Robin Walker MP
Parliamentary Under-Secretary
Department for Exiting the European Union
9 Downing Street
London, SW1A 2AG

Dear Mr Walker

**Scrutiny of Brexit-related JMC and engagement with Overseas Territories**

I wrote to you on 5 September 2018, inviting you to provide a further update by 1 October 2018 on the Government’s engagement with the devolved administrations, Gibraltar, the other Overseas Territories and the Crown Dependencies via the various JMC and related fora, including the Ministerial Forum on EU Negotiations and the British-Irish Council.

I have subsequently received the attached letter from the Representative of the Government of Anguilla to the UK and EU. I would be grateful if your letter can also address the concerns set out in this letter.

Yours sincerely,

Lord Boswell of Aynho
Chairman of the European Union Committee
Lord Boswell of Aynho,
Chair, European Union Committee,
House of Lords,
London,
SW1A 0PW

14th September 2018

Dear Lord Boswell,

RE: BREXIT AND THE IMPACT ON THE BRITISH OVERSEAS TERRITORY OF ANGUILLA

Thank you so much for sharing the response the European Union Committee received from the Parliamentary Under Secretary of State for exiting the European Union, The Rt Hon Robin Walker MP, and his officials, the contents of which we note.

I now seek to respond formally and to advise you of further, key developments that are pertinent to the Withdrawal process prior to negotiations on Future Relationships. Commencing by reviewing the correspondence, I would respond to the points made by the Parliamentary Under Secretary in the order given which is as follows:

1. We confirm that we have met with various UK government departments to advise them of the nature and level of exposure Anguilla faces by virtue of Brexit, as reflected in our White Paper: Anguilla & Brexit The Solution. The departments we have presented to included the Ministry of Defence, Foreign and Commonwealth Office (FCO), the Department for Exiting Europe, Department of Health together with Public Health England, Department of the
Environment, Department of Transport, the Department for International Development (DFID), Department for International Trade and the Home Office, each of which is referred to in the paper, in many cases, mirroring the departments in the Government of Anguilla that have Brexit issues to contend with.

2. Whilst we note the statement that “Home Office analysis indicates that most movement arrangements between UKOTs and the Overseas Countries and Territories of Member States – including those for Anguilla and St Martin and Sint Maarten- should not be directly affected by the EU exit.” we are obliged to challenge the assertion on two grounds. Firstly, the Home Office has acknowledged to us that there is a risk that the current visa-free movement between Anguilla and French or Dutch Saint Martin may change after Brexit, this being a political decision as yet to be made in the context of negotiations. Similarly they are currently identifying the appropriate person in the Ministry of Transport to ascertain whether there is a risk of a ‘no-fly zone’ that would impede access to Anguilla. Secondly, like the Government of Anguilla, the EU Commission also recognise that this is a matter that has yet to be determined, therefore the statement should be interpreted as purely aspirational as opposed to factual, albeit an aspiration that Anguilla naturally endorses.

The statement also wholeheartedly fails to acknowledge the fact that the current level and fragility of movement is such that Anguilla faces an effective nightly curfew, as the French close their border with Anguilla daily, and that any adjustment to those timings by virtue of Brexit may cause major disruptions to the viability of the island, and undermine its main economic driver – tourism. Such a development may also adversely affect the welfare of those individuals and businesses that rely heavily upon Dutch and/or French Saint Martin for support, such as medical supplies and facilities that are not readily available on Anguilla or from other sources.

3. The response fails to acknowledge that Brexit entails the risk of the introduction of punitive duties and other potential measures on essential goods and services that cannot easily be sourced elsewhere, leaving Anguilla seriously exposed at a time when its economy is already foundering as a consequence of the 2017 hurricane disaster. Notwithstanding recent statements by senior HMG officials to the effect that Anguilla receives imports from America and as such is not so dependent upon its European neighbours, the practicalities of the matter are that the small size of Anguilla’s market is such that cost effective imports may only be undertaken if merged with those of neighbouring islands. Moreover, the shallow waters of Anguilla simply cannot accommodate larger vessels. Consequently, although many goods are not produced in Saint Martin itself, they are nonetheless predominantly
accessed through that island, which has a population of approximately one hundred thousand compared to Anguilla’s population of approximately fifteen thousand and benefits from a substantial deep-water port. The weekly shipment of goods from Florida is not comprehensive.

4. The logistics for the provision of key medical support and supplies, for what may be potentially life threatening conditions, are such that both French and Dutch Saint Martin are an essential source for Anguilla that has suffered years of neglect by its sovereign state for the delivery of such services and whose attention is now focused on the recovery from last year’s disaster.

5. Currently a substantial quantity of Anguilla’s food and essentials are imported though St Martin, the French and Dutch island being Anguilla’s main gateway to the outside world. Like Anguilla, however, the island of Saint Martin is still in the throes of recovery and reconstruction. Logistical changes have occurred by necessity and are likely to continue for the long term. The island of St Martin is nonetheless Anguilla’s main trading partner, particularly in respect of the fresh produce and fish the under-populated British territory generates and which is key to the territory’s mid to long-term economic diversification. Hence any hostile relations arising from Brexit, for which we were all told to prepare at the JMC in June, and as reflected in a recent missive from the EU on preparedness and contingency planning, may have an immediate, crippling effect on the island.

