

Written evidence from Government of the Cayman Islands (OTS0109)

EXECUTIVE SUMMARY

- We welcome the opportunity to contribute to this inquiry by the Foreign Affairs Select Committee in to the future of the Overseas Territories. There are few such opportunities for us to actively contribute to open discussions about our place in the United Kingdom family of nations, and in light of recent questionable legislative activities it is of paramount importance to us to review and improve our constitutional relationship with the United Kingdom (UK).
- The Cayman Islands consistently strive to demonstrate how a mature partnership based on mutual respect can properly function. This relationship, when it works well, has proven to be mutually beneficial. The Cayman Islands has for example, supported the UK in regional Hurricane Relief Efforts, partnered in major trade initiatives and continuously seeks to engage with several Whitehall Departments and its associated Agencies to strengthen our government to government relations.
- The Government of the Cayman Islands has also recently been considering how we can best strengthen our relationship, so this request for our input is timely. This submission represents a broad overview of our current assessment of the opportunities that exists to improve the relationship between the Cayman Islands and the UK's political institutions. We submit this evidence in the spirit of partnership as a self-sustaining British Overseas Territory.
- This submission posits that the UK Government's responsibilities towards our constitutional relationship should be clarified.
- This submission also offers some suggestions for improving the efficacy of the Overseas Territories Directorate (OTD), and relationship management with the Foreign and Commonwealth Office (FCO).
- To realise these opportunities, we make the following recommendations:
 - That sufficient safeguards be put in place immediately to protect the Cayman Islands, and indeed the wider British Overseas Territory family, from future constitutional overreach by the Houses of Parliament, and that these safeguards be established in partnership with the wishes of our governments. However, we recognise that safeguards of this nature would need to recognise the potential for

legal action to be taken in light of the recent legislative activities of the Houses of Parliament. We consequently take the view, in keeping with the conventions of House of Commons Select Committee inquiries not to comment on ongoing or possible legal action, that these would not be recommendations that would be appropriate for this committee to make at this time.

- o The UK Government should also seek, where possible, to facilitate Ministerial engagement from the Government of the Cayman Islands with requisite UK Government Ministers and Departments, so the international community and relevant fora are reassured we are being represented in keeping with the UK's obligations.
- o We invite the UK Government to review ministerial responsibility in relation to the Government of the Cayman Islands. This should include designation of ministers in each relevant department to ensure total cross-Whitehall participation as required.
- o That the Cabinet Office work to integrate the British Overseas Territories requirements into the existing COBR Civil Contingencies frameworks and engage with British Overseas Territory Representatives in London on a regular basis as well as in emergency situations.
- o That the UK assess the suitability of moving to the Australian State Governor appointment process in relation to appointments in the Cayman Islands.
- o That the Cabinet Office, through the Commonwealth Secretariat, make every effort to involve the Government of the Cayman Islands on all elements of Commonwealth engagement, with the exception at this time of full membership.
- o That every effort be made by the UK Government to improve the standing of the position of the British Overseas Territory Representative.

1. INTRODUCTION

1.1. In July of this year the House of Commons Foreign Affairs Select Committee (FAC) issued a call for written evidence for their inquiry into the Overseas Territories relationships with the United Kingdom (UK). This document represents the written evidence of The Government of the Cayman Islands to this inquiry. The Government of the Cayman Islands welcomes this inquiry. There are three areas of particular focus:

1. The insecurity of the constitutional relationship between the Cayman Islands and the UK;

2. The out of date nature and subsequent ad hoc approach to engagement taken by the UK Government in relation to the Government of the Cayman Islands on the basis of the 2012 White Paper; and
3. The operation of the formal organisational structures with responsibility for liaising with the Government of the Cayman Islands within the UK Government.

We are concerned, however, that the wide ranging scope of the remit of this inquiry, when coupled with the narrower scope of responsibility of the Foreign Select Affairs Committee, should not prevent the committee from investigating whether or not the FCO is adequately managing its relationship with the Overseas Territories, but also the failures across Whitehall to adequately address the UK Government's obligations towards our relationship as a whole.

