INTRODUCTION

I must first thank the Foreign and Commonwealth Office (FCO), Her Majesty’s Government (HMG) and the UK as a whole on behalf of the Government and people of Anguilla for the support that has been provided during what has proved one of the territory’s darkest hours.

Our comments are made in that spirit with a view to assisting us all in learning valuable lessons from this event, particularly as we face an increase in the frequency and ferocity of hurricanes in the Caribbean as a direct result of global warming.

I speak in three capacities, that of:

a) the Representative of the Government of Anguilla (GoA);

b) Special Adviser to the Chief Minister of Anguilla; and

c) as Chief Executive of the West India Committee (WIC), a UK registered charity incorporated by Royal Charter whose object is to improve the general welfare of the people of the Caribbean and the societies in which they live and work by the promotion of agriculture, manufacturing, trade and industry through the auspices of education, training, advice, advocacy and where necessary acting as an umbrella organisation. WIC supports the role of Representative of Anguilla, a British Overseas Territory (OT) and has represented the entire region in the past in its dealings with HMG. It also has strong historic ties with Pitcairns.

The GoA is responsible for the territory’s national disaster and preparedness structures and teams, however there is simply no conceivable way of protecting lives and livelihoods against the onslaught of what is now recognised as the worst hurricane ever recorded. External assistance was therefore imperative. Within two hours of the hurricane passing the Foreign Secretary, Boris Johnson made contact with the Chief Minister, Victor Banks, and Anguilla was the first British Overseas territory attended by RFA Mounts Bay that brought essential supplies and made emergency repairs to the territory’s only hospital that had lost its roof and power supply.

How effective you found the FCO’s hurricane response to be?

There were two dimensions to the FCO’s response:

a) on the ground in Anguilla; and

b) in Whitehall.

The government of the territory functions under the constitution of 1982, (the most out-dated of the OTs). This provides that the administration of the territory shall be a shared endeavour between the democratically elected GoA and the Queen in Privy Council acting through the auspices of the Governor, who is, de facto, an extension of HMG having been appointed by them with no reference to the GoA or the Anguillian electorate. In practice you may therefore
read ‘HMG’, for ‘Governor’ and for ‘HMG’ you may read ‘FCO’ as the lead department that is the main interface between HMG and the OTs.

UNDER ARTICLE 28 (2) OF THE CONSTITUTION OF ANGUILLA

The Governor is responsible for any matter that [in the Governor’s] opinion relates to:

• defence;
• external affairs;
• international financial services or any directly related aspect of finance; or
• internal security, including the police.

The Governor also has the power to declare a state of emergency should they deem this necessary.

The FCO’s leadership and decision making during the hurricane response

As the Chief Minister of Anguilla stated on numerous occasions throughout the crisis, Anguilla found the response of the UK, as led by the FCO, to be both ‘swift and strategic’. In addition, it must be put on record that Governor Tim Foy proved to be a commendable representative of the FCO, HMG, and most importantly, the people of Anguilla, exhibiting an unusually high level of respect for the extensive knowledge and experience held within the GoA and by the people themselves; collaborating with them in a professional and transparent manner that instilled confidence in the work of the FCO. This new approach coupled with the exemplary conduct of the people of Anguilla helped to ensure that the territory, unlike all other islands affected, did not need to declare a state of emergency, but instead, maintained stability despite being in dire need of external support due to the sheer magnitude of the catastrophe and its impact on virtually all of Anguilla’s key infrastructure, and that of the neighbouring islands upon which the British territory depends so heavily for essential goods and services.

It was decided by both the Chief Minister, Victor Banks, and Governor Foy shortly after Hurricane Irma struck that the response to the disaster should be reactive in that the needs of the people on the ground should be listened and adhered to rather than imposing a response upon them from afar. I believe this approach was largely successful, although I understand that there had been an issue with energy that the Governor eventually resolved with the FCO. Conversely, I have heard of another island having been provided with aid by an NGO that was inappropriate being more suited to under developed nations, thereby failing to take into account the context of the disaster and needs on the ground.
My team at WIC and I worked closely with the FCO led Crisis Centre and the Overseas Territories Directorate of the FCO (OTD) throughout the recovery stage of the response. They were evidently dedicated and accessible 24/7. The FCO were mindful of Anguilla’s position in London where, unlike the majority of OTs, we labour under extremely limited financial resources. They were supportive throughout despite having to deal with their own uncertainties in respect of ascertaining which department would accept responsibility for funding the operation and the extent of funds available for the three British Overseas Territories affected. My only observation is that it would have been helpful to have had regular reports from the FCO on matters affecting Anguilla as opposed to our having to seek information from them, as we are a small team, and were also coordinating aid provided by third parties, such as the EU and our fellow OT, the Cayman Islands, often suffering from prolonged bouts of poor communications with Anguilla whilst the FCO and Governor had the advantage of satellite communication. Perhaps access to an FCO communications centre would have been helpful for all concerned.

Notwithstanding this successful partnership, the Governor was under some pressure from some elements within the FCO for the level of support shown to Anguilla, including the simple act of co-signing a statement issued to the UK on the position there. We hope that this attitude, whereby highly effective cooperation and collaboration between HMG and the GoA is challenged is dispelled, particularly where life- threatening emergencies are concerned and time is of the essence.

