, and we look at today, the structure of Government has grown tremendously, because we are a—as a Government especially, the Government is made up of mostly providing services. And we have expanded into all kinds of areas that never used to be part of Government in 1972. So what the Governor is responsible for, what the elected ministers are responsible for, what the Financial Secretary is responsible for, what the Honourable Attorney General is responsible for, and what the Chief Secretary is responsible for—has just been added to in an *ad hoc* manner, and I will tell you this, and I have experienced it, and my colleagues in the Cabinet can tell you that we have experienced it since we became the Government in 2005. We will sit in Cabinet and we will make certain decisions, and it was a good year afterwards that it hit me straight in the side of my head—because we found that six months after a decision was made, nothing had been done about it, and when you asked the question, 'Why isn't it done?' Everybody lookin' aroun' at each other to find out who it was s'posed to do it! Kid you not!

So really, if people would—and I don't mean this group of people here, I mean them that are clamouring and making all kinds of noises—they, too, I can assure you, the majority of them have had similar experiences. It just suits them to say what they're saying now. But the fact of the matter is, ma'am, that all we need is more clarity in who's responsible for what. And the other thing that we do need, is that we do need some of the responsibility being shared by the elected representatives of the people. As of now there are responsibilities in

Cabinet where there really is no accountability to the people for. Because those responsibilities are responsibilities of appointed people. And we're not proposing to not have all the technical advice that we need. For instance, what we're saying is, you will not have a financial secretary as a member of the Cabinet, but you'll still have a financial secretary. It's just that—the Financial Secretary will do everything that he's doing now except there will be a Minister of Finance who he reports to. But it is not that that Minister of Finance has to be with all of the qualifications and the experience that a Financial Secretary has. Elected ministers that form a Cabinet make policy decisions. They decide on policy. Thereafter, down the chain of command, is implementation of that policy, and we just have to understand the structure. And it's not that difficult. But when people want to scare you, they say we want to take away the powers of the Governor, and in doing so, as you said from the very onset, that it seems like London will then tell us, 'Okay, within five years or within ten years you have to be independent if that's what you want. And the truth is, none of the negotiations had that tone to it.

A Member of the public: I'm really glad to hear that.

Hon. D. Kurt Tibbetts: And I mean that. And I want to look you in the eye and tell you that I would not lie to you. Okay?

A Member of the public: Okay.

[Laughter and applause]

Hon. D. Kurt Tibbetts: Thank you.

Mrs. Suzanne Bothwell: Thank you, ma'am. Just to highlight further what the Leader has said, I mean, for example, I just wanted to go through the British Virgin Islands very quickly and just raise some very specific points. One of the things we are asking for is sharing of responsibility in terms of external affairs, and I mentioned that earlier on. Here you would see that we're asking that the UK and the Governor consult Cabinet on international treaties; that some of the treaties be approved by Cabinet if they will affect internal policy and local legislation; and also that we, the Government, would be able to exercise certain agreements, certain responsibilities in terms of external affairs.

And you see in British Virgin Islands, for example, and Turks & Caicos—both of them have been able to share responsibility in terms of external affairs from the Governor alone to at least expanding it to different groups. We see that in the BVI there is a provision for the delegation of external affairs. We don't have that in our Constitution, so that means that, for example, if the British Virgin Islands wanted to enter into the discussion and negotiations directly on tourism-related matters, finance-related matters; if there is an issue with the European Union that will affect the BVI, that they will be able to go up

there and represent themselves directly. We don't have that in our 1972 Constitution, but we are seeking a similar provision.

For example, who presides over Cabinet? This has been an issue of tremendous discussion here. The proposal that has been made is that the premier should preside. We don't know what was asked for in the British Virgin Islands, but their Governor still presides, but if he's absent, the premier would preside, and if the premier is absent, the deputy premier would preside. In Grand Cayman right now, when the Governor is absent, the Leader of Government does not preside. It is an appointed member, either the Chief—probably the Chief Secretary. So we see that there are certain clear disparities, and it's only because we have an older Constitution. So it doesn't mean that because if we change it, that we will lose everything.