- 1.2. The 2012 White Paper on the British Overseas Territories has reached the end of its operational lifespan and its findings and recommendations have been overtaken not only by Brexit, but also by recent legislation (i.e. Sanctions and Anti-Money Laundering Act) in the UK Parliament which has offended the longstanding constitutional conventions in relation to the British Overseas Territories. Since the 2012 White Paper has served as the principal reference document for the UK Government's views, attitudes and actions in this area, it is right that it now be updated to address current realities.
- 1.3. There is now an opportunity to achieve the true partnership and collaboration envisioned in the 2012 White Paper especially as it relates to the formulation of future policy regarding the Cayman Islands. It should be recognised that while the Cayman Islands, since 2009 has been successfully operating under a new constitution which gave us significantly more autonomy and devolved authority, the working relationship with the UK Government often means the Cayman Islands continues to be treated as a subordinate rather than a partner.
- 1.4. Over the past two decades, the UK has undertaken significant devolution of powers to sub-national, regional institutions but the status afforded to these new institutions has not been replicated in the UK Government's treatment of the Cayman Islands, nor has the Overseas Territory Directorate (OTD) ever been staffed with adequate expertise required to represent this new era of decentralised policy making. This is a reality which requires immediate wholesale review and action.

- 1.5. This written evidence is intended as a starting point for conversations on the future relationship between the Cayman Islands and the UK, rather than as a finished document with red lines. It has been produced in the spirit of partnership and mutual respect, and we would be most appreciative if the FAC would encourage the UK Government to enter into future negotiations on the basis of a similar assumption.
- 1.6. It is rather unfortunate that the Foreign and Commonwealth Office (FCO), in recent evidence to the FAC, has indicated that it does not feel the need to substantially update the 2012 White Paper until after the Brexit process is complete. It is regrettable that this decision, like many others that directly impact us as British Overseas Territories, was made without us having been consulted. Further to the egregious constitutional overreach of the past few months, we respectfully disagree.

2. RELATIONSHIP OUTLINE

- 2.1. The Cayman Islands are proud to be a part of Britain's family of nations, and the relationship we have with the British Crown is cherished. We share the Union Flag, are proud of our British citizenship, and remain strong supporters of the Monarchy and its Sovereignty, with whom our principal relationship with Great Britain lies. We reject, however, the notion put forward in this committee's terms of reference, that we have a special place 'within the constitution of the United Kingdom'. Although we have a special constitutional relationship with the United Kingdom, we feel that language such as this fails to recognise the strength and validity of our own written constitution, through which we have developed in to a self-sustaining British Overseas Territory. We similarly reject the notion, also put forward by your terms of reference, that it is the UK's changing place in the world that represents the basis for the requirement to assess the structures of our relationship; even if the UK's place in the world were not changing, the structures of our relationship are no longer fit for purpose.
- 2.2. We have demonstrated over the years that we are an asset as opposed to a liability to the UK. At its best, the working relationship has proven to be successful and beneficial for all parties. There are several examples which should be brought to the FAC's attention:
 - i. After the passage of Hurricanes Irma and Maria, the Cayman Islands immediately deployed its Police Helicopter to the Turks and Caicos Islands (TCI) to conduct assessments of the islands and was the first outside law enforcement agency to arrive;

- ii. Similarly in the British Virgin Islands, the Cayman Islands deployed teams of police officers including armed units who worked alongside Royal Marines to re-establish law and order after the passage of the Hurricanes;
 - iii. The Cayman Islands sent Cayman Airways Boeing 737 jets to TC Anguilla with relief supplies after the aforementioned hurricanes;
 - iv. Through partnerships with UK Border Force and the UK Coastguard, including secondments of senior officials to the Cayman Islands, the Cayman Islands has now established its own Coastguard and merged its Immigration and Customs Departments to form the Customs and Border Control Agency;
 - v. The Cayman Islands was the only other country who participated in the recent United Kingdom delegation at the UK Government's GREAT Festival of Innovation in Hong Kong, demonstrating the importance of the British Overseas Territories as the gateway to the concept of 'Global Britain'. A high-level delegation led by the Premier of the Cayman Islands served on a number of the panels and provided insights on a range of topics that added significant value to the trade mission.
 - vi. Through an extended partnership with the UK's Cabinet Office, the Government Communications Service has been engaged in a capacity building project with the Cayman Islands Cabinet Office to improve Government Communications. This has also included a number of secondments of senior UK public service communication professionals and represents the first time that the GCS has conducted a communication capability review outside of the UK.
- 2.3. This brief synopsis outlines that the Cayman Islands proven ability to support the UK on matters of civil defense, regional security, disaster management, economic diversification, and governance. As a mature, stable partner, we recognise that we also have an obligation to extend our hand of partnership when the need or opportunity arises. This is an excellent building block for the continued maturation of the relationship with the UK.
- 2.4. Our constitution has gone through a comprehensive modernisation process over the last twenty years, a process which has resulted in increased self-governance