The work of the new Governor as the de facto representative of HMG and the FCO in collaboration with the Chief Minister of Anguilla during the hurricane and in the recovery operation was outstanding and should be applauded and built upon, not challenged or undermined. We were grateful for the marked improvement in both attitude and professionalism displayed by the new governorship and OTD and the impact that, in turn, had on the welfare of the people of Anguilla.

Having met with many other affected islands at the UN and, learning of the international response to the 2017 hurricane season that witnessed two category 5 hurricanes together with two others of lesser magnitude, it is evident that there was a high degree of duplication of effort by the international community. This may well have proved costly both financially and in humanitarian terms for some islands, although I have no evidence of this for Anguilla. This was gradually resolved with the consolidation of international efforts in the region evolving during the course of the event. We may, however, have all saved considerable time and money had there been an agreed international strategy in readiness for such events in the region to which all interested powers would refer and if, as we refer to in our White Paper on Hurricane Irma, the territories in the region were empowered to support each other by the deployment of essential material, and equipment together with the further development of disaster recovery skills within them. There are five territories in the Caribbean: Anguilla, BVI, the Caymans, Montserrat and Turks and Caicos with Bermuda in close proximity. Each could accommodate materials and equipment to assist others as the likelihood of all six being
hit at once is low. In any event, international collaborative response to humanitarian disasters should be one of the main tenents of resilience and preparedness building which must be an intrinsic part of the reconstruction in the region. It should be noted that the absence of a resident UK military or police presence in the region, as is the case for the French and Dutch, had little bearing on the quality or effectiveness of the response for Anguilla.

The UK spent £62 million on the deployment of aid to the region including aid for BVI and TCI with some assistance to Barbuda and Dominica. According to the Minister of State for International Development, Lord Bates, included £5 million allocated to the FCO, Home Office, Ministry of Justice, and Department of Health, mainly for staff deployment costs; £21 million allocated to the Department for International Development (DFID), repaying DFID for emergency and building supplies together with contracts for staff on the ground and contributions to local relief agencies; and a further £35 million for the involvement of the military, estimated according to the standard marginal cost calculators.

Communications and statements at the time both in parliament and reiterated by the FCO led to a great deal of confusion as to the purpose and accessibility of the £62 million, and it took some time before the FCO clarified the position, all the while inadvertently giving false hope. Details of that expenditure have yet to be released.

In reality funds for Anguilla’s recovery will not be directly remitted to the territory until this April 2018 and have been agreed at £60 million, although funds have been released for essential work such as the reconnection of electricity supply completed at Christmas and temporary repairs to the control tower of Anguilla’s only airport in order to ensure its continued certification for commercial flights. This support will be much appreciated by the territory.

The 2017 hurricane season was the largest deployment of the British military that year. With the current state of the world, this level of military commitment may simply not be possible in the future. In addition, we understand that RFA Mounts Bay that has customarily covered the Caribbean during the hurricane season may be taken out of commission shortly, although this has not be confirmed to us directly. This calls into question the level of support and commitment going forward. Like the FCO, Anguilla was under the impression that British Overseas Territories have ‘first call’ on DFID’s extensive funds (£13 billion in 2017), when in practice DFID appears to have been reimbursed over £21 million for its contribution of aid in kind from the Treasury Reserve.

WIC is currently reviewing the experiences of Anguilla and other islands affected and shall produce a White Paper entitled ‘Anguilla & Hurricane Irma: Lessons Learnt ’ as we are confident that we can all improve upon 2017, building in the requisite resilience and
preparedness into the reconstruction process to reduce the humanitarian risk in the future and mitigate inevitable losses.

It was clear to a ‘watching world’ that there was a degree of disarray within Whitehall in respect of the role of DFID which many failed to reconcile with its huge expenditure on sister OTs such as Montserrat (population: 5,191 as at 2018) that has received over £600 million in aid during the past 22 years and still receives significant funding together with 60% of its annual budget, and Saint Helena (population: 4,534 as at 2016) that has recently benefited from a £300 million airport to stimulate its economy. Yet faced with a humanitarian crisis affecting three other OTs in the Caribbean with a total population of over 80,000 British citizens at the time of the disaster, the department appeared unable to act in its own right. DFID appeared not to understand its statutory power to aid the OTs even where there is no alleviation of poverty and without reference to third parties such as the OECD.

The Act is clear that the British Overseas Territories should have ‘first call’ on DFID funds as expressed in primary UK legislation, namely the International Development Act 2002 (Section 2) that provides:

Development assistance for British overseas territories

The Secretary of State may also provide any person or body with development assistance in a case where the requirement of section 1(1) is not met, if the assistance is provided in relation to one or more of the territories for the time being mentioned in Schedule 6 to the British Nationality Act 1981 (c. 61) (British overseas territories).

