



Foreign &  
Commonwealth  
Office

King Charles Street  
London SW1A 2AH

Minister of State

Tom Tugendhat MP  
House of Commons  
London  
SW1A 0AA

7 February 2019

*Dear Tom*

The FCO has committed to share draft Orders in Council on Overseas Territories' constitutions with the Foreign Affairs Committee for information. I am pleased to enclose therefore a draft Order relating to the Anguilla Constitution. The enabling legislation for this Order, the Anguilla Act 1980, does not require the Order to be laid before Parliament and hence the FCO is not expected to produce an explanatory memorandum. I wanted however to provide you with information on the policy context for the Order.

In June 2018, the Government of Anguilla (GoA) made a number of proposals to the UK government on amending the 1982 Anguilla Constitution. The Anguilla Constitution is one of the few Overseas Territories Constitutions that was not updated since the publication of the 1999 White Paper on the Overseas Territories, and the UK government welcomed GoA's request.

The Chief Minister of Anguilla proposed a phased approach to constitutional amendments, with a first phase consisting of relatively minor changes, to take effect well before Anguilla's elections, due by June 2020. These are the changes covered in the draft Order in Council. The second phase will consist of a full review of the Constitution, to follow once the first phase has been completed. The Chief Minister has confirmed that the proposals in both phases will be based mainly on the recommendations of the Anguilla Constitutional and Electoral Reform Committee, which reported in early 2017.

The first phase proposals have been negotiated through correspondence between me and the Chief Minister, and between FCO and GoA officials. They involve minor procedural changes, intended to improve the efficient process of government, and to prepare for the 2020 elections. They include:

- changing the title of the Chief Minister to Premier;
- introducing a limit of two consecutive terms of office for the Chief Minister/Premier;
- measures to extend the definition of automatic “belongership”, to include grandchildren of a grandparent born in Anguilla;
- increasing the number of ministers;
- abolishing the two unelected “nominated” members of the House, one currently nominated by the Governor alone, the other by the Governor on the advice of the Chief Minister.
- enabling the Anguilla legislature to enact electoral reforms that include creating a new island-wide single electoral district in addition to the existing single-member electoral districts, and to determine the number of elected members in the House of Assembly that it will return.

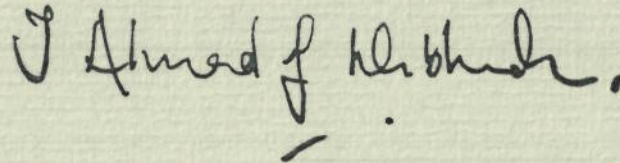
I welcome these as sensible changes. They will make government in Anguilla more effective. Increasing the number of Ministers will reduce Ministers’ current split portfolios. Increasing the elected members will partly serve to replace the two nominated members, whose inclusion in the House of Assembly is an anachronism, It will also serve to expand opportunities for debate and challenge in the House of Assembly, and increase government’s accountability to the people. The introduction of island-wide voting is a step forward as members elected on this basis will not be driven by the issues of a very small constituency. The British Virgin Islands and Turks and Caicos Islands both have single and island-wide constituencies.

I am aware that the Leader of the Opposition in Anguilla has raised concerns that the first stage of constitutional reform is highly selective of the raft of proposals made in the Constitutional and Electoral Committee’s report. I am confident that this is will not be the case because the Chief Minister has committed to a timetable for the second stage, which will bring forward a wide suite of proposed changes as recommended by the Constitutional and Electoral Committee, and is due to start by July. The Chief Minister has also committed to full transparency regarding the Government’s approach to constitutional and electoral reform. The Committee’s 2017 report was produced in a highly consultative process entailing widespread public and media engagement on the island. I have reassured her that I do not see GoA’s two-stage approach as selective, and am confident that the proposals to be considered in both the first phase and the second phase reflect a satisfactory degree of public support. This is a pre-requisite for the UK government’s consideration of proposals for constitutional change. I am also satisfied that it is not improper for GoA to be seeking to make these reforms to the electoral process at this stage, over a year before the territory’s elections due by June 2020. This timeframe is in accordance with established electoral best practice, advocated for example by the Venice Commission.

The proposals do not affect the balance of constitutional powers between the UK and Government of Anguilla. They are in line with the UK government’s policy on the constitutional arrangements with the Overseas Territories as set out in the 2012 White Paper: “The Overseas Territories: Security, Success and Sustainability”. That made clear the UK government’s commitment to ensure the constitutional arrangements with the Overseas Territories work effectively to promote the best

interests of the Territories and of the UK, and to ensure a dialogue on constitutional issues is sustained with all those Territories that wish to engage in it.

I am copying this letter to HM Governor of Anguilla.

A handwritten signature in black ink, reading "J Ahmad of Wimbledon." The signature is written in a cursive style with a small flourish at the end.

**LORD AHMAD OF WIMBLEDON**

Minister of State for the Overseas Territories, Commonwealth and the UN  
Prime Minister's Special Representative for Preventing Sexual Violence in Conflict