through a unique quasi-devolution settlement which has advanced the democratic representation and accountability of our people and institutions.

- 2.5. Although each and every Overseas Territory has a different constitution and relationship with the UK, our territories do have areas of commonality as it relates to public policy requirements, and there are instances where working as a collective has been to the benefit of all. The United Kingdom Overseas Territories Association (UKOTA) provides a worthwhile grouping for debate and advocacy, but it is not without its own challenges and limitations.
- 2.6. The differences between, for example, the South Atlantic Territories and the Caribbean Territories (including for these purposes Bermuda) are notable, and this is before we take into consideration the needs of the uninhabited territories (whose unique requirements are not addressed in this paper, for reasons of relevance) and Gibraltar, whose relationship with Europe and the domestic political arrangements of the UK render it significantly different from all other categories of British Overseas Territory.
- 2.7. The 2012 White Paper's advocacy for the creation of the Joint Ministerial Council (JMC), which replaced the Overseas Territories Consultative Council, (OTCC) was a welcome step in the right direction, but its efficacy especially in recent years is questionable, given the diverse needs of the participating Overseas Territories. There is a growing sense that the JMC for the Overseas Territories does not enjoy the same level of gravitas and indeed participation from the wider UK Government in comparison to the domestic Devolved Administrations Joint Ministerial Council.
- 2.8. At times, the working relationship with the OTD in the FCO is of similarly questionable efficacy. We are often left with the impression there is a view the British Overseas Territories are to be administered, rather than treated with respect as self-governing representative democracies in their own right. At its worst, such a position can create a constitutional quandary for our elected representatives and institutions, and when coupled with the lack of formal status for our Representatives in the UK and further afield, creates a dearth of representation which is not adequately filled by the external affairs departments of the UK Government.
- 2.9. It is our belief that the principal aim of the 2012 White Paper, which was broadly to establish a more holistic relationship between the British Overseas Territories and the totality of the UK Government, has not been met.

2.10. We are notably concerned the UK Government's lack of adequate support for their mandated obligations towards our external representation, is also reflected in their representations to the Crown on our behalf. Since the UK Government is the nominated custodian of the Cayman Islands' relationship with the Crown, we are concerned we are missing opportunities to adequately maintain this relationship, which is so fundamental to the identity of the Cayman Islands.

2.11. Indeed, our concerns in large part are, fundamentally, issues of representation. We would like to take the opportunity presented by this call for evidence to propose solutions to some of the gaps in our current representation, gaps which we believe to be damaging to the long-term health of the mutually bilateral relationship between the UK and the Cayman Islands.

3. CURRENT STRUCTURAL ORGANISATION DIFFICULTIES

3.1. In our view, the modernisation of the constitutional settlements has not resulted in a sufficient maturation of the UK Government structural systems for engagement with the Cayman Islands. The FCO's OTD is under-resourced and does not naturally engage with all of our UK Representatives on a proactive basis. The rationale behind our support systems resting within the FCO harkens back to a previous era, where the FCO was tasked with a more active administrative role, and as such the OTD is not ideally positioned to take a sufficiently broad view of what support for external affairs engagement should look like.

3.2. The 2012 White Paper outlines several areas where our external affairs requirements should be a natural fit for the activities of the FCO, and yet engagement with our government, both through our domestic government offices and our UK office, remains poor. One example of this is our relationship with the Commonwealth.