As section 1 (1) refers to the condition that development assistance sanctioned by the Secretary of State for International Development should contribute to the reduction of poverty, and section 2 states that this condition need not be satisfied in the case of support provided to a British Overseas Territory, this should have been interpreted to mean DFID could exercise their discretion and provide support for OTs even where this is not for the alleviation of poverty. Moreover section 3 of the Act provides that DFID may support anyone in the case of a humanitarian emergency of which Hurricane Irma was most definitely one. As the lead department in HMG, this fundamental issue should have been resolved by the FCO, and their interpretation of the statutory obligations of HMG reconciled with those of DFID. We strongly recommend that this work continue in earnest, and that the misapplied OECD criteria be removed from the UK’s internal relationship with its territories. Indeed this may prove to be a ‘life or death’ issue in the event of another hurricane season of this severity, and in the absence of military or naval capabilities or other sources of funding. In those circumstances, the proverb ‘charity begins at home’ could never be truer, and may become imperative as under its constitution Anguilla is not permitted to receive funds from third parties without permission from the UK. This issue caused incredulity, particularly in the setting of an emergency within the British family of nations. This very public debate on DFID funding somewhat overshadowed the positive response spearheaded by the FCO.
Anguilla had paid into the UK and EU backed Caribbean Catastrophe Risk Insurance Facility (CCRIF), a regional insurance policy designed to respond to disasters of this nature. The response was efficient and effective with Anguilla receiving a pay out of approximately US$6 million shortly after the event against an annual premium of approximately US$440,000. This is a much needed, almost instantaneous relief mechanism that the territory will continue to use.

Anguilla’s tourism industry is mainly driven by a small selection of resorts that cater for low-volume high-end tourism. These are largely concentrated at the Western end of the island that suffered major losses leading to the closure of the five main resorts and mass unemployment during the 2017/8 season. Mindful of the effects on the economy, the affected hotels established a fund to assist the unemployed and to help the island in its recovery. However, with over US$328 million in losses suffered in Anguilla as determined by Economic Commission for Latin America and the Caribbean (ECLAC), the actual resources likely to be available on Anguilla offer limited scope for recovery.

Unlike other OTs, with the exception of the remote territories, Anguilla is unique in that approximately 97% of its population is indigenous. Among the expat community that makes up the 3% there are high net worth individuals, but their ability to rebuild an entire nation simply does not exist. However, many may only spend a matter of weeks per year in Anguilla yet hugely distort the territory’s GDP per capita. There presence is nonetheless welcomed and encouraged as it provides much needed employment and enhances the community.

The successful Donors’ Conference co-chaired by CARICOM and the UN in December 2017 raised US$1.4 billion worth of aid for the region, however Anguilla was expressly excluded, with BVI receiving a mere US$50,000 on the day at the insistence of one of its supporters and TCI receiving support in kind and a small sum in aid. This is primarily because of the inability of the OTs to interact with the outside world without UK permission and the fact that none of the three OTs were members of CARICOM, unlike Montserrat which took the opportunity to ask for funding at the forum for losses from its volcanic eruption that had taken place in 1995. The conference occurred at a time when the British OTs hit by the hurricanes remained unaware of the nature or extent of support the UK would ultimately provide, if any. Whilst we were advised that financial assistance for the territories offered by the UN had been declined by the UK. The UN had, however, provided assistance in various other guises including UNICEF reflecting the UK’s substantial contribution to its funding.

HMG should now determine who will assume responsibility for funding the OTs during a crisis, if necessary enshrining it in further legislation to counterbalance the UK’s constitutional responsibility for external affairs that prevents third parties from assisting directly or the territories from appealing for external assistance. This would ensure that precious time is not lost during what are likely to be recurrent emergencies of this magnitude.
and would ensure that the OTs and the wider world do not lose confidence in the UK’s ability to tackle humanitarian crises in general. In the event many jeered at the position of the British Overseas Territories which was, at times, soul destroying especially as we looked on whilst almost US$1.5 billion was pledged largely to Dominica and Barbuda and tens of millions were provided to them by DFID whilst territories such as Anguilla had no knowledge of our fate and it was apparent that there was no access to DFID for OTs in crisis that are no longer ODA eligible despite DFID’s funding of countries in the region with higher GDPs per capita. Needless to say this added to the stress and strain of what were already unnerving circumstances.

The 2017 Hurricane season shone a light on the OTs relationship with the UK, and revealed a lack of clarity as to the level and type of commitment of the sovereign state towards its territories of a kind not experienced elsewhere within the British family of nations. This must be addressed by the FCO as the lead department in HMG.

The FCO’s understanding of the needs of overseas territories

The FCO’s understanding of the needs of the OTs is determined by three factors:

1. The context of the relationship: It is evident by the conduct of certain officials within the FCO that the OTs continue to be regarded as ‘contingent liabilities’ of the UK. This is an institutionalised approach that reared its ugly head when least appropriate.

If the relationship is conducted in the wrong context, particularly where one party is dominant to the other there is limited scope for a true understanding of the needs of the OTs. For example, Anguilla has made the case for improved infrastructure for many years. Only when a hurricane practically destroyed the territory’s entire key infrastructure was that need acknowledged and accepted by the UK. Had it not been for the hurricane that need would have continued to be ignored and the territory, being unable and unauthorised to source funding from third parties, would have simply festered to the detriment of the welfare of its inhabitants and risk of those that visit and are key to its tourism driven economy.

The positive and collaborative response to the hurricane by Chief Minister Banks and Governor Foy should mark a much needed step change in the FCO’s attitude for which they should each be commended. An example of how this has improved is clear when we compare
the hurricane response to the scenario when Anguilla signed the Exchange of Notes on Beneficial Ownership in 2016 that was completed by myself and the GoA within the time limit after having liaised extensively with HM Treasury, only to find that the former Governor and previous FCO team countermanded the territory’s commitment to the Exchange of Notes at the Treasury leading to the territory being wrongly and publically rebuked by the then Prime Minister, David Cameron, in Parliament. The Treasury noted that Anguilla ‘had been poorly served by the FCO’, and vowed to put the record straight on our behalf, but the damage to the territory’s reputation had already been done, especially as the instruction had been issued by a senior official erroneously overriding the interaction between HMG and the GoA on a critical issue without reference to them.