Same thing with setting the agenda of Cabinet. In our 1972 Constitution, that is the sole responsibility of the Governor. The British Virgin Islands, they have set up a group consisting of the premier, the Governor and the Cabinet Secretary, and each of them will be entitled to put items on the agenda. We don't have that right now. What has been recommended is that the premier should be responsible, but you know, there's maybe a halfway house. So there are—I mean, if you go through—whilst this document is not comprehensive in terms of all of the various comparisons, it does give you an idea of where we are and where we could be. And if you like where can be, then that's great. If you think we need to probably move beyond where we could be from what we have seen in other territories, or pull back a little bit, that's kind of where the discussion is in terms of the public meetings. People have various opinions on different changes to the Constitution, so definitely for us to go independent, the people of Cayman will have to give its elected Government a particular mandate, and I don't think the UK would allow us to go independent without a signal from the population at large.

Even in terms of constitutional reform right now, they are asking that we provide them with a signal that the population is in agreement with the proposals that are going to be made.

Okay, great.

Oh yes, I'm sorry—someone was reminding me that, for example, when the issue of independence came up in Bermuda, they had to hold a referendum for it, and to this day—I think they had two referendums, I think, on the independence question, and each time their citizens voted no, so Bermuda is not at the independence stage, so you will see that it's not like a fast track. Even an Overseas Territory that we know at some point wished to go to independence, they have had to have dialogue with the people, have a mandate from the people, and if the mandate was yes, then they'll be able to negotiate independence. But so far in Bermuda's case, the mandate has been no, and therefore—

Hon. D. Kurt Tibbetts: Suffice it to say—and I'm sorry, Suzanne—

Mrs. Suzanne Bothwell: —argument has stopped.

Hon. D. Kurt Tibbetts: Sorry, baby, but suffice it to say that I repeat once more: we are tot—coming to you, ma'am, I just want to say this—we are totally satisfied that the people of this country, namely the Cayman Islands, have no desire to change the constitutional relationship which we have with the United Kingdom. As a Government, not only are we satisfied that that is the case, but we are in agreement with that. So there is no desire on the part of any one of us for us to be looking towards independence. And to be truthful, it's not just a pity, it's a shame that others have caused us to have to be talking about it so much when we should be able to be spending our time on more constructive things to get the Constitution we need.

Mrs. McFarland (Question #7): Yes, Madam Speaker, I'm sorry to be talkin' so much, but this kind of concern me 'ere now, about the Constitution. I was thinkin' about why not we don't have jus' only one party, 'cuz somet'ing really touch me about in 2000—when the first election won, it was you, Mr. Minister who was in charge before—some overriding go on, I don' really understand at that time.

Hon. D. Kurt Tibbetts: You must be speaking about the coups!

[Laughter]

Mrs. McFarland: But sir, I was 'ere at that time when they were campaigning and t'ing and I t'ink it was in 2000. But anyway, at that time, because the Chairman, Madam, run on so quickly, they were talking about Cayman Brac should have a representative sit on the Exco member, something like that, and if the new Constitution is thinking about 17 seat, which 15 belongs to Cayman and 2 on the Brac, I would tink say we do not need a 2-party, we jus' need one party, tha's everybody can work as unity and love and dat everybody, every Constitution, every constituency, 'cuz at this moment we have six—don't we have six?

Hon. D. Kurt Tibbetts: Mm-hmm, six—

Mrs. McFarland: I t'ink we have six.

Hon. D. Kurt Tibbetts: Six electoral districts.

Mrs. McFarland: Right, an' Cayman Brac is included.

Hon. D. Kurt Tibbetts: Cayman Brac and Little Cayman is one of those.

Mrs. McFarland: Included.

Hon. D. Kurt Tibbetts: Yes.

Mrs. McFarland: So you would responsible for Cayman Brac whatever decision made, 'cuz we don't really 'ave anyone that selected 'ere like Mr. Mose or Ms. Julianne, no representative, but because you is the 'ead of the administrator, so you would sit for us, but—

Hon. D. Kurt Tibbetts: At this point in time.