3.3. We recognise at present, British Overseas Territories are provided representation through the Prime Minister's Office to Commonwealth Heads of Government Meetings. It is our understanding some Commonwealth nations have expressed apprehensions about British Overseas Territories attaining full observer status within the Commonwealth Heads of Government Meeting (CHOGM), perhaps due to challenges with some of their own territories and associated states. That being said, the FCO's engagement with the Cayman Islands Government in relation to the Commonwealth has been minimal at best, with very few opportunities to allow us to help shape the UK Government position on policy and issues in advance of summits. In fact, any such advanced engagement has come via an approach to the group of British Overseas Territories as a whole (through

UKOTA), which does not allow for adequate, Territory by Territory, engagement with the drafting of the UK's position in advance of the drafting of full communiques. There has also been little or no support in engaging with other Commonwealth organs and structures.

- 3.4. These organs include the Small States Office in Geneva, and the Commonwealth Enterprise and Investment Council. The result of this lack of engagement is that, when approached independently of the FCO, many of these organs are unsure of the protocols for engaging with us directly, and we miss many opportunities for regional collaboration. An example of this is the recent Caribbean Financial Action Task Force Commonwealth Workshop to which no British Overseas Territory was invited to participate. The Cayman Islands could have brought a wealth of experience and expertise from which other Caribbean Commonwealth nations would have greatly benefited. It should be noted the Cayman Islands regularly extends support to other Caribbean countries on matters of financial services policy and regulation.
- 3.5. Another example emanates from CHOGM recently hosted in London. Some Overseas Territories chose to buy in to the Commonwealth Business Forum by paying to join the Commonwealth Enterprise and Investment Council. Regrettably, this was not an option available to the Cayman Islands in particular, since when we finally learned about the Council Membership it was too late for the Premier of the Cayman Islands to be invited to speak at the Small Islands Roundtable or at the relevant climate change discussions to which he could have brought significant benefit. It was notable these sessions were not attended by anyone from the OTD, despite the FCO's role in representing the Overseas Territories at international fora for which it is responsible.
- 3.6. This example is a particularly obvious one as CHOGM took place in London, and the UK's position papers were shared with British Overseas Territories only for consideration one month preceding the event, rather than earlier and for input during the drafting process. Presenting the Commonwealth Communique for the 2018 summit, as an example, as a fait accompli, rather than engaging with us in the drafting process to ensure our adequate representation in the finished document, did not represent the UK Government adequately fulfilling its obligations towards our representation at an international forum.
- 3.7. However, the 2012 White Paper supplementary documents list multiple international fora for which the FCO is nominally responsible for establishing that British Overseas Territory representation by relevant government departments is

adequate. Of particular concern is that over recent years, Overseas Territories may not have been made aware of requirements for engagement and may have missed providing sufficient information to assist UK Government departments in representing us. Some examples of opportunities for engagement which OTs may not have been made aware of include the International Labour Organisation, the European Union and the United Nations.

- 3.8. We are also concerned the OTD may not be sufficiently connected to internationally based FCO or Department of International Trade personnel to effectively engage on our behalf based on our individual requirements as British Overseas Territories. For example, we discovered during one of our meetings on the Sanctions and Anti-Money Laundering Bill that not only had the Finance section of OTD never engaged with the Fiscal Secretary at UKREP in Brussels, but it had never occurred to them to do so. This, despite a very clear shared interest in collaboration.
- 3.9. These difficulties may in part arise from the use of the ‘desk-officer’ model employed by the FCO which is not capable of ensuring the longevity and continuity of institutional memory and expertise other devolved areas have established within Whitehall. Although we are not suggesting a British Overseas Territories Office need be established to match the equivalent Wales/Scotland/Northern Ireland offices, it is our sincere belief that significant improvements could be made to both recognise and support the modern devolution settlements the constitutional overhauls of the recent decades have created.
- 3.10. The role of the Governor within the Cayman Islands has also not sufficiently evolved to match our democratic maturity and we are still too far removed from both the appointment process and from the FCO/Governor relationship to establish whether or not domestic and external areas for which the FCO is responsible are being looked after comprehensively enough to support all of our government requirements and obligations.
- 3.11. The OTD has also struggled to adequately facilitate relationships at Ministerial level, as civil servants often advise Ministers across Whitehall that they do not need to engage at Ministerial level with their counterparts in the Cayman Islands since officials engage through the OTD. Given the under-resourcing problem within the OTD, this naturally results in our cross-Whitehall needs not being adequately addressed. It also does not allow for the development of political level

relationships between UK and OT Ministers, a courtesy extended to the UK Devolved Administrations of which we have no equivalent.