2. Obtaining a balanced view of the needs: In the past the principle view taken into consideration by the FCO has been that of the Governor, who remains in post for several years. In contrast, there is a relatively high turnover of staff in the FCO and ministers. An example being the penultimate Director of OTD lasting a mere six months before deciding to leave to study ancient Greek. In such circumstances the level of understanding of the territory’s needs within the FCO is directly proportional to the ability of the Governor to gauge those needs and balance them in the context of the territorial priorities alongside the priorities pursued by Whitehall; if necessary, making the case for the territory with the welfare and prosperity of the people of the territory.

3. Institutionally, the FCO will tend to place the interests and priorities of the UK over those of the OTs. Prime examples include:

a) Over £1.6 million being spent on public health prior to the hurricane. Here, under one of the main initiatives in hand, Anguilla is obliged to support the UK in meeting its international commitments on cigarette smoking although it is not something generally practiced in the Caribbean. Whilst the territory is keen to support the sovereign state, this aspect of the spend remains almost totally within the Department of Health as opposed to the supporting health facilities in the territory. Therefore, although classified as public health work for the OTs it is, in fact, mainly driven by UK interests, detracting from the real and serious medical needs of the 15,000 British citizens that comprise Anguilla’s resident population whose welfare should warrant the upgrading of the 32 hospital bed hospital to render it fit for purpose and reduce reliance on foreign support that may be less available after Brexit. Anguilla also needs to secure an increase in the quota of patients that may access the NHS each year from Anguilla from a paltry four to at least eight, reflecting the increase in the size of the territory’s population since the quota was set in 1985. Such a move is both justified and a significant percentage of the costs have already been met in that, unlike the majority of territories, Anguilla has a large, well established UK diaspora that invariably retire to the island, the majority of which, having worked in the UK, have paid National Insurance for numerous years, outweighing the level of demand of a handful of patients a year against the significant sums paid into the system over many years by thousands of Anguillians. Again years of
appeal have fallen on deaf ears whilst we support UK initiatives that have a nominal profile in the territory such as tobacco smoking.

b) Similarly the Department for Business Energy and Industrial Strategy (BEIS) in recently demanding work on radioactive material in Anguilla when there simply is none, other than an X ray machine. Moreover pursuing such requirements in earnest and at relatively short notice when the island continues to recover from a disaster that has affected the entire population. This demonstrates a misunderstanding of the island’s priorities and needs.

c) This attitude sometimes strays beyond international commitments, instead centring upon the UK’s domestic political manifesto pledges that are wrongly applied to areas of government devolved to the territory. These cannot be overridden by the mere inclusion of the initiative in a non-binding White Paper if democracy within the OTs is to be respected. The government of an OT has its own manifesto pledges and commitments that should take precedence on devolved matters. The Blue Belt initiative that was vigorously pursued by both the FCO and the Department for Environment, Food and Rural Affairs (DEFRA) in the OTs is a case in point. Here the FCO and former Governor continued to ignore the GoA’s devolved sovereignty over the territory’s marine expanse, and failed to respect its choice not to participate in the project for some considerable time. A decision based on evidence of the negative economic impact a Blue Belt could have on the territory’s fishing industry that has been operative for generations without placing pressure on the environment. The development of the fishing industry is being pursued as a much needed avenue for economic diversification and is stipulated as a manifesto pledge of the GoA. Once the decision of the GoA had been conveyed to the FCO, it should have been duly respected. Instead we were subjected to on-going cajoling, and an unnecessary expenditure of the Conflicts Stability and Security Fund (CSSF) on mapping the seabed, known to be an intrinsic element of the Blue Belt process under the guise of assisting the local ferries, but where there was no evidence of need. In any event this work is now worthless due to the hurricane’s effect on this stretch of shallow water. First hand experience of the hardship caused in neighbouring Saint Martin and the fellow British Overseas Territory, Ascension Island, by their Blue Belts would have vindicated the GoA’s policy.

d) It is expressly stated in the constitution of Anguilla that responsibility for ‘international financial services or any directly related aspect of finance’ is not a power devolved to the GoA, and with the Governor of Anguilla as head of Anguilla’s Financial Services regulator that oversees the conduct of both the domestic and foreign financial services in Anguilla, (as has been the case since inception). It is clear that the UK have more than an observatory role. Unlike Bermuda, BVI or the Cayman Islands where the financial services industries are far more sophisticated, Anguilla’s sector is small. Financial services may, however, become more significant for Anguilla’s economy as the tourism industry is now in distress and the economy must diversify to reduce its exposure to the impact of extreme weather conditions. HMG should accept their constitutional and regulatory responsibilities in respect of
Anguilla’s financial services sector, which was originally established with their encouragement, and continue to support the GoA in developing the industry accordingly.

The longer-term relationship with overseas territories

Logically we must query whether the OTD resides in the correct department. The fundamental question of whether the FCO is the appropriate department for the territories may justly be asked. Whilst historically attached to the FCO when the department comprised the Foreign and Colonial Office, this made sense as the territories were colonies then, but today the FCO stands for Foreign and Commonwealth Office, neither of which are applicable to the territories which are neither foreign nor members of the Commonwealth in their own right. The relationship may now be more logically justified in the context of a ‘Global Britain’ in which the British Overseas Territories should play an important role based on centuries of mutual heritage, experience and goodwill. Should their status in the Commonwealth be enhanced, the continued attachment of British Overseas Territories to the FCO would arguably be more justifiable. Moreover, as we now seek to develop and promote a Global Britain, Britain’s relationship with the OTs may warrant reclassification in general, and the status of their citizens become more aligned with those of other British citizens.