Mrs. McFarland: At this point in time. But what about when you are not there? Or what about when somebody from the Brac won' be runnin' any more? So what I t'ink need to amended in dis new Constitution is for we jus' put away de two party, 'cuz the place is very small, and if de two party t'ing, it na' really—an' 'ave the togetherness, you jus' want one party system where everybody jus' rally roun', so, if 50—if 12 members win, an' you put 6 before and 6—everybody united, but if you have like how you have it other day wid de landslide vict'ry, one winner 'head and the one who crossed the finish line. Anyway, you still have two represented fe Little Cayman and Grand Cayman, but one still on the winnin' side and one woulda de 'pon de losin' side still. But it still na' really h'ads up.

Hon. D. Kurt Tibbetts: All right, I hear you. I hear you loud.

Mrs. McFarland: Thank you.

Hon. D. Kurt Tibbetts: All right, let me just say to you, because I was following what you were saying, ma'am, and the business about Cayman Brac's representation being in the Cabinet, we spoke about that a little while ago, so I'm not going to go over that. But I think the main thrust of the points that you were trying to allude to surrounded the fact that you believe that we shouldn't have a two-party system. We should only have a one-party system. Well, let me say this to you: The same point that you were referring to earlier on when I mentioned the word 'the coups'—we didn't have a party system then. And we had people who simply got elected, and it took us forever to form a Government because we didn't have parties, and when we ended up forming a Government, that Government still couldn't stay together. It didn't quite last a year when there was a change in that Government for the very same reason I want to say to you, that I take full responsibility for being one of the individuals who brought about the party system for the very same reason.

[Scattered applause]

Hon. D. Kurt Tibbetts: If we had had a party system, that would never have happened. And I want to say to you that it is because we didn't have a party system that that was allowed to happen, and I look you straight in the face, as I like to do, and say to you, that that nearly ruined this country. Had any one of us directly involved in that made any rash act, there would have been

bloodshed in the country that day, but God is a good God, and he guided us right through that process. But I can promise you—

[Applause]

Hon. D. Kurt Tibbetts:—that I will never be party to something like that again by not having a party system. All right? Thank you.

Mrs. Suzanne Bothwell: Thank you, Mr. Tibbetts. Do we have any questions or comments on any other areas? We do have someone at the back.

A Member of the public: Good evening, ladies and gentlemen.

Mrs. Suzanne Bothwell: Good evening, sir.

A Member of the public (Question #8): I would like to mention, as you did mention earlier concerning a Planning Law. This is a very serious incident that has occurred in Cayman Brac for a very long time, such as whenever a hurricane comes and brings debris into people's yard, that many people were very upset that they could not clean up their yards due to the Planning Law which is now in existence, and that was brought about in 1972.

And you all are talking about changing laws, amending laws, changing laws—this is the time for you-all to have that Law changed and eliminated. The Law needs to be that whenever any debris—rocks or whatever it be—come into your yard after a hurricane, you just simply go to the Planning Department and pay your fee and proceed with your work. But the situation has been that whenever anyone go and clean up rocks around their property, their yards are crowded with stones, they can't walk around their yards.

I know an incident where the lady from Planning, Andrea Gryce, called Dr. Reid and threatened to have him prosecuted for having me to remove rocks so he could walk around his yard. Now to me that is a very disgusting, disgraceful act for someone to do that after a hurricane, that you cannot move rocks out your yard, and you has to keep those rocks there until you send a letter to the adjoining landowner and wait three weeks to hear whether he or she gonna 'prove of you movin' those rocks out of the yard. And that Law was enacted in 1972, so I would say—I am requesting or demanding that that Law be eliminated while you are under constitutional changes. Because that Law is a communistic Law that tells people they cannot keep their yard clean and move around in their yard. That law needs to be changed. And let me recommend that what needs to be done, the Law states you cannot remove any rock or debris from your yard unless Planning permission is given. And a letter of notification to the adjoining landowner has to be sent out. If they're in England or Australia or Canada, you has to get a written form, fill it out, go to the Post Office, register it and send it to the landowner, and wait three weeks to hear back whether he or she, as I just said, gonna object to you cleanin' your yard. Now that is absolutely the wrong way to go about it. Government needs to

earn their money off a \$100 filing fee for removing rocks out of your yard. For someone from Planning to be cooperative and sensible and agreeable with this, the tenants, the owner of the property comes in and pays the Planning fee of \$100 and let you proceed with your work.

