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THE UNITED KINGDOM'S RELATIONSHIP WITH ITS OVERSEAS
TERRITORIES

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THE UNITED KINGDOM'S RELATIONSHIP WITH ITS OVERSEAS TERRITORIES

This paper sets out the United Kingdom's relationship with its Overseas Territories. It has been written with a view to it being circulated at the annual session of the United Nations Commission on International Law in 2008.

The United Kingdom would like to state at the outset that its relationship with its Overseas Territories is a modern one based on partnership, shared values and the right of each Territory to determine if it wishes to retain the link to the United Kingdom. In considering the existence of the Committee of 24 and the IIN list of non-self-governing territories to be outdated and redundant in the view that none of its Overseas Territories should remain on the list.

The 1999 British Government Statement on the Overseas Territories sets out the following principles:

- self-determination;
- mutual obligations and responsibilities;
- freedom of the Territories to run their own affairs to the greatest degree possible;
- a firm commitment from the United Kingdom to help the Territories develop economically and to help them in emergencies.

Those principles remain fundamental to the United Kingdom's relationship with the Overseas Territories. The UK is committed to the future development and continued security of the Overseas Territories for as long as the Territories choose to retain the link with the United Kingdom. There is regular dialogue between British Government Ministers and Territory leaders on a wide range of issues of mutual interest. The annual Overseas Territories

Consultative Councils, Chief Ministers and their equivalents in the Overseas Territories. The United Kingdom continues to provide assistance to the Overseas Territories through the provision of technical and logistical support and, in the case of Gibraltar, Pitcairn and St Helena, through budgetary aid.

they wish to stay linked to the United Kingdom or not. The United Kingdom has no intention of imposing independence against the will of the people concerned. It has been the established policy of successive British Governments to support the wishes of the people of those Territories where independence is the clearly and constitutionally expressed wish of the people, where this is an option. At the same time, the Government is of the view that a referendum is an appropriate way of testing opinion in those Territories

where independence is an option. But the final decision on whether a referendum is necessary and what form it should take should be determined by the Government in the light of the particular circumstances in each Territory.

The United Kingdom's policy is enshrined in the Constitution of each Territory. Consultation with the Territories at the time of the White Paper showed a clear expression of their wish to continue with the United Kingdom. The United Kingdom has agreed to consider any proposals for constitutional arrangements.

The overwhelming majority of decisions in the United Kingdom's Overseas Territories are taken by the Territories themselves.

long as any Territory chooses to remain British, its Constitution should be consistent with the United Kingdom's Constitution. The United Kingdom's Constitution must be agreed with the

Paper, the UK agreed to consider carefully any proposals for constitutional arrangements for Overseas Territories. The Government has agreed to consider any proposals for constitutional arrangements.

negotiation, with the scope and pace largely being determined by the Territories themselves.

The objective of the negotiations has been to establish a framework for the future of the Overseas Territories.

arrangements that are acceptable to both the Territories and the United Kingdom. While the

that, while the Territory chooses to remain British, the United Kingdom needs to retain
sufficient powers to discharge its responsibilities for good governance, defence, external

existing Constitutions, such as the human rights charters, and to clarify the respective roles of
the Governor and local institutions.

There has been progress on constitutional issues with most Overseas Territories. New

(Anguilla, Cayman Islands, Falkland Islands, Montserrat, St. Helena) and in some

soon be agreed.

In May last year a fourth round of negotiations was held with the Legislative Councillors of
Montserrat for a new Constitution for that territory. The talks built on progress made at
earlier rounds, allowing a revised draft Constitution to be prepared for consideration by

Legislative Councillors. Informal discussions took place on Montserrat in March this year, at
which further progress was made. Negotiations on St. Helena dropped after

Committee of the Falkland Islands Legislative Council published its final report in May 2007

recommending a large number of constitutional amendments. United Kingdom and Falkland

Islands delegations met in Stanley in December 2007 and February 2008. There remain only

within the next 12 months.

In the Cayman Islands, the Government has been engaged in public consultation about

revising the constitutional arrangements that started in February 2004. The Government

published a consultation paper in January this year setting out a number of proposals for constitutional reform, with a view to holding a referendum on these proposals, or revised proposals, this summer.

In August 2006, the Anguilla Constitutional and Electoral Reform Commission published a Report with 147 recommendations relating to the revision of the Constitution of Anguilla.

These are still under consideration in Anguilla. A first round of negotiations with the United Kingdom, scheduled for July last year, was postponed at the behest of the Government of Anguilla.

The constitutional review process in St Helena stalled in May 2006. The Government envisaged in the draft constitution. Since then a revised draft constitution without the ministerial government system has been submitted to the United Kingdom negotiating team and Legislative Councillors on St Helena in May.

Some comments were made in the report. It identified three options for de-listing, ie removing Territories from the UN list of non-self governing Territories. These were integration, independence and free association. A

already stated, the United Kingdom will continue to support the Territories in their

But the concept of free association, as defined by the UN General Assembly, would mean that the Territory itself would draw up its own constitution, and that the United Kingdom would retain all responsibility for the Territory, but would not be able to ensure that it had the powers necessary to meet its responsibilities for the Territory. This is not a position the United Kingdom is willing to put itself in.

UN General Assembly Resolution 1541 (XV) is not legally binding. Furthermore, the United Kingdom did not vote in favour of the Resolution. It believes that the guiding principles for

states, inter alia, that an administering power shall take due account of the political

its peoples and their varying stages of advancement. The United Kingdom places the utmost importance on these fundamental principles, which are at the heart of the constitutional review process.

The UN Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the UN, 1970

which elaborates the principle of self-determination, also makes reference to the right of the peoples of a Territory, in addition to the right to free association, to the establishment of a sovereign and independent State, free association or integration with an

independent State or the emergence into any other political status freely determined by a

We acknowledge that the purpose of the Committee is to assist the people of the Territory in the exercise of their right to self-determination.

Self-Governing Territories, in particular that the Committee should be a body that is independent of the government and self-determination. This was also set out in the White Paper on the United

Kingdom and its Overseas Territories. As stated at the outset of the Committee's work, the

Government considers the existence of the Committee and the list of self-governing territories to be outdated and remains of the view that none of its Overseas Territories should remain on the list.

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