At present it is evident that the British territories are not afforded their full compliment of political rights within the British family of nations. This may necessitate the creation of a new form of British nation that is duly founded on the democratic rights of the citizens of the OTs, recognising they should reflect the life chances that any British citizen should be entitled to expect wherever they may reside in the world. This is unlikely to be the French model where a member of the UK parliament represents the territories, but something distinct from constituency politics that is new and fit for purpose as Britain’s position in the world is now changing drastically.

How effective you found the FCO’s hurricane response to be

The FCO’s response to the hurricane is now approaching the reconstruction phase that will commence in earnest in April 2018 having completed the recovery and transition phases of the operation. The initial response was swift and strategic, however, forward planning may have yielded better value for money in the early stages of the response by placing the territories themselves in a better position to support each other and neighbouring islands in the vicinity, thereby reducing the net expenditure from the UK budget on deployment and focusing more on the needs on the ground. As such a significant percentage of the £62 million spent on deployment may have been redirected to recovery in the territories.

The current state of Anguilla and what on-going recovery is needed
Anguilla has been used to a ‘mend and make do’ existence that has spanned centuries. Fifty years ago when Anguilla had the revolution in which it fought Britain to remain British. At the time, the territory that had been British since 1650 had one phone box, no electricity, no sanitation system and no running water. Since then, largely under its own steam, Anguilla has attained a decent standard of living for all of its people but still lags well behind on key infrastructure. The hurricane exposed this to the world revealing:

- A 32 bed hospital with limited diagnostic capabilities for over 15,000 British citizens;
- One ferry port in need of repair, now destroyed;
- An airport in need of refurbishment and a short extension to its only runway to facilitate international airlift and the potential for evacuation and improved airborne aid; and
- the island’s sole secondary school that was in need of substantial repair, now destroyed meaning all children of secondary school age must attend school in shifts throughout the day and evening in temporary accommodation.

In truth, in order to reconstruct in a resilient manner that entrenches preparedness for inevitable repeats of the 2017 disaster, the island’s infrastructure must be upgraded across the board. Having been the ‘Cinderella of the OTs’ for generations, Anguilla is extremely grateful for what has been provided. These observations are therefore made in the spirit and pursuit of a mutually beneficial, sustained improvement in the position of the territory in the family of British nations.

Brexit means Anguilla will loose its only significant source of developmental aid, and at present there appears to have been no visible progress made on both this issue or that of Anguilla’s direct border with and heavy dependence on neighbouring Metropolitan France, an Outer Most Region of the EU, (French Saint Martin), or on Dutch Sint Maarten and the Dutch municipality of Saint Eustatius for essential goods such as 90% of Anguilla’s energy (oil). With the hurricane having also critically affected its neighbours, and Hurricane Maria having crippled Puerto Rico on which Anguilla has also relied extensively, Anguilla’s complete recovery will be significantly dictated by that of neighbouring islands, a situation that may retard its progress unless the British territory is finally made self sufficient and its needs for resilience and preparedness are recognised and met in the reconstruction and development of the island’s infrastructure.

Speaking as the Chief Executive of the West India Committee, I am confident that Anguilla can attain the position of a Centre of British Excellence and become a valuable element of the Global Britain we must now all become, in so doing fulfilling Chief Minister Banks’ expressed desire to ensure that Anguilla supports the UK through Brexit. Like Gibraltar, Anguilla lies within the heart of Europe, being surrounded by and dependent upon French and Dutch islands, the Anegada Passage limiting Anguilla’s interaction with the more distant
BVI. This presents an opportunity for Anguilla to demonstrate the ‘deep and special relationship’ with its European neighbours in line with the Brexit mission of HMG.

The West India Committee seeks to work more closely with the FCO, as does the London office of the GoA. One objective is to work with the FCO to establish a trade mission to attract inward investment into Anguilla whilst at the same time showcasing British excellence in the field of climate change, research, education and training. We also hope to realise the full strategic potential of the territory as the gateway of the Panama Canal through which one fifth of the world’s shipping passes and would like to examine the potential for the introduction of a voluntary green tariff on shipping passing through Anguilla’s extensive marine territory. Similarly to garner income from illegal fishing and whaling within Anguilla’s waters through licensing and prevention, the territory having no vessel of its own for the purpose of policing its waters at present. Requests made to the FCO in the past to repair the lighthouse on Sombrero Island should also be revisited as a part of the drive towards a Global Britain.

It is clear that the FCO is not used to working with charities that focus upon the people of the OTs. Instead it has firm links with environmental charities, and others that have habitually criticised the OTs reflecting the traditional ‘paternalistic’ approach of imposing their programmes, often without generating opportunities for the indigenous population. In some cases the budgets available from HMG are vast, such as the £38 million allocated to the OTs in the CSSF. Once labelled OT, an inaccurate impression of large expenditure in the hands of the territory is given when it is merely in their name and resides in the hands of others, invariably based in the UK, who may not address their true needs, nor stimulate their economies or enhance the life chances of their people who may one day take on the mantle of ambassadors of a Global Britain. This is an obvious gap that should be filled to improve outcomes and value for money, as we have demonstrated through the West India Committee’s charitable work with Anguilla and centuries of work for the region as a whole.