- 3.12. This difficulty is most acutely obvious in the difference in the overall treatment afforded to the Devolved Administration Joint Ministerial Council versus the JMC for the British Overseas Territories. We recognise we have no political representation in Westminster, nor is any desired, but that does not mean our Ministers or senior civil servants should be treated with any less respect. It should be a minimum courtesy to ensure senior Ministerial representation at JMC beyond the FCO is assured. This would obviously depend on the agenda requirements of the meeting in question. Furthermore, the Prime Minister should afford the Elected Leaders of the British Overseas Territories the courtesy of individual meetings when they come to the UK, as is the case with other Heads of Government. A partnership based on mutual respect will never be achieved if the UK Government maintains its position that our democratically elected leaders are subordinate in status not only to all UK Ministers, but to senior civil servants as well. As we seek the advancement of a true partnership, we are no longer willing to accept that the so called “respect agenda”, which governs the UK Government’s relationships with the domestic Devolved Administrations, is not extended to us.
 - 3.13. It was perhaps most regrettable that it took an incident of the magnitude of the amendment to the recent Sanctions and Anti-Money Laundering Bill or the devastation from major hurricanes in three Overseas Territories during 2017 to establish a Head of Government to Head of Government relationship between the Elected Leaders of the British Overseas Territories and the Prime Minister.
 - 3.14. However, we are most grateful to the Prime Minister for the level of direct engagement with our elected leaders over the past 12 months. We also recognise and acknowledge the personal commitment, engagement, and ease of access provided by successive Ministers for the Overseas Territories. These positive examples should be used as a starting point for wider Ministerial level engagement and the extension of the “respect agenda” to the Overseas Territories.
4. 2012 WHITE PAPER CONCERNS
- 4.1. The creation of the 2012 White Paper involved significant consultation not only across Whitehall, but across civil society and the wider citizenry in both the UK and the British Overseas Territories. This breadth of input was commendable.

- 4.2. That being said, the 2012 White Paper is now out of date and many of the supplementary documents provided from across Whitehall received little to no follow up from inception.
- 4.3. Devolution is a process, and not an end point. While this view is widely accepted in the UK in relation to the domestic Devolved Administrations, it is yet to have been applied to the handling of the Overseas Territories. This discrepancy in UK Government policy provides further evidence that significant changes are required within the OTD in order to support the needs of a modern Overseas Territory.
- 4.4. Policy documents such as the 2012 White Paper and supplementary submissions need to be living documents; their contents overseen, updated, and shared with relevant parties both as required and on a regularly scheduled basis. The expectation of transparency the UK Government places upon the Cayman Islands is not matched in the policy generation methods they utilise in relation to us.
- 4.5. Of similar concern is in relation to the aforementioned structural difficulties, the 2012 White Paper and supporting documents make no mention of or recommendation for audits on the structural support for British Overseas Territories within Whitehall. This has resulted in no quantifiable standard being established by which UK Government performance vis-à-vis the British Overseas Territories can be independently assessed. This problem is compounded by our concerns, listed earlier in this document, about the nature of the organisation and staffing of the Overseas Territories Directorate in the FCO.
- 4.6. This absence of accountability, when combined with the widespread lack of awareness across Whitehall of the UK's relationship with the Overseas Territories has been the single greatest contributor to UK Government departments overlooking their obligations to the Cayman Islands in ongoing policy development. Furthermore, within the civil service this is particularly concerning as FCO Ministerial turnover rates have confirmed Ministerial institutional memory cannot be relied upon as the sole check and balance to whether or not departments across Whitehall are meeting their requirements vis-à-vis the Cayman Islands.
- 4.7. It should be particularly noted that this widespread lack of awareness across Whitehall of the UK's relationship with the Overseas Territories has often led to policy positions and public statements by other UK government agencies that are misinformed and lacking of input from the Overseas Territories. These actions often subject Overseas Territory Governments to unwarranted criticism and

reputational damage which, with proactive engagement and dialogue, could have been prevented.

