



Constitution Committee

Corrected oral evidence: 2023 UK-Overseas Territories Joint Declaration

Wednesday 28 January 2026

10.25 am

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Members present: Lord Strathclyde (The Chair); Lord Beith; Lord Bellamy; Lord Burnett of Maldon; Lord Cryer; Baroness Hamwee; Baroness Laing of Elderslie.

Evidence Session No. 3

Heard in Public

Questions 27 - 36

Witness

I: David Rutley, former Parliamentary Under-Secretary of State for the Americas, Caribbean and Overseas Territories, FCDO.

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Examination of witness

David Rutley.

Q27 The Chair: Welcome to this meeting of the House of Lords Constitution Committee. Today, we continue our inquiry reviewing the UK-Overseas Territories Joint Declaration. Today, we hear from David Rutley, former Parliamentary Under-Secretary of State for the Americas, Caribbean and Overseas Territories. Mr Rutley is giving evidence in a personal capacity. On behalf of the committee, you are extremely welcome before us. Thank you very much for coming along. This inquiry is looking at the constitutional implications for the UK of the relationship between the UK Government and overseas territories. Of course, you were in post when the joint declaration itself was made.

To put a few background questions, on what matters should the UK Government engage with the overseas territories, and how can this help us better understand what the relationship should be between the UK and the overseas territories themselves?

David Rutley: First, it is a huge honour to be invited to come before the committee and to serve with you in the chair. Your committee will be taking forward more work, in the way it always has done; it is well respected in Parliament and throughout government. I am fortunate enough to know some of the members of this committee. Eleanor Laing, Baroness Laing, was a legendary figure as deputy Chair.

The Chair: The legend continues.

David Rutley: Indeed; I would be disappointed if that was not the case. I served as a special adviser to Lord Waldegrave. What you are doing here will make another valuable contribution to the debate and the work that goes on in our partnership with overseas territories.

You asked about the matters we should focus on. I think it is a huge number of issues; it is a much more hands-on area of work within the Foreign Office and across government than other areas of foreign policy. Obvious areas are defence, foreign policy and security, the classic reserve matters, but there is a much wider range of areas, including economic issues, sustaining communities, governance—I am sure we will come to each of these issues—and the environment.

As we think about how we can best work, we need to be cognisant of the fact that huge geographic challenges are being faced here, and issues about capacity and limited skill sets. We need to work very closely with the overseas territories, sometimes with groups of overseas territories on issues like biodiversity where I think Defra has been playing a fantastic role over the years, and in providing technical support on tackling illicit financial crime with support from HM Treasury. There will also be specific overseas territory issues—for example, how we can help Montserrat to get more sustainable energy sources, or tackling public health challenges in St Helena. It is a long list, but I think we are best served in trying to

tackle these issues by looking at them in terms of a strategic framework and developing partnership compacts as well.

The Chair: That is extremely helpful. Does that describe the reasons why you decided it was time for a joint declaration?

David Rutley: There is this huge array of different issues that we need to deal with, but the rationale for a joint declaration was that we had a White Paper in 2012 that set a framework, but that needed to be refreshed. Also, if we created a joint declaration to set out a broader vision, it would enable a further step, or steps, to be taken forward in the process of building a partnership which would include a strategy and partnership compacts. I am sure we will talk more about it, but there was a three-step process here. It was part of a framework to help us move forward all the different issues that I have highlighted across groups of overseas territories or individual overseas territories.

Q28 **Lord Bellamy:** Good morning, Mr Rutley, and thank you for coming. Quite understandably, several times you have already used the word “partnership” with the overseas territories. What do you think of the existing mechanisms for intergovernmental engagement—for example, a joint ministerial council? Do you think they are fit for purpose?

David Rutley: It is a good question, to which I would say, broadly, yes. The joint ministerial council is widely regarded as the premier vehicle or highest forum to facilitate engagement between senior stakeholders and the UK Government and overseas territories. I think we saw it at its best at the JMC in November 2023 when there was a clear convening moment to bring together all the parties to facilitate the final negotiations on developing the joint declaration. That required face-to-face engagement around the table. I think it carries out an important role. In my conversations at the time and since with representatives from overseas territories, I do not think there is an appetite for more frequent meetings, in part because of logistical issues and constraints around organising the meeting, but it is not the only mechanism. There is a framework of mechanisms in which engagement and partnership can be developed.