As Chair of the Heritage Lottery Fund, London Committee when working on any heritage project, it is my task to ensure that there is not only a heritage outcome, but also a people and community outcome that is sustainable. This is regarded as an important marker of the value for money evaluation. This is an excellent precedent for FCO backed missions in the territory provided it is remembered that the people and communities in question are those of the territory itself, and if possible the UK too, rather than the latter alone.

Whether the FCO understands the needs of Anguilla

I believe the FCO’s understanding of Anguilla is deficient, largely because of the high turn over of staff in the FCO and other departments involved with the territory. In addition there is a trend in some departments, such as health, to allocate the work in respect of the OTs to trainees, which further dilutes the level of understanding and extinguishes the departmental memory. There is a prevailing culture of the ‘personality’ where we are regularly provided
with insight into the personal views, preferences and interests of certain civil servants which are seldom pertinent to the relationship between the OT and the sovereign state and may sometimes interfere with it, confusing messaging and representation. In such circumstances, where the interests of the individual are given a platform in the name of the department, public perception of the FCO has suffered. The proposed recruitment of additional staff by the FCO without the relevant institutional knowledge to focus on Anguilla will not necessarily improve the current state of affairs, and may, make it worse. It could increase the costs to the department, further reducing the value for money for the taxpayer unless the range and quality of outcomes are improved as the department expands.

Territories such as Anguilla have been members of the British family of nations for centuries and like any other member is an asset not only of the UK, but also of their people. In reality, in the absence of global influence, such as voting power within the Commonwealth, UN or other global organisations, the value of the territories is heavily discounted by the UK, unless the territory is of some commercial or strategic significance such Ascension Island, Cyprus and Gibraltar. Anguilla’s position as the host of one fifth of global shipping has been overlooked for many years and may warrant its classification as a strategically important territory, underpinning Britain’s global aspirations in a post Brexit era.

Britain should now re-evaluate the potential of the OTs. The territories are an intrinsic, strategic and essential element of Britain’s Global Outreach providing a British presence covering vast tracts of the globe and accounting for one of the largest expanses of the world’s oceans. Their people are fiercely loyal and proud to be British and deserve treatment on parity with that of any other British citizen. With a total population the size of Belfast at just over 280,000, the advantages of embracing the OTs more effectively far outweigh the disadvantages, particularly as many have demonstrated their ability to run extremely successful economies of their own, in fields in which they have become world leaders, including Anguilla which, although a latecomer to tourism, attained the position of one of the world’s leading destinations and despite its rudimentary medical facilities, has nonetheless become a regional centre of excellence for renal treatment.

We are only as strong as our weakest link, and therefore I avidly recommend that the process for appointing Governors be revisited and made more transparent with valuable, direct input from the democratically appointed government of the territory factored into the selection process. The field should be open to persons outside of the civil service. This may bring much needed experience beyond that of administration; whether political, diplomatic, commercial, research, education, medical or otherwise as a means of strengthening Britain’s frontline in support of it’s desire to build a global presence. Mechanisms must also be put into place to ensure that the FCO is not the one and only port of call, and are not put in the inappropriate position of ‘marking their own homework’. It has been through sheer fluke that Anguilla now has a good Minister, Governor, Director of the Overseas Territories Directorate and Chief Minister during this difficult time. This combination of talent will inevitably only
be for a relatively short period in the history of Anguilla and may well not be the case in the future if the current regime of appointments continues.

How the relationship between the Foreign Office and Anguilla works

The FCO have naturally sought to deal with the OTs together preferring, to quote a former director of OTD, “a single voice to deal with”, presumably to ensure equality and a cost effective use of its resources in view of the diminutive size of some of their populations particularly in the South Atlantic and Pacific where numbers dip to the mere dozens. The chosen vehicle was the UK Overseas Territories Association of which Anguilla has been a member for several years. However, the ‘one size fits all’ stance taken by the FCO has not been successful nor has the desire to interact with Anguilla through the auspices of the association. At present this vehicle is in dire need of reconstruction of its own, including the adoption of a legal constitution that satisfies the laws of natural justice, the conduct of good governance and transparency to ensure that all OTs may have equal opportunity and do not suffer marginalisation, as has been the case for Anguilla for some considerable time. The FCO have understood and respected Anguilla’s experiences and are accommodating the territory accordingly. In addition, and in the knowledge of Anguilla’s budgetary constraints as exacerbated by the crisis, the FCO provided financial assistance to enable Anguilla to be represented at the UN alongside the Foreign Secretary, Minister of State of the FCO and Secretary of State for International Development, which enabled us to share our experiences with ministers representing our Dutch and French neighbours and others within the global community.

The attitude of the FCO and other HMG departments can, on occasion, come across as dictatorial, and at times is clearly manipulative; as such it is highly inappropriate. Again, it is difficult to discern whether this is down to individuals, but there appears to be a degree of institutional support as such behaviour has, in our experience, been conducted in the name of the department with confidence.

