

UK-OVERSEAS TERRITORIES JOINT MINISTERIAL COUNCIL

2016 COMMUNIQUÉ

1. The Minister for the Overseas Territories, Baroness Anelay, and elected leaders and representatives of the Overseas Territories¹ met as the Joint Ministerial Council (JMC)² at Lancaster House in London on 1 and 2 November. We welcomed the attendance at the JMC of Ministers from the Departments for International Development; Exiting the European Union; International Trade; Health; Work and Pensions; and Business, Energy and Industrial Strategy and the Solicitor General, demonstrating the UK Government's commitment to a whole of government approach to supporting the Territories.

Self determination

2. The principle of equal rights and self-determination of peoples, as enshrined in the UN Charter, applies to the peoples of the Overseas Territories. We reaffirmed the importance of promoting the right of the peoples of the Territories of self-determination, a collective responsibility of all parts of the UK Government. We committed to explore ways in which the Overseas Territories can maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations who wish it, the UK will continue to support requests for the removal of the Territory from the United Nations list of non-self-governing territories.

Constitutional relationship

3. The UK and the Overseas Territories have a unique constitutional and historical relationship, built on a shared history, common values and a spirit of collaboration and partnership. We agreed that the fundamental structure of our constitutional relationships was the right one - powers are devolved to the elected governments of the Territories to the maximum extent possible consistent with the UK retaining those powers necessary to discharge its sovereign responsibilities. We agreed the need to continue our engagement on these issues to ensure that constitutional arrangements work effectively to promote the best interests of the Territories and of the UK.

Exit from the European Union

4. The Parliamentary Under Secretary of State at the Department for Exiting the European Union (EU) attended the JMC to discuss the challenges and opportunities for the Overseas Territories of the UK's decision to exit the EU. The UK Government is clear that the referendum result does not change the UK Government's position on

1 Anguilla, Ascension, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, the Sovereign Base Areas of Akrotiri and Dhekelia, Tristan da Cunha and Turks & Caicos Islands.

² The JMC is the highest forum for political dialogue and consultation between UK and elected Leaders and Representatives of the Overseas Territories for the purposes of providing leadership and promoting cooperation in areas of mutual interest.

sovereignty over the Territories. The UK reaffirmed that while the UK remains a member of the EU, current EU funding arrangements continue unchanged and clarified that where Territories are eligible for EU funds that have been covered by assurances from Her Majesty's Treasury, those guarantees will extend to the Territories. The UK committed fully to involve Gibraltar and the Overseas Territories as we prepare for negotiations to leave the EU in accordance with their various constitutional relationships with the UK, to ensure that their priorities are taken into account. UK Ministers and OT leaders committed to taking forward future engagement through the creation of the UK – Overseas Territories Joint Ministerial Council on European Negotiations (JMC – OT EN), to meet in the first quarter of 2017. It was noted that Gibraltar will engage separately with the UK on EU exit issues given its different status under the European Union Treaties. The UK underlined that it will never enter arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes, nor enter into a process of sovereignty negotiations with which Gibraltar is not content.

International trade and sustainable economic development

5. We reiterated our shared commitment to ensuring that the Territories reach their full potential as open, dynamic and sustainable economies, delivering growth, prosperity and employment for their citizens, without hindrance from other nations. We welcomed the recent UK-Argentina statement on the lifting of trade restrictions on the Falkland Islands. We agreed a shared ambition for a new UK-Overseas Territories economic partnership, in particular to take the priorities of the Overseas Territories into account as the UK looks to establish future trade and investment arrangements with the wider world and to explore the inclusion of Overseas Territories in future UK bilateral investment treaties.
6. We welcomed UK Government assistance available for the Overseas Territories in infrastructure development, including technical support for the development of Territories' national economic plans and infrastructure plans. We acknowledged the importance of improved access and telecommunications for the economic development of the Territories, particularly those that are most remote, and welcomed UK support and technical expertise to engage providers and identify cost effective solutions.

Beneficial Ownership and Tax Transparency

7. We noted the OECD's publication of objective criteria to identify non-cooperative jurisdictions with respect to tax transparency and welcomed the rating of the Territories by the OECD Global Forum as 'largely compliant' or higher under this international standard, underscoring their commitment to tax transparency.
8. We reiterated our mutual determination to continue to tackle corruption, fraud, money laundering, terrorist financing and financing of weapons of mass destruction and to further enhance transparency and law enforcement cooperation within the financial services sector. We welcomed the important commitments made by all of the Overseas Territories with financial services industries to hold adequate,

accurate and current Beneficial Ownership information on companies incorporated in their jurisdictions in a secure central register or similarly effective system, and to grant UK and Overseas Territories law enforcement authorities the automatic right to the provision of Beneficial Ownership information for law enforcement purposes, on a reciprocal basis. These arrangements will put the Overseas Territories ahead of many foreign jurisdictions in Beneficial Ownership transparency. We reiterated our shared commitment to provide the leadership necessary to meet the June 2017 deadline for implementation of the new arrangements and to continue to provide the highest levels of law enforcement cooperation possible before this date.