4.8. The White Paper provided opportunities for auditing the success of the document, but in our view, these have not been acted upon in the intervening years, and this has failed to sufficiently prepare the Cayman Islands for external policy shocks, such as Brexit. Merely inserting a Brexit specific JMC meeting into the calendar does not adequately address the external affairs support the British Overseas Territories will require of the UK Government following the anticipated total overhaul of the external affairs functions of the UK Government itself, post Brexit.

4.9. Finally, the document also highlights another difficulty raised earlier on in this paper, namely that in failing to address the very significant differences between the UK's Caribbean Overseas Territories, the South Atlantic Territories, Gibraltar, and the uninhabited territories, the White Paper is by its very design too broad to adequately address the ongoing policy and engagement requirements of these diverse regions.

5. JOINT MINISTERIAL COUNCIL

5.1. The formalising of the previous annual consultative council into the JMC was welcomed, however the UK Government has worked in a way which appears to consider this process to be all encompassing in relation to its reporting work for the Overseas Territories.

5.2. With that approach in mind, we believe it is accurate to suggest the JMC is not efficient, since it does not actually provide comprehensive updates on the totality of UK Government work on the areas for which they have responsibilities towards the British Overseas Territories. For example, the UK Ministry of Justice supplementary paper for the 2012 White Paper process listed 12 and 18 month objectives, as well as longer term objectives, and yet the 2013 JMC did not offer an opportunity to follow up on the handling of these objectives.

5.3. Although the forum itself is valued, the follow up and follow through is inconsistent and appears to lack Ministerial support.

6. CONCLUSION

6.1. It has become increasingly apparent, aside from a lack of constitutional safeguards to protect the Cayman Islands from UK Government and/or Parliamentary

overreach similar to those that do exist for the Crown Dependencies, (an issue that is being addressed separately by constitutional legal experts and would therefore not be appropriate for inclusion in this evidence per the guidelines for written evidence for Parliamentary committee inquiries), the UK Government has failed to fulfil its obligations in relation to its role as the custodian of the relationship between the Cayman Islands and the Crown.

- 6.2. This is most apparent in the under resourcing and lack of organisation of the systems in place to engage with the British Overseas Territories, the ad hoc approach to engagement, the lack of ongoing policy development work to support the relationship and the lack of auditing mechanisms for UK Government actions.
- 6.3. Given it is the desire for the Cayman Islands to strengthen the relationship with the UK Government and past experience shows that functional change is required, these recommendations principally relate to the Cayman Islands, rather than the British Overseas Territories as a collective, since as we have previously outlined, our requirements and wishes are as diverse as our ecology.

7. RECOMMENDATIONS

7.1. Issue: Constitutional Overreach (UK Parliament)

- 7.1.1. Recommendation: In view of the actions taken by the UK Parliament to amend the Sanctions and Anti-Money Laundering Act 2018 to directly legislate for the Cayman Islands, it would be inappropriate for this inquiry to comment on the UK Parliament's engagement with the Cayman Islands, as there are ongoing discussions of a legal nature on this matter. That being said, once these legal matters are resolved, the Cayman Islands would welcome a discussion with the Houses of Commons' and House of Lords' authorities, relating to standards in engagement and the establishment of a respect agenda between the UK Parliament and the Government of the Cayman Islands. We would particularly like this to include a conversation on sanctions against individual members, parliamentary committees, and APPGS, who are found to have either failed to engage with the Government of the Cayman Islands in relation to reports or inquiries which would directly affect our reputation, or who have misused parliamentary privilege to malign our Islands without a sufficient factual basis. At the moment no such recourse exists, since we are not members of any of the international fora that would protect a sovereign state against such actions by a domestic legislature.