Another example: After Hurricane Ivan, I was workin' on the beach at Brac Reef—sorry, yes, Brac Reef. I was thinkin' Tiara Beach. Brac Reef. There comes the Planning lady, Andrea Gryce, asking me if I had permission for removing dock lumber, chunks and junk lumber that was on the premises, and I was there workin' hard to clean up the premises so that the hotel could get back in operation. Now to me that is the most stupid, outrageous act that anyone could ever show in authority, and that Law needs to be eliminated. And Mr. Tibbetts, as you bein' the Minister in charge of Planning, I hold you responsible for havin' that Law changed. This is the time now to do it. Me 'n' you has had various discussions on that, and there has been so many unhappy people in Cayman Brac, like—mostly Americans live on the sea side, and they have their yard full of debris, rocks all around their house, and they couldn't move it until Planning give permission for it.

Hon. D. Kurt Tibbetts: Can I answer you now?

A Member of the public: Yes, sir, go ahead.

Hon. D. Kurt Tibbetts: Thank you very much, sir. We are speaking about a Constitution, and you are speaking about a Law. And I understand what you just said. And as we speak the Law is being looked at towards what is an amendment that protects everyone, sir. Just letting you know. It didn't take tonight for it to happen. It's being looked at now as we speak.

A Member of the public: Yes, sir, I really app—

Hon. D. Kurt Tibbetts: From that last conversation we had on Scotts' dock.

[Applause]

A Member of the public: Good. Thank you very much, sir.

PEOPLE-INITIATED REFERENDUMS

Mrs. Suzanne Bothwell: Thank you very much. We do have just under half an hour left, so is there any other issue that you would like to speak about? There is one that I would like to raise, just out of—just to find out what you think. It's on the people-initiated referendums. Who has read the provision on that or has a brief understanding of what that is all about? Put your hand up. No? All right. Pretty much the Government ahs made a proposal that to increase democracy in our country, and to allow citizens to participate in how

Government operates—not just once every four years, but more often—that if the country finds that there is a national issue, an issue of national importance, that needs to be brought to the Government's attention, that they can do so through a referendum. And what that would mean is that a constitutional provision would be put in place to allow referendums to take place which would be triggered by the public. A law would have to be passed to set out the procedure for such a referendum; and the proposal that was made in relation to the people-initiated referendum was that there should be a petition on the question, on the issue, and 20% of the voting public would have to sign the petition in favour of the referendum to trigger it. And once 20% of the electorate—so right now we have 13,000 voters, so I think—I'm not mathematician, I've got to tell you, so—2600 I thought, so you would have to get 2600 people to sign a petition on the issue. Once they have gotten that number, they would be able to cause the Legislative Assembly to table, or to formulate a question on the issue that was in the petition, to table it, and to cause a referendum to take place for the entire electorate to vote whether—on the issue.

And this is something that happens, and I know in many North American states they have referendums and plebiscites, also in Europe and Canada; and the UK has also—the United Kingdom actually is also going through constitutional reform right now. They have actually put out quite a few documents in their own country, and one of the things that they have said in looking at the issue of what they call public petitions, is that they recognise in the United Kingdom that public petition is a historic and fundamental right. We have had petitions on Cayman on various issues during the years, but some people kind of question, 'Well, what happens to them? What happens to them after we put our signature on it? Is the Government required to take it on board? Do they even have to consider it? We don't know.'

And actually there's nothing binding them to look at a petition to consider it. And in the UK and like what is being proposed here is that we need to have up to date procedures for considering petitions. Presently there is no formal mechanisms for doing that, both in Cayman and the United Kingdom. So one of the proposals the Government is making is, first and foremost, we should have people-initiated referendums; and secondly, that the trigger which would cause a referendum to take place would be 20% of the electorate. So if you get below 20% of the electorate, the referendum wouldn't happen, and you wouldn't be able to vote in the end. But if you do meet the 20%, then it will cause the elected representatives to consider the issue at a legislative level, to cause the Supervisor of Elections to create a date for the referendum, prepare all his stuff, have all the polling stations, and you would vote on the issue. So do you think that this is—are there any objections, I should say, to this sort of process, or is anyone strongly in favour of it? Or are you neither here nor there?

