



16 June 2023

## Feedback Requested on United Kingdom's Relationship with its Overseas Territories

The United Kingdom (“UK”) Parliament’s Public Administration and Constitutional Affairs Committee (“the Committee”) recently issued a call for evidence in connection with the constitutional arrangements of the UK’s Overseas Territories, including the Cayman Islands.<sup>1</sup> In fulfilment of its constitutional mandate, the Constitutional Commission now seeks to provide a contextual explanation for this request, along with links to additional resources to assist persons who are interested in making submissions.

### Background

The Committee’s call for evidence is premised on gaining a better understanding of whether the relationships between the UK and its Overseas Territories are fit for purpose. Noting that each of the UK’s Overseas Territories are unique, the Committee’s Chair, William Wragg MP, has advised that: “We recognise that there is no ‘one size fits all’ framework for relations between the UK and the Overseas Territories, but by better understanding how existing arrangements operate in practice, we can better assess whether they are satisfactory and appropriate in the 21st century.”

This Committee has also acknowledged that this call for evidence is timely in light of the passage of the Sanctions and Money Laundering Act 2018, where the unusual step was taken by the UK Parliament to extend this Act to cover Overseas Territories as well as the UK. In the Cayman Islands, this precipitated constitutional discussions with the UK, which ultimately resulted in the Cayman Islands Constitution (Amendment) Order 2020<sup>2</sup> and some realignment of the way in which the UK Parliament and Government interacts with the Cayman Islands.<sup>3</sup>

This initiative now presents a further opportunity to analyse and consider this relationship, which as the Committee’s Chair, William Wragg MP, has also observed, is important because “... with no official representation in UK Parliament, these constitutional arrangements are often misunderstood or overlooked.”

### Scope of the Call for Evidence

The Committee is seeking evidence on how the UK Parliament and the UK Civil Service engages with the Overseas Territories; how the interests of the UK Overseas Territories are represented in the UK Parliament; and how the rights of British overseas citizens are protected.

Submissions addressing any or all of the following questions are welcomed:

- Are the UK’s current constitutional arrangements as regards the overseas territories satisfactory

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<sup>1</sup> United Kingdom Parliament, *The Status of the UK’s Overseas Territories in the 21<sup>st</sup> Century*, 20 April 2023 (retrieved on 29 May 2023), <https://committees.parliament.uk/committee/327/public-administration-and-constitutional-affairs-committee/news/194822/the-status-of-the-uks-overseas-territories-in-the-21st-century/>.

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2020/1283/made>.

<sup>3</sup> See the Constitutional Commission’s Explanatory Note (17 February 2020) at: [https://www.constitutionalcommission.ky/upimages/publicationdoc/ConstitutionalCommissionCoverLetterExplanatoryNotetoCIG\\_170220\\_1582828896\\_1582828903.pdf](https://www.constitutionalcommission.ky/upimages/publicationdoc/ConstitutionalCommissionCoverLetterExplanatoryNotetoCIG_170220_1582828896_1582828903.pdf).

and appropriate in the 21st Century?

- What is the UK Government's relationship with the overseas territories?
- What is the UK Parliament's relationship with the overseas territories?
- How is legislation made in the overseas territories and what role does the UK Government and UK Parliament have in these processes?
- Are effective mechanisms in place for the interests of the Overseas Territories to be represented internationally?
- Are the rights and interests of British overseas citizens effectively protected by the current constitutional arrangements?

### **How to Make a Submission**

Submissions can be tendered online at: <https://committees.parliament.uk/call-for-evidence/3109>; and further information on the format and other requirements for submissions can also be found on this website.

### **Deadline for Submissions**

The Committee has indicated that all submissions should be tendered by 5.00pm in the UK on Monday, 4 September 2023.

### **Resources to Inform the Public and Assist with Submissions**

In accordance with section 118(3)(b) of Schedule 2 to the Cayman Islands Constitution Order 2009<sup>4</sup> the Constitutional Commission is mandated to publish reports, discussion papers, information papers and other documents on constitutional matters affecting the Cayman Islands. To these ends, the Constitutional Commission has determined that it would be useful to provide links to similar exercises to the present call for evidence that have been conducted in recent years, along with other relevant documentation, as background information for persons interested in engaging with this exercise.

#### UK Government White Papers and Policy Papers

- [March 1999 White Paper](#)  
The UK Labour Government's White Paper setting out its approach to changes to the UK's relationship with the Overseas Territories, especially regarding British citizenship, good governance and sustainable development.
- [28 June 2012 White Paper](#)  
The UK Conservative/Liberal Democrats Coalition Government's White Paper on Overseas Territories relationships, especially regarding defence, economic development, environmental issues, good governance, community issues (culture, education, health, labour and sports), international and regional relations, and proposed action points.
- [2010-2015 Government Policy: UK Overseas Territories](#)  
A policy paper outlining the strategy of the UK Government from 2010-2015 emerging from the 2012 White Paper, with respect to Overseas Territories.

#### UK House of Commons Library Research Briefings

The House of Commons Library publishes research papers on a wide range of topics to provide impartial

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<sup>4</sup> <https://www.legislation.gov.uk/uksi/2009/1379/contents/made>.

analysis, statistical research and resources to help MPs and their staff scrutinise legislation, develop policy and support constituents. These papers are made public on their website, where there is an entire section is dedicated to [Overseas Territories](#). The following three papers were identified as being particularly relevant for present purposes:

- [The Overseas Territories: An introduction and relations with the UK \(20 January 2023\)](#)
- [The UK Overseas Territories and their Governors \(30 June 2022\)](#)
- [Representing the Overseas Territories in the UK Parliament and Government \(7 February 2023\)](#)

#### Cayman Islands Government UK Relationship Review

- [2011 Cayman Islands Cabinet Relationship Review](#)  
This report was published by a Cayman Islands Review Committee established in advance of the 2011 meeting of the Overseas Territories Consultative Council, and in anticipation of a new strategy for the relationship between the Overseas Territories and the UK (later contained in the 2012 White Paper).

#### UK Foreign Affairs Select Committee 2019 Report and Related Documents

- [Global Britain and the British Overseas Territories: Resetting the relationship](#)  
A 2019 report examining the role of the then Foreign and Commonwealth Office as the lead department for the Overseas Territories. The passage of the Sanctions and Anti-Money Laundering Act 2018 in the UK, and the subsequent repercussions, are highlighted; and novel approaches to evolve the ways in which the UK and the Overseas Territories interact are also examined.
- Evidence submitted to the call for evidence in advance of the UK Parliament's Foreign Affairs Select Committee ("FASC") 2019 Report:
  - [Written Evidence from the Foreign and Commonwealth Office to the FASC](#)
  - [Written Evidence from the Government of the Cayman Islands to the FASC](#)
  - [Written Evidence from the Cayman Islands Human Rights Commission to the FASC](#)
- Responses to the FASC 2019 Report:
  - [UK Government Response to the FASC Overseas Territories Report](#)
  - [Cayman Islands Governor's Office Response to FAC](#)
  - [Cayman Islands Government Response to FAC Report](#)

#### **The Constitutional Commission**

There is also a bank of constitutional materials that can be accessed on the Constitutional Commission's website: [www.constitutionalcommission.ky](http://www.constitutionalcommission.ky); and if there are any questions arising, the Constitutional Commission can be contacted by email at: [info@constitutionalcommission.ky](mailto:info@constitutionalcommission.ky).

Ends.