If the old objective still exists of encouraging the OTs to gradually seek independence thereby reducing the UK’s exposure to the alleged ‘contingent liabilities’, then this attitude is logical, but we are constantly informed of the contrary by HMG and, indeed, the Prime Minister recently expressed her desire to “cement the enduring partnership that exists between the UK and the OTs”’. The relationship with the FCO therefore has room to improve if a stronger more enduring relationship is to be achieved, particularly as territories such as Anguilla are faced with such grave events as the 2017 hurricane season on more a regular basis. It would be prudent to appoint an objective third party to oversee this process. Indeed the territories should be afforded the permanent support of a ‘trusted friend’ beyond the realms of the FCO by way of protection of their human rights and interests whilst ensuring natural justice is not compromised in HMG’s dealings with them; preferably one that is objective and beyond the electoral process in this jurisdiction giving political precedence to the elected government of the territory and avoiding undue political influence from HMG nor lobbying by third parties within this jurisdiction whose interests may be conflicted by their
pursuit of funding opportunities in the name of the territory. Similarly conflicts between UK policy and that of the OTs should be avoided on all devolved issues, if democracy is to be respected and supported and seen to be so by Britain. Perhaps a permanent panel within the upper house would suffice, bringing with them in-depth experience and networks in pertinent disciplines such as medicine, law and education thereby providing support for the government of the territory without challenging the locus standi of those duly elected by the people of the territory to govern them. It is for this reason that a minister within the House of Commons is a less attractive option. A more accessible panel within the Privy Council may also provide an option given the constitutional structure of the relationship.

It would be helpful to understand who the OTD actually are. We have asked for this information over the past two years and have yet to receive it. It would also be helpful to understand how much it costs, and the strategy to which it is working to enable us to work in more effective collaboration. In the absence of improved transparency mistrust and misunderstanding, that is apparent at times by the response of various OTs, may pervade. The relationship between the FCO and Anguilla is now being rebooted as the prospect of an increase in the frequency and ferocity of such extreme weather conditions and Brexit each warrant a relationship that is fit for purposes that are now changing dramatically.

It would be helpful if the Joint Ministerial Councils (JMC) were conducted upon similar lines to those of other branches of the British family with communiqués denoting what was actually discussed and agreed rather than being prepared months in advance of the event rendering them more akin to a public relations statement rather than an accurate record of what was agreed, thereby diminishing their value. A previous FCO minister sought more open dialogue of this kind. The level of support provided by the FCO during the JMC is extremely high although the dissemination of information in a manner that allows the GoA scope for deliberation and consultation is de minimis. There is therefore a real risk of the event being overly stage managed by the FCO with a stream of ministers reporting on developments within their mandate, much of which is not pertinent to the OTs, limiting the scope to progress the priorities of the territories, such as Anguilla’s border with the EU that was not referred to in any detail for the past two JMCs. The FCO valiantly try to overcome this, but I believe that rather than mainly focusing on the JMC, more resources may be diverted to regular ministerial briefings to ensure that Whitehall is more conversant with the workings and issues affecting the OTs and may become more ready to interact with them bilaterally. The cross-Whitehall board established early last year was meant to combat this failing, but we have merely witnessed departments securing funding in the name of the OTs, with the needs of the OTs appearing to be a secondary priority, as referred to earlier.

We have recently been advised that there is a staggering £38.8 million allocated to OTs in the CSSF. Again, the use of the fund is dominated by the FCO. The level of consultation with the territory’s government on its use could be significantly improved consequently enhancing the impact of the projects funded. In the case of Anguilla, the mapping of the seabed between Anguilla and Saint Martin encouraged and authorised by the former Governor was neither a
priority for the GoA nor did it successfully survive last year’s hurricane season meaning poor value for money for the British taxpayer and nominal value to the territory. Proper consultation could have avoided this. Similarly the eradication of the rat on an uninhabited island, an initiative led by the RSPB, (one of the FCO’s favoured charities), initiated by a desk-top assessment resulting in an inevitable criticism of the territory, whilst beneficial to birdlife, pales into insignificance during a drought when water had to be donated by the neighbouring French and Dutch islands due to prolonged rationing on Anguilla. Little wonder that it was not regarded as a major priority of the GoA at the time. Moreover, the charity’s work on the eradication of the cat on Ascension Island that resulted in a steep rise in vermin and ultimately loss of birdlife shows that these initiatives may have hidden long-term problems of their own. Improved collaboration with locals with cultural knowledge and skills could improve the development of such projects, and their outcomes, enhancing the value for money of what may be a significant spend for the UK taxpayer, particularly as we face the budgetary constraints of exiting the European Union.

The implications of this relationship –

How the FCO supports self-sufficiency for instance and what impact crises such as the hurricanes have on that relationship

With the current incumbents in situ, I believe we are each in a position to vastly improve the relationship, although this assumes the institutionalise attitude of the FCO will change as will the classification of the territories from liability to asset. Steps should be taken to remove the risks to the human rights of the citizens of Anguilla who are deprived of a voice of their own, even to cry for help to the wider world when in need and to align the benefits of British Overseas Territory citizenship together with the life chances of these British citizens with those of other British citizens. This is an imperative if we are to achieve a truly Global Britain.