Anti-Corruption

9. We welcomed the active participation of the Cayman Islands, Gibraltar and British Virgin Islands in the current OECD peer-review of the UK's adherence to the Anti-Bribery Convention and welcomed the pledge by Bermuda to seek extension of the OECD Anti-Bribery Convention and the UN Convention Against Corruption (UNCAC) by December 2016. We committed to prioritise collaborative work to enable extension to the Territories of these Conventions where extension has not yet been sought and to make progress to resolve outstanding issues where the response to requests for extension is pending. We reiterated our commitment to progress the development and implementation of clear Codes of Conduct for Ministers and civil servants.

Governance and human rights

10. The UK and the Overseas Territories commit to ensure the political, economic, social and educational advancement of the people of the Territories and their just treatment and protection from abuses. We discussed our resolve to continue to promote respect for human rights and ensure the highest standards of governance in the Territories. We welcomed the extension to Anguilla and Cayman this year of the UN Convention for the Elimination of Discrimination Against Women. We agreed to work together to achieve progress in the extension of core Human Rights conventions where these have not been extended and to conduct a review of reservations against core UN human rights treaties ahead of the UN Periodic Review of the UK in Geneva in 2017. We committed to working together to further develop the capability of Territories' National Human Rights Institutions, in line with international standards set out in the Paris Principles, and to promote understanding of our shared international human rights obligations.
11. We reiterated the political commitment of Territory leaders to maintain and continue to develop an effective, professional and transparent public service that acts in the interests of all the people of the Territories and welcomed new UK support for public sector reform and capacity building in the Territories. Recognising the capacity limitations of some Overseas Territories, we underlined our continued commitment to developing expertise and systems for effective public financial management. We welcomed the principles-based guidelines developed by the UK National Audit Office in consultation with the Territories and the proposed UK programme support for Territories to further develop capacity, according to local need, in line with these principles.

12. The leaders of the Overseas Territories demonstrated their commitment to ensuring the highest standards of protection for children in the Territories, including through the development in the next year of national response plans for safeguarding. We also welcomed the opening for signature of the Overseas Territories Memorandum of Understanding developed by the Falkland Islands to promote more effective collaboration between the Territories for the safeguarding of children. We welcomed the signing of the MoU at the JMC by the governments of Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, St. Helena and Tristan da Cunha, Pitcairn, the Sovereign Base Areas of Akrotiri and Dhekelia, South Georgia and the South Sandwich Islands and the Turks and Caicos Islands.

Environment and climate change

13. The UK and the Overseas Territories have a shared ambition to set world standards in stewardship of the Territories' unique natural environments. Acknowledging the need to safeguard the environment and the rich biodiversity of the Territories, we welcomed the continuation of and increased funding for projects under the Overseas Territories Environment and Climate Fund (Darwin Plus). We welcomed the extension of the Convention on Biodiversity to the Falkland Islands.

14. We welcomed the recent announcement of the designation of a no-take Marine Protected Area (MPA) around Pitcairn and a sustainable use MPA around St Helena and the commitment from Tristan da Cunha to establish a regime for protecting the waters across its entire maritime zone by 2020. This, together with an evidence-based MPA around Ascension by 2019, will more than double the protected ocean around the Overseas Territories to an area of around 4 million square kilometres by 2020, supported by UK funding for surveillance and enforcement. We acknowledged the ongoing work and achievements made in the other Territories to improve the management and protection of their marine environments and welcomed UK support available for this work through the Blue Belt programme.

15. We recognised the impact that climate change has on the economies, infrastructure and ecosystems of the Territories and the important interests of the Overseas Territories in international efforts to combat and mitigate the effects of climate change. The UK committed to consult Territory governments on the issue of application to the Territories of the Paris Global Climate Change Agreement. The UK reiterated its commitment fully to consult the Overseas Territories ahead of its participation at international forums on climate change to ensure their priorities are taken into account and to include them in delegations where appropriate, while welcoming Territories' links with regional and international organisations. We recognised the importance of enhancing the environmental resilience of the Territories to mitigate the adverse effects of climate change and supported the development of UK programme support to reduce the negative economic and health consequences linked to environmental impacts

Pensions

16. Territory leaders welcomed the opportunity to engage at Ministerial level on the United Kingdom Government's policy not to extend the annual uprating of UK state pensions to those in receipt of UK pensions who are residing in Overseas Territories.
17. The Territory leaders reiterated the unique constitutional relationship between the UK and the Territories and raised their concerns regarding the impact on increasingly elderly pensioners in the Territories many of whom are increasingly dependent on remittances from their families in the UK. UK Ministers clarified the UK Government's policy only to uprate pensions when under a legal requirement to do so, noting the estimated costs of extending uprating to those residing in all Overseas Territories and the significant potential costs from having to extend uprating to all pensioners overseas. The UK also reiterated the offer of support and advice to the Territories on the long-term sustainability of their own pension systems.
18. Territory leaders again urged the United Kingdom Government to review their existing policy; particularly in the light of the fact that this matter may have to be revisited consequent upon Brexit in relation to those in receipt of UK state pensions residing in the European Union states.

Health

19. We welcomed the UK Department of Health's commitment to working in partnership with the Territories and Public Health England to raise awareness of International Health Regulations and identify the tools and technical assistance required to enable the Territories to strengthen compliance. We agreed to take forward a programme of joint work to support the Territories' capacity and delivery of emergency response plans, including for pandemic outbreaks, and to deliver the tools, technical assistance and resources, where appropriate, to support the Territories in promoting public health, taking account of the challenges faced by small and remote communities. We emphasised the need to improve communications between the UK Department of Health and Territories on health-related matters and discussed potential solutions, including the development of telemedicine.