Well, it's definitely food for thought. And as we—what we're doing in this process, we're going to a referendum—whilst we, it's not a people-initiated referendum, we are in Cayman going to, for the first time, to go to a national

vote on an issue of national importance, which is our Constitution. So this is definitely something to keep in mind while we move forward to the referendum. If, after tonight's meeting you think that 20% is too low, or 20% is too high, I would encourage you to contact my office and just call us, give us your thoughts. We do have a process for recording public feedback; or email us your thoughts on people-initiated referendums.

We do have Ms. Lucille—sorry—we need the mic.

Ms. Lucille Seymour (Third Elected Member for George Town): Yes, Mrs. Look—Mrs. Bothwell, I just wanted to remind the audience tonight about the referendum that we wish to have had the Government of 2002, the UDP Government, we wished for them to have a referendum on aspects that we thought should have gone into the Constitution then. I think there were six things. And that over 6000 persons, 33% of which were voters. 37? Over 7000 voters in the Cayman Islands—sorry, persons in the Cayman Islands signed that petition, and I would think about 39% of them were voters. And they took a couple of weeks to do it, and they took it to then the Honourable McKeeva Bush who was then the Leader of Government Business, asking them to form a law that we could have this referendum, and he refused. And in our—we can have a referenda law, as the Constitution tells you, but he didn't see the necessity for it. I think what I want to say towards the people's-initiated referendum, that this separates, this makes the whole business of what we are doing, constitutional, democratic. This is constitutional democracy, when we have the people who are able to initiate referendum, so that they can have a government that can rule with clarity and openness and participation of the people. So I just wanted to—just in case some of you forgot, I just wanted to remind you of that. And to me, as an MLA, one of the key things in this for me that I think is very wonderful is to have our own people be able to have a voice in the political process besides every four years. Because you only have a voice in the political process every four years when you elect people. But when you have a people's referendum, or even a referendum that we are asking for now, you have a voice all the time.

Mrs. Suzanne Bothwell: Thank you, Ms. Lucille.

[Applause]

Mrs. Suzanne Bothwell: Unless we have any other questions or comments, I would—okay, great.

A Member of the public: Well, I don't have any more questions, but I do have some comments.

Mrs. Suzanne Bothwell: Sure, go ahead.

A Member of the public (Question/Comment #9): I would just like to congratulate the Government of the day for lookin' forward, lookin' about the people of the Cayman Islands, and not just lookin' about themselves. I have seen this island move forward in the last two years more than it has done in the past years that I have been back here, about 27 years. I would take it on myself tonight to comment on the progress we have made and thankin' Mr. Mose Kirkconnell for putting forward so many different developments and so much other things here on the island that we, the people here, have benefited off of what he has done. And of course, Mr. Tibbetts, I know Mr. Kirkconnell can always count on you. He na payin' attention to me but listen good—

[Laughter]

[Inaudible]

A Member of the public: Okay, but I thank you all for being a stable Government, and I do hope that when election time comes around that your Government is back in power.

[Applause]

A Member of the public: Mr. Mose, I'll be lookin' for a raise in pay, too!

Mrs. Suzanne Bothwell: Well, everyone, I'd just like to thank all of you members of the Cayman Brac community, some who I don't know yet, some who I've recently met and some who I've known for a while, to thank you for coming out tonight. It has been a very stimulating discussion. Take this opportunity, please, the last few months that we have left in this process, to familiarise yourself with all the issues. We are asking—your country is being asked to vote on them, and I do believe that we as Caymanians are intelligent people; we like to know about things; and if we're going to cast our vote, we know we should know what you're voting about, right? So I would encourage to keep on top of the issues; listen to our radio program on 12:15 PM every Monday and Friday on Radio Cayman. We will be increasing the number of our television shows that we are hosting, so keep abreast, keep a watch out for the programs, and get ready for the countdown for the referendum.

We do have a few refreshments that we would really like for you to just take one or two bits, because I don't want to go home with a plateful of food. Okay? All right, thank you so much and have a blessed week. Thank you.