6. With regard to the provision of “EU development funding” (EDF), whilst the matter was mooted at the JMC, and the current, 11th EDF, funding is destined to last until 2020 with remittances up to 2024, there is no equivalent framework in the UK to administer to the reasonable, or humanitarian needs of Anguilla, notwithstanding the constitutional obligation to do so. This was graphically demonstrated in the aftermath of Hurricane Irma, when the UK sought to use its Official International Development Assistance (ODA) budget to assist Anguilla that had recently graduated out of ‘poverty’ as defined by the Organisation for Economic Co-operation and Development (OECD), only to have its thirty-three fellow member states of the OECD refuse the UK access to its own funds for the purpose of assisting the fifteen thousand British citizens that had suffered a humanitarian crisis. Non-ODA funds had to be assembled, which took place with some difficulty. This revealed a fundamental mismatch in the approach taken by the FCO and that of DFID. The former has constantly advocated that the British Overseas Territories have ‘first call’ on the budget, whilst DFID has clearly placed the budget under a set of criteria and control over which the UK government has limited influence, particularly in respect of the non-ODA eligible Overseas Territories,
whilst we are informed by representatives of the OECD that the debate on change is already estimated to take years.

To conclude on this point, notwithstanding the matter being “comprehensively addressed” at the JMC, in fact very little, if anything, was progressed. Instead, the work of a fellow Select Committee on International Development has resulted in an expressed desire on the part of HMG to reconcile its ODA obligations with those to the British Overseas Territories as expressed in the International Development Act 2002. Unfortunately, funding that comes from the UK has not, to date, been provided on the same basis as the EU, who permit EDF funding to be applied in accordance with the democratic process of the recipient, as opposed to the political manifest of the donor.

Anguilla had no vote in the Brexit referendum despite having a direct border with both the French and Dutch, and is not subject to the Schengen Area or other similar conventions that are prevalent in mainland Europe. As such it has no political standing on the subject. All that has therefore been respectfully requested by the Government of Anguilla throughout the process is that the UK take time to fully comprehend the issues that affect the territory, thereby ensuring that Brexit does not expose the fifteen thousand vulnerable British citizens that make up its population, nor and the tens of thousands of tourists that visit the island and fuel its economy. Failure to do so may swiftly result in conditions that may reasonably be avoided, for which Anguilla is ill equipped to cope - conditions that may ultimately undermine its viability and potentially endanger life.

I must now advise you of the findings of our recent mission to Brussels in which we met with both the Permanent Representation of France to the EU, and the Permanent Representation of the Kingdom of the Netherlands to the EU. In each instance we were informed of a point of principle in respect of the current stage of Brexit negotiations that we were urged to address as a major priority.

Whilst we are all comforted by the prediction made by HMG that ‘nothing will change’ for Anguilla by virtue of the UK’s withdrawal from the EU, we are reliably informed by senior members of both representations that the position of the islands may only be resolved in the context of ‘Future Relationships’ between the respective parties once the issue has been formally declared within the withdrawal process.

We understand from them that there has been no evidence of Anguilla’s position having been raised to date in the negotiations, causing some concern that the matter may be inadvertently overlooked, thereby extinguishing scope for detailed arrangements to be agreed in due course. We were further advised that the EU will not raise the matter, but shall rely solely upon the UK to make a Declaration Statement, in accordance with the protocol of the negotiations.
We therefore trust that the matter will be raised at the earliest opportunity, allowing us all scope to protect and nurture the mutually beneficial relationships that exists between the islands, which are not only important to their recovery from the 2017 Hurricane disaster, but also their economic security and stability.

Whilst there will be an array of opportunities stemming from the post Brexit status of the UK and Anguilla as third nations bordering the EU, it is imperative that the UK expresses its aspirations for the continuity of existing arrangements, failing which, the islands will have to fall back on pre-EU arrangements, not all of which will be as satisfactory as those we currently benefit from and will entail the additional risk of interruption of the flow of goods, services and people that are key to Anguilla’s viability.

We trust that both the EU and UK will now join together in ensuring that their acts and omissions will not compromise the general welfare of the thousands of citizens of these small island developing nations, whosoever they may be and that the simple task of tabling Anguilla during the Withdrawal stage will be undertaken, failing which, we are told, the welfare of the British, Dutch and French islanders cannot, technically, be addressed in phase two of the negotiations. I therefore respectfully request that the matter be raised with the EU at the earliest opportunity.

May I thank both the Committee and Under Secretary of State again for considering this critical matter. The Committee plays an extremely important role in providing Anguilla with a voice that may be heard beyond closed doors during this crucial episode in one of Britain’s longstanding relationship with Europe and that of Anguilla and its European sister islands.

Yours,

Blondel Cluff

Blondel Cluff (Mrs) CBE
Representative of the Government of Anguilla to the UK and EU,
Special Adviser to the Chief Minister of the Government of Anguilla
and
Chief Executive of The West India Committee