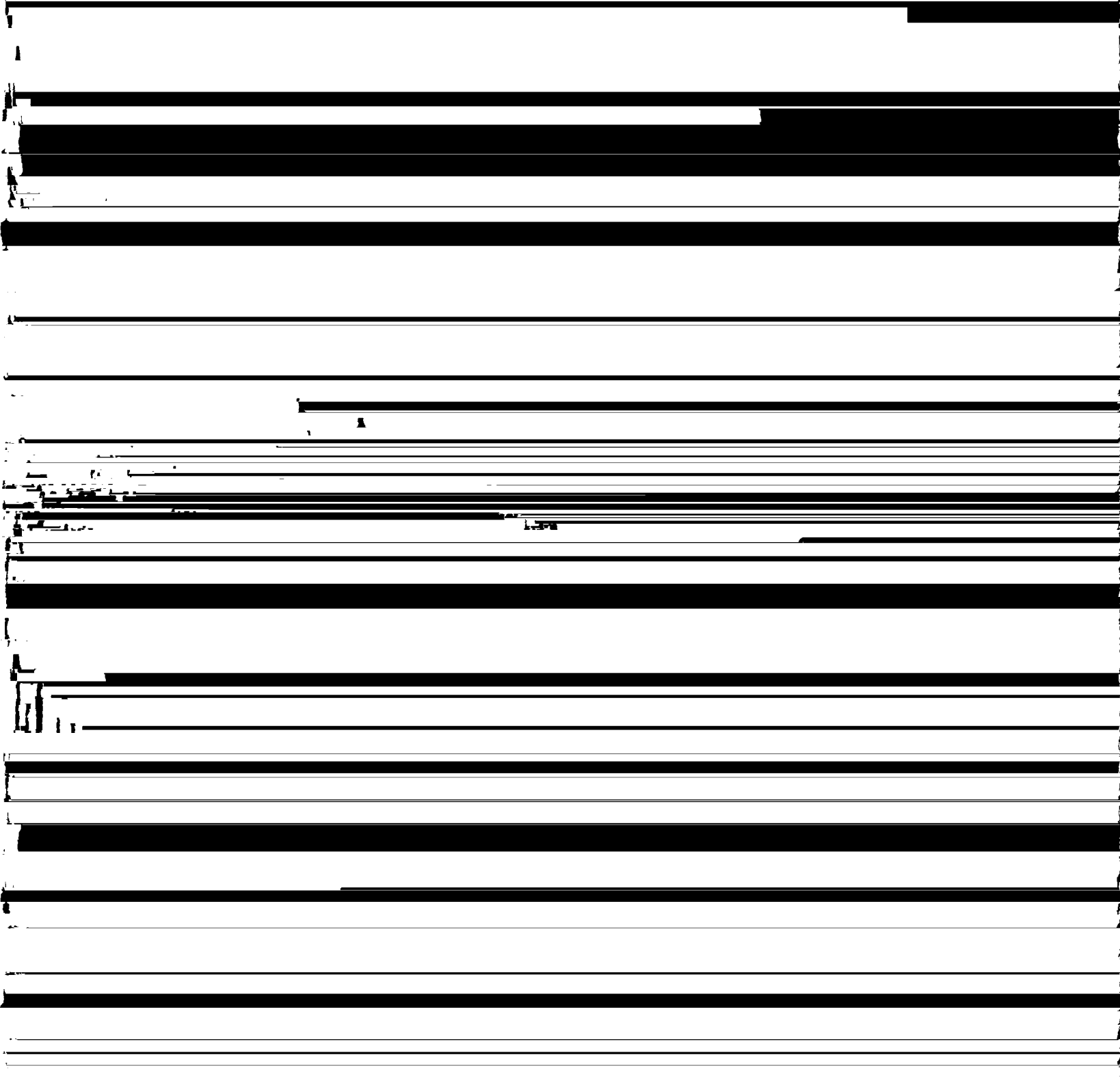


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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

*Caribbean regional seminar on the implementation of the Second International Decade*



# Challenges and Opportunities in the Process of Decolonization of the Non-Self-Governing Territories in the Caribbean Region

## The Cayman Experience

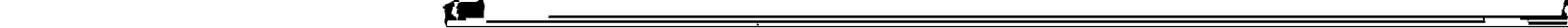
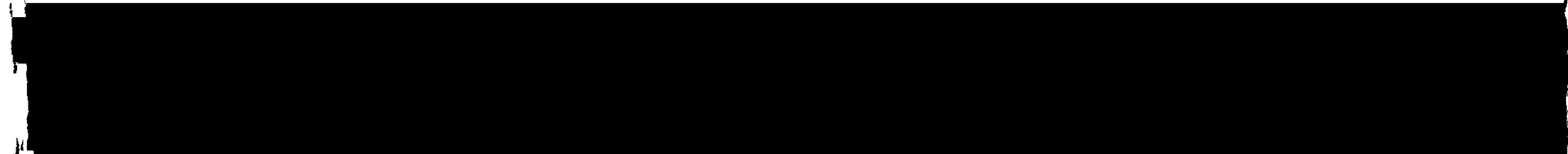
I am Sophia Harris from the Cayman Islands and I am grateful for the invitation to make this presentation today as an expert.