The overseas territories ministerial group established under the previous Government plays an important role in bringing together government department Ministers to help them understand their priorities, but also to hear their views and concerns. The parallel meetings that go on between senior civil servants, which are chaired by the director of the overseas territories and polar directorate in FCDO, are also pivotal in clarifying accountabilities and driving for action. Let us not forget the bilateral meetings that go on, whether they are virtual or, better still, in person. I also observe that some of these are better done in convening moments in areas like CARICOM in the Caribbean. We should not be completely consumed by the JMC; we need to look at the whole framework of engagement mechanisms. On the whole, I think they work well.

Q29 **Baroness Hamwee:** Going off-script slightly, that prompts me to ask: was there a feeling in 2023 among the overseas territories that they

would be stronger in relationship to the UK through having that kind of structure? Was there a feeling of two sides in this?

David Rutley: I think the joint declaration was an opportunity to bring the parties together. With 14 overseas territories, I can assure you that being the Minister there is never a dull moment. There is one issue in one of the overseas territories and there is another in another. It is never dull, but it is always enlightening and it is good to be able to work with our family members. I think it was an opportunity to bring them together. There is no question that it created good will and some momentum. The momentum was important because it would then help lead us to these other stages around the strategy and the partnership compacts. I am sure we will talk more about those, but that was important. We needed that good will, momentum and those convening moments, bringing people together to spend time with each other and negotiate. Of course, when we have the JMCs, it is an opportunity for the Foreign Secretary to meet with them and, more importantly, His Majesty the King.

Baroness Hamwee: When you talk about the partners and the parties, are you talking about one-plus-14 or 15, if I can put it like that?

David Rutley: I have never heard it put that way before. It is genuinely a family. As I look around the table, I am sure you all have interesting conversations with family members, whether it is at Christmas or other moments of crisis or coming together. It is very similar with the overseas territories. The Minister in his evidence session highlighted that there is not a one-size-fits-all approach. There is not and never will be, given how different and unique each overseas territory is, but we need to look at this in a framework and help move forward the whole relationship and individual relationships. I would say it is 15.

Baroness Hamwee: What successes do you look back on in engagement with the OTs, and what occasions were there when things could have gone better?

David Rutley: With your permission, could I start with the successes? I think the joint declaration was a success in itself. For all the reasons, with 14 or 15 parties, it was very difficult to agree. We had to—and wanted to—go through it word by word and line by line. It took a long time, with a lot of negotiation and difficult conversations to get to that point, and then it set out that wider vision, which was great. I am proud that working together we were able to achieve that.

Beyond that, some quite remarkable work goes on in our overseas territories, particularly in tackling challenges around biodiversity. You will know that the overseas territories are home to 90% of the species unique to the United Kingdom. Working in partnership with Defra—again, a great shout out to Defra for the amazing work it does—we have been able to see some important work and successes there, but clearly much more work needs to be done in tackling environmental challenges relating to climate change for many overseas territories.

Perhaps one of the lesser-known successes is one I feel passionate about. Remember that one of our overseas territories is the British Antarctic Territory. We were able to conclude a UK-Chile letter of intent on Arctic co-operation in 2023. That reaffirmed our commitment to the principles of the Antarctic Treaty, but it also enabled further potential co-operation on science, which is absolutely vital when you look at the polar regions.

One that I feel particularly strongly about is the Falkland Islands. Back in December 2023, there was a presidential inauguration in Argentina and I was invited to attend on behalf of the Government. That was a moment when we needed to reassure the Falkland islanders that we were clear about their concerns. Before I attended the inauguration, I flew down to the Falklands to spend time with the Falkland Islands Government and the islanders themselves, to help reassure them that the Government here were very clear about upholding their rights of self-determination and sovereignty over the islands before we went to the inauguration. I visited subsequently as well.

It is vital to get across to the committee—I am sure many of you are aware of this anyway with your associations with overseas territories—that, given the distance, these in-person, face-to-face moments are key to providing that reassurance. To get to the Falklands requires a long flight, or series of flights, but it was worth while. We were then able to set a better relationship with the Milei Administration as well. There were lots of challenges. As I said, you are dealing with 14 very distinct territories, but some of those issues include PARBOs—publicly accessible registers of beneficial ownership, which I am sure we will come to in a minute. There were issues around tackling violent gang crime in places like TCI. These are big issues that need to be tackled. We made some progress but there is more work to be done in those areas.

Baroness Hamwee: Is the word “challenges” code for, “Well, we got started, but there’s a way to go”? Would that be a fair way of putting it? The question was about occasions when engagement could have been better. How you answer it is up to you, but just to get the flavour of it.