The characteristic side-stepping of difficult issues such as Anguilla’s heavy dependence on and direct border with Metropolitan France is yet another case on point. After a prolonged refusal on the part of the former Governor and former FCO minister to recognise the risks Anguilla faces from a hard Brexit, the FCO eventually referred to the border as ‘nominal’ for the better part of a year ignoring the fact that it is one of the hardest borders in the world in that it closes every twenty four hours (formerly at 10pm daily, currently at 5.30pm), denying access for people and essential goods and services including general medical diagnostics and specialist secondary or tertiary treatment. The existence of a real as opposed to ‘nominal’ border is enshrined in statute and is clearly evident as Anguilla is one of only four borders with the EU among the British nations. I am pleased that after much effort on our part to raise the profile of Anguilla’s EU border, we have now received a response from the OTD that has been considered by lawyers, but there is clearly a continued lack of appreciation of how important the relationships with the French and Dutch are to Anguilla notwithstanding the fact that the French, Dutch and EU already recognise this to be the case in their preparation for Brexit. Whilst this is obviously a matter for the Department for Exiting the EU (DEXEU), the FCO continue to lead on Brexit for the OTs, as such we remain gravely concerned that the
fragile, vulnerable position of the people of Anguilla has yet to be fully comprehended and taken into proper consideration. If necessary the ‘nominal’ border may have to be duly negotiated during the Brexit process, meaning, unless work is undertaken on the issue, Anguilla could easily become a ‘loose end’ that may compromise and potentially unravel negotiations when time is already of the essence. Similarly, the heavy dependence of Anguilla on the EU Development Fund to balance its annual budget which has, for several years contributed to the territory’s to development remains a subject that has yet to be determined by the FCO who have been silent on this for some considerable time. The achievement of self-sufficiency for Anguilla would solve both EU problems that may otherwise seriously affect the livelihood of thousands.

One of the key aspects of self-sufficiency is the extension of the runway of the airport in Anguilla. In February 2016, whilst at a ministerial conference for the Overseas Countries and Territories of the EU, Minister Duddridge of the FCO publically announced a £50 million package for this purpose during his speech before a gathering of over a hundred delegates, only for the announcement to be subsequently denied by the Governor and overridden by the FCO. A transcript of the speech will speak for itself. Again, this disparity within the FCO casts doubt over the reliability of FCO ministerial statements on its support for self-reliability, which is of paramount importance to Anguilla given the real risks it now faces by virtue of Brexit and the accelerating effects of climate change that may leave it physically, commercially and economically isolated. The current ministerial appointment and that of Governor Foy and Ben Merrick, coupled with the increased public awareness of Anguilla by virtue of the hurricane could prove opportune in making a step change away from this style of conduct, which does little for the UK’s international bearing.

The hurricane saw the UK falter with Whitehall visibly negotiating with itself and also with third parties such as the OECD on how to support the territories struck by the hurricane. Despite this, a huge sum (£62 million) was allocated to the immediate response, albeit totally consumed within Britain through a process many did not anticipate as being necessary, as they, like the FCO, had expected DFID to support the territories as a ‘first call’ on its resources. The hurricane served to put Anguilla on the map for many millions of people around the world, and for them to glimpse what it means to be a British Overseas Territory today. Various parties have criticised the manner in which Anguilla and its fellow OTs were treated by our sovereign state, whilst others have seen fit to continuously tweet in the name of the FCO in a manner that gave the general public the impression that the FCO were not taking the matter as seriously as it might. This continues unabated despite our best efforts to protect the reputation of the department by advising them to end the use of social media in this personal manner, at least during the crisis, as many affected families look to social media for much valued news of what was happening to their loved ones in the territory and have found the oftimes trivial content upsetting, especially when generated by a senior FCO official who is so familiar with the island.

For the GoA, its London Office and The West India Committee as the charity that is endeavouring to support Anguilla during this difficult time, we sincerely hope that hurricane season of 2017 has demonstrated to the world that Anguilla sits at the frontline of climate
change, and is therefore in desperate need of resilient infrastructure and sustainable self
sufficiency. We hope that they will note Anguilla’s gratitude for the support provided by its
sovereign state, and that we will all learn from the example of Governor Foy and Chief
Minister Banks of how a respectful, open and collaborative working relationship can result in
an efficient, effective response to a humanitarian crisis and provide good government.

We trust that all will recognise that in a humanitarian crisis the level and nature of support
proffered should not be defined by numbers and mathematical formulae such as GDP, but by
the actual needs of the people. Lastly, we hope that the vast expenditure made on charities
acting in the territories will now include those whose object and work genuinely include the
improvement and protection of the welfare of their people as a paramount and enduring
consideration, and that support in securing the goal of prosperity will not be denied.

The civil servants of the OTD, include those who are part time and some that are relatively
junior. Together they exercise a colossal level of influence over the territories due to their
diminutive size and, in the case of Anguilla, an out-dated constitution. With a minister that
has an immense brief to contend with, dictated by the UK’s interests, the civil servants may
often speak on the minister’s behalf and may go so far as to dictate the UK’s responses to the
government of the territories, as we have experienced in Anguilla. It is imperative that the
power of the civil servants, the FCO, and their agents is properly monitored, and accounted
for, with the interests of the territory duly protected by an unbiased, objective third party
whose authority and standing will be respected and adhered to by HMG as led by the FCO,
ailing which territories such as Anguilla will remain a hostage to the fortune of appointments
and practices that are neither transparent nor consistent in yielding good outcomes for the
people and communities of the territory who have no source of redress beyond the
department to which they are subject, a position that is questionable.

Lastly we must all now accept that the UK government is ultimately liable for the welfare of
British citizens any where in the world should a natural, economic or other catastrophe befall
them, as stated in the OT Strategic Programme Fund 2015/6. The government of an OT
having used its best endeavours to respond to the needs must have the confidence of knowing
the UK will provide this fundamental support.

Blondel Cluff CBE

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