In the Cayman Islands, five diverse Non Governmental Organizations (NGO's) became involved in the constitutional reform under the Chamber of Commerce ("the NGO Working Group"). At that time I was President Elect of the Chamber of Commerce and became Co-Chair



(ii) the constitutional revision process must be totally open and transparent; and

(iii) ...



We also noted in our letter that our NGO Working Group met with the Director of the Constitutional Review Secretariat and asked how and when the public education was to be structured and

electorate, and we were advised that the solicitation of the views and the education of the public would *have to be done*

*simultaneously.* It is still not clear how this was to be achieved.

date from May 2008 until the summer of that year. These plans

It would seem however that as this 2009 Draft Cayman Islands Constitution is still in fact only a revised Administrative document first and foremost, the negotiations were not to be open to the public solely on the orders of the UK.

Ian Hendry, the head of the UK delegation to the negotiations said that holding them in public would have made them *“unlikely to produce any real results because of the political posturing and grandstanding that*

impetus behind the exclusion of the people from the people’s constitution!

An editorial in the newspaper<sup>3</sup> commented on the press releases on the

Whilst the UK itself to date does not have a BOR, it has a Human Rights Act, and it is now being debated whether or not it should adopt the British Bill of Rights and Responsibilities as a “step towards a full-



round of talks held in the UK seemed to have resulted in a battle of wills between the Church and the Government on one hand and the Human Rights Committee on the other .

The HRC launched a campaign for a free standing right of non-discrimination the equivalent of Protocol 12 of the European Convention on Human Rights. It is fair to say that this battle might well have been inevitable but the point remains that unfortunately, had there been an unbiased and objective education exercise from the outset, then by the time the debate began the public would have been better informed.

It is interesting to note that a member of the opposition party<sup>5</sup> declared

The war of words also led to some interesting terms of appeasement from the Government on the release of the draft bill which included the Leader of Government Business stating: "***half a loaf of bread is better than no bread at all***", an apparent reference to the disgruntled HRC's dissatisfaction with not having a free standing non-discrimination section in the BOR. One respondent to the polls was quoted in the papers as saying, "*I'm informed and I'm unhappy about not being offered a complete loaf, a full bill of rights now, not later*".

The bitter divide that resulted from the controversy also seemed to help create an identification of the constitution with the Government of the day, which is not ideal when it comes to the Constitution.

The Government of the day might have much riding on this, as the Referendum vote is scheduled to take place on the same day as the general elections for the Islands, a week from now! One has to consider the possibility that voters might weigh their views of the Government of the day and reflect that on their constitution vote or visa versa!

As a result of this exercise in the Cayman Islands in respect of the controversial constitutional reform process, clearly the importance for this committee to set minimum criteria that address the process of constitutional advancement towards achieving the ultimate self-determination act has been demonstrated and which should go above and beyond the current criteria outlined by the United Nations, before a jurisdiction can rightfully be said that it has achieved self-determination.

It is hoped you might consider the following:-

(i) EDUCATION

There should be a minimum criteria set for the level of education to be conducted in an Overseas Territory before self-determination can be accomplished. In this instance only with a full and complete education campaign can the people of the Cayman

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affirmative vote of at least 66% of the votes cast. However, during

*opposition party, two churches, the Chamber of Commerce and the HRC, got everything they wanted”.*

This brings home the necessity of a Referendum before the talks  
with an administrative power as surely what matters is what the

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Caymanian People want as opposed to only those invited to the negotiating table.

There were several aspects of the UK, House of Commons Foreign Affairs Committee’s Review of the Overseas Territories Management 2008 Report to which we hope you might focus attention. Whilst much can be said about the mostly dysfunctional relationship that currently exists between the Administrative Power and the Cayman Islands, time does not allow us to address that or the report in any depth here.

Suffice it to say however that we continue to have faith that this Committee will be able to make progress in achieving the UN objectives and it is hoped the recommendations made herein might be considered. However time is of the essence and with the passage of more time it is

it is especially disappointing and it seems less likely that this Committee