David Rutley: I do not know in what order anybody wants to talk about PARBOs, but it is a highly challenging area. Let us not forget that Bermuda has an important role in reinsurance, the Cayman Islands in hedge funds and BVI in registrations of limited companies. That is vital to their economy and the livelihoods of many people who live in these territories. We understood that, but there was also a very clear agreement under the SAMLA Act 2018 that there would be a move to publicly accessible registers of beneficial ownership—PARBOs—in the years ahead. Covid and European judgments got in the way, but I worked tirelessly not just on the joint declaration but in partnership with overseas territories on this issue. In the JMC in 2023, we spent a lot of time talking about this issue and agreeing that there would be an interim step around legitimate interest involving media and relevant NGOs. Commitments were made to achieve that interim step as well. It is fair to say—the Minister in his evidence session highlighted this—that some of these goals

and the arrangements are not completely clear and have not been agreed to the timescales set out back in 2023, certainly in 2018, or even now.

A lot more work needs to be done here. This was not a situation in which people or Ministers were ducking their responsibilities, or kicking the can down the road. They are just quite complex issues and a huge amount of work was going on around them, but more work is required.

Baroness Hamwee: Do you sense that it has come to a halt or that work is continuing?

David Rutley: I think work is definitely continuing. There is no question about that. Technical support is being provided; it was then and it is now. What we need to understand with the PARBO situation is that this is a matter of reputation for the UK Government and overseas territories, and it will not go away. It was time to get on the bus some time ago; it is absolutely now the time to get on the bus to get the clarity required and agree those timescales. If resources are required, put your hands up now because the Government and government departments are very keen to give support.

The Chair: Did the joint declaration reflect a lot of the work you did on that issue, and was that accepted?

David Rutley: I believe that the joint declaration refers to tackling illicit finance. I am sure you can check the exact wording, but PARBOs were not specifically part of the joint declaration. That is the vision, but in the communiqué around what happened at the time of the joint declaration there was a clear reference to the fact that we were moving forward with PARBOs. I remember some very lively debates about PARBOs; perhaps the legendary Deputy Speaker was in the Chair at the time. There were huge concerns in Parliament across the Chamber and quite heated exchanges with senior Members on both sides of the House making important points. Just to reassure committee members, I do not think there is any sense that the focus has diminished; it is now just about practical action and timescales.

Q30 **Lord Burnett of Maldon:** To follow that up, I did not see the heated exchanges in the Commons, but I certainly read about them. One gets a sense that some of the overseas territories were concerned that they were not engaged enough at the time the legislation was in process, and it was an example of their feeling that they were having things done to them without being properly consulted. Do you think that is a legitimate gripe?

David Rutley: The 2018 Act was before my time and engagement in this subject. In the cut and thrust of parliamentary debates and in the sometimes rough and tumble of how legislation gets passed through Parliament, it can be challenging to make sure that all parties' views are heard, but the overseas territories have been involved in those processes for decades and agreements were made about timescales. Ministers—not just me but others prior to me—understood the reasons why the

timescales needed to be pushed back. Look, I was keen to find some pragmatic ways to deal with these legitimate interest tests to get the interim step forward to build that momentum, because clearly the overseas territories are also referencing what was happening in relation to EU institutions. There was a context of which we had to be mindful, but commitments were made and we want to ensure that they are delivered. I do not think there was just a moment in time in 2018. There has been a lot of engagement since and that continues, but it is a challenging area.

Lord Burnett of Maldon: One aspect of this is that the issue was presented through the media here particularly as a very black and white one, that something needed to be done and there should be full disclosure. You have explained that there has been a lot of discussion about legitimate interests, for example. I think your successor, as responsible Minister, Stephen Doughty, told us, there had been discussions about legitimate privacy concerns. No doubt those started in your time. Do you think that the time being taken to sort out these issues—I appreciate that different overseas territories have been moving at a different pace—is time well spent to achieve a resolution with which those having to make changes are happy?

David Rutley: As the Minister and, I believe, previous Ministers have said, we want to work alongside and with the overseas territories, but we also have to be clear of our obligations and commitments that have been made. There is always that balance. As far as PARBOs go, I hope now that there is a pathway to accelerate the pace. Gibraltar already has full PARBOs. Look at Cayman, which has made significant progress. I think a few tweaks are required, but it is helping to set the way. I sincerely hope that other overseas territories now will look with more confidence at how they can implement at least the legitimate interest tests and then move on the journey towards full PARBOs.