7.2. Issue: International Representation

- 7.2.1. Recommendation: That an extensive cross-government audit be conducted of all international obligations addressed by Whitehall departments and their relation to potential issues for British Overseas Territories. Following this, each department should engage with the United Kingdom Overseas Territories Association and the Overseas Territory Representative Offices to establish best practice for engagement, and a Minister in each relevant department should have “Overseas Territories” added to his or her Ministerial responsibilities so the UK Government can be held publicly accountable for their engagement in these areas.
 - 7.2.2. The UK Government should also seek, where possible, to facilitate Ministerial involvement from the British Overseas Territories, so the international community and relevant fora are reassured the Overseas Territories are being adequately represented. This should have the added benefit to the UK Government of the United Nations removing the British Overseas Territories from their Decolonisation Committee list, which is an issue the UK Government has raised at multiple JMC meetings.
 - 7.2.3. UK Government Ministers should, in addition, provide updates as required to relevant Parliamentary committees beyond the Foreign Affairs Select Committee in conjunction with their ongoing reporting on departmental engagement with international fora as well as provide a comprehensive update in departmental annual reports. UK Ministers should allow sufficient time to attend the JMC to discuss the engagement and activities with the Overseas Territories elected leaders.
- 7.3. Issue: UK Government Structuring
- 7.3.1. Recommendation: We invite the UK Government to review ministerial responsibility in relations to the Overseas Territories. We would recommend this include designation of ministers in each relevant department to ensure total cross-Whitehall participation as required.
 - 7.3.2. That the Foreign and Commonwealth Office’s Overseas Territories Directorate be restructured, and responsibility for provision of the secretariat for the JMC for the Overseas Territories be moved to fall within the responsibility of the Cabinet Office. This will provide sufficient civil service resources to monitor cross Whitehall responsibilities of Ministers in relation to the British Overseas Territories. This should be coupled with a move of the scrutiny responsibility of Parliament from the Foreign Affairs Select Committee to the Public Administration Committee.

- 7.3.3. In support of this, the Cabinet Office should designate one Minister to be regularly accountable to Parliament on behalf of this cross-Whitehall work, notwithstanding the responsibilities mentioned above for Ministers in each department to provide oversight within their individual departments and accountability to their respective Parliamentary committees for the same.
- 7.3.4. That the OTD work with the Cabinet Office to integrate the British Overseas Territories requirements into the existing COBR Civil Contingencies frameworks and engage with Overseas Territory Representatives on a regular basis as well as in emergency situations.
- 7.3.5. That a Minister, perhaps within the Cabinet Office, be responsible for ensuring sufficient importance and respect is given across Whitehall to the JMC and the follow up processes including the annual reporting processes, as well as making every effort to ensure as broad an attendance as possible from departmental Ministers for the council meetings.
- 7.3.6. That the UK Government impress upon Ministers and Senior Civil Servants the importance of direct engagement with the British Overseas Territories at the Ministerial level..
- 7.4. Issue: The Role of the Governor
 - 7.4.1 Recommendation: That the UK and Cayman Islands Government assess the suitability of moving to the Australian State Governor appointment process, whereby the Crown directly appoints the Governor instead of the FCO including the Governor's position as a part of the internal appointment's procedures, and the appointment of the Governor be subject to the veto of Government of the Cayman Islands.
- 7.5. Issue: The Relationship with the Commonwealth
 - 7.5.1. Recommendation: That the Cabinet Office, through the Commonwealth Secretariat, make every effort to involve the Cayman Islands on all elements of Commonwealth engagement, with the exception of full membership at this time. That this work be scrutinised in the same way as the recommendations above.
 - 7.5.2 Recommendation: That the Foreign Affairs Select Committee include, in its commitment to ongoing monitoring of the FCO's post CHOGM 2018 follow up

work, detailed investigation of the FCO's efforts to ensure The Cayman Islands Government's long-term engagement on Commonwealth issues as well as in long term planning for UK Government involvement in CHOGM 2020, Rwanda.

7.6. Issue: Standing of the Cayman Islands Representative

- 7.6.1. Recommendation: That every effort be made by the UK Government to improve the standing of the position of the Cayman Islands Representative. We understand official diplomatic level status is not necessarily appropriate, but the UK (and potential overseas) offices of the Government of the Cayman Islands must carry a level of recognition to international partners to allow for the level of engagement that is required to fulfill their obligations and responsibilities.

October 2018