Q31 **Lord Beith:** Can I take us back to constitutional theory? This is designed to provoke a question rather than state a view. Clearly, there are differences of policy about accessible registers, but about other things as well—for example, same-sex marriage—between the UK Government and the Governments of certain territories, and perhaps public opinion in certain territories as well. What is the theoretical basis on which we decide which issues justify the use of the legislative constraints and the power of veto that the Government have in several territories? Surely, it cannot be “That’s not what we do in the United Kingdom”; there has to be some stronger theoretical basis, and what is it?

David Rutley: There are international obligations to which the UK has signed up and agreed and commitments that we have made.

Lord Beith: Are you convinced that the territories in each case were parties to the signing of the convention concerned?

David Rutley: That is a good question. I was not around at that point, but it is important that they are consulted. I will come to that in due

course. There are some things we could try to refresh to make sure there is proper consultation through legislative process. Given the members of the committee here, there are some good views about how that could be done, but hopefully we will come on to that. On issues like same-sex marriage, this Government are very clear about their policy; the previous Government were very clear about their policies. We signed up to agreements with ECHR and the responsibilities around that, and that means that in that particular case of same-sex marriage certain arrangements, such as marriage itself, are not required for participants, but there are requirements to make sure there are functional equivalents through civil partnerships. That is where we need to be clear, as you suggest, about commitments, but also try to encourage and support overseas territories at least to do this, and then there is a wider debate to encourage them to take on areas which they are not obliged to do but we feel would be best. But that is part of the conversation. It comes back to those family conversations. They are not always easy, but you have them and you express your views and move forward together.

Lord Beith: So a partial answer to my question is that there are a number of areas where international conventions to which we are signatories should be applied and that provides a basis for the action. That does not apply in all matters. Is there any further limitation or categorisation of what would justify it other than saying, "We think you should do this. It is what we do in Hampshire or Cheshire, so you should do it in Tristan da Cunha or Montserrat"?

David Rutley: I am pleased you mentioned Cheshire, having represented it and living there. I seem to remember you went to school there.

Lord Beith: I did.

David Rutley: I have to put on record that Poynton High School has produced four outstanding MPs. For a state school, that is an incredible record. Outside of legislative requirements, we need to look at what are the obligations and reserved matters for the UK Government. Then we need to look at devolved matters. Then, within those devolved matters, does an overseas territory have the capacity? I keep coming back to capacity. Then we need to make decisions. We need to continue to monitor issues and have these debates, but there might be moments when it is appropriate to step in to provide support. The effort is genuinely to enable the overseas territories to conduct their affairs as fully as they can.

Lord Beith: Is it just brand protection? We do not want Britain's name to be associated with something we would certainly disapprove of in our own legislation.

David Rutley: I would say it is more about shared values. Very broadly, we share them. There are challenges in a number of areas, as you have highlighted, but we have to look at those sometimes in a framework not

just about the values we share but the frameworks we have agreed to and our international obligations.

The Chair: We turn now to the joint declaration itself.

Q32 **Lord Cryer:** David, thank you for coming. This is a pretty broad question. What was the motivation behind the joint declaration?

David Rutley: It was good to serve with you in Parliament, albeit from other sides of the House. We always had a good relationship and were prepared to work in the common interest. That is a great question. We wanted to create a new partnership and framework model to develop the UK-overseas territories partnership. As I said before, this was part of a three-step process. It was not just the joint declaration; the motivation was not just to have that vision or framework in place. We wanted to then have a strategy that was a road map for how we move forward and set out UK Government accountabilities, and then put the partnership compacts in place as well. It was a broader vision helping to create a more modern, transparent relationship that is more responsive and that would be fit for purpose for the years ahead. That was the motivation.

If anything, the area that I was most excited about, although pleased with the success that we had in the joint declaration and noting the need for a strategy, was the partnership compacts, because once we were able to clarify the relationship and the accountabilities within a relationship we could drive for action more readily. That is what motivated us. I really hope that the Government now can move forward. The Minister is currently talking about a charter. I am not exactly sure what is in that. Maybe we can talk more about that. Let us move forward at least with some pilots for these partnership compacts. There are urgent needs, particularly in places like the Turks and Caicos Islands to tackle security-related issues, and that will be a great starting point to, as we say now, prove the model.

Lord Cryer: I want to come back to that in a minute, but could you say something about what progress has been made on those commitments within the declaration?

David Rutley: Yes. We agreed the declaration at the JMC on 14 and 15 November 2023. We then secured agreement from the Cabinets and the overseas territories. Then the Written Ministerial Statement was laid on 14 December 2023. That was a real step forward and—I will use this word again—it created positive momentum. It was clear that there was a genuine commitment on all sides to move forward on the back of this, and real progress was made in developing a strategy. That was not going to be a White Paper but a UK Government document that would set out clear accountabilities on the UK Government side ahead of doing the partnership compacts. So: joint declaration, strategy, UK Government commitment and accountabilities, partnership compacts.

We made some positive progress. The key subject areas were around defence and security, the environment and climate, the economy of each

of the overseas territories, communities and governance—those key themes, most of which were included in the White Paper, by the way, and probably, although I have not gone back to it, the one in 1999 as well. Common themes needed to be updated. One issue that got in the way, I suppose, was democracy with the general election. We believe in it, but it has consequences. One of the casualties was the strategy document, which was progressing well. Perhaps we will touch more on that in a minute. Other challenges were around bandwidth, time and resource constraints. The excellent OTPD in FCDO does not have infinite resources, and there were challenges there. Also, we wanted to make sure there was proper time for consultation in the process as well. They were constraints.

As you will remember, during that time there was a huge amount of parliamentary interest in overseas territories. There was a PACAC inquiry. The Procedure Committee was taking a look at what was going on in overseas territories. The Foreign Affairs Committee had a sub-committee on overseas territories. All of that was fantastic to help put the spotlight on issues and to reassure stakeholders, particularly in the UK, that there was huge interest in issues relating to overseas territories, and that is why this committee's work is important as well. But that does have a bandwidth issue and resource issue as well. Despite these issues, we were able to make progress against the strategy that would then help with the partnership compacts, which were both referenced in the joint declaration. We also made progress on consulting on UK primary legislation and on capacity building, but we will come back to both of those as well, I am sure.

Lord Cryer: You mentioned that there was momentum there, and I am thinking particularly about defence and security. Defence and security become more important, as you know, almost with every passing month. Do you have the impression that within the present Government there is sufficient commitment to defence and security, and to that relationship with the overseas territories?

David Rutley: There is certainly a commitment in principle. You can see that in places like the Falkland Islands. There are challenges in the Turks and Caicos Islands. I have not been to Anguilla, but I understand there are challenges there with gang-related violence and around illegal migration from Haiti, which again we might explore. We need to step up to the plate in those situations. The point that you make quite rightly, especially given your experience, is that those challenges are only going to get more difficult. When we look at what is happening in Haiti, at the moment, the MSS has made some progress, and there are further resources now being brought by the international community into Haiti.

Lord Cryer: Forgive my interruption, but what does MSS stand for?

David Rutley: The UN-backed Multinational Security Support mission. With the help of the then Foreign Secretary, Lord Cameron, we gave £5 million to that group. If you remember, that was to bring over predominantly Kenyan police officers to help in trying to secure the

situation in Haiti. The issue is, though, that I do not think that some of the policymakers in other departments, particularly in the Home Office and to some extent in the MoJ, really understand the impact that this has on these territories. We work very closely on those issues. In fairness, I can see from his evidence that the current Minister is doing exactly the same. Further progress has been made. It is important, because back in 2023 there was a real spike in violent crime and homicide in TCI that needed to be addressed. When you see the resources that are available, you can see that more is required.

Let me paint a little example, and then I will come on to the final point about the Caribbean. Baroness Laing will remember this from her time in the Chair. Most people are familiar with the Isle of Wight. It is five miles from Portsmouth. There were huge debates, and the MPs who represented the Isle of Wight were constantly talking about the challenges that were being faced, and they are unique. We are now talking about a different level of uniqueness and of distance. Imagine if some of these issues were happening on the Isle of Wight. Well, they just would not happen because it would be front of mind. We need to make sure, and now you are in a better position than me to make sure, that these challenges are better and more frequently followed up.

The point that you make about the Caribbean is absolutely right. The situation now with the US Administration focusing more on the western hemisphere highlights that they will be more focused there. We have seen their intervention in Venezuela and the implications that that will have for Cuba, probably for Trinidad and Tobago, and more widely. There is the fact that Homeland Security has committed to take more migrants from the US back to Haiti. You do not have to be a rocket scientist to work out that this will have an impact on our overseas territories, and all the different departments will need to look at how we cope with this.

I was going to save this to the end but I was fortunate to serve as the Minister for all the Americas as well as the overseas territories, and that included the Caribbean. I definitely encourage the Government to review the responsibilities within the FCDO to enable the Minister for the overseas territories to also represent the UK in the Caribbean. We have five overseas territories in the Caribbean, and we have Bermuda with sometimes very similar interests. Many of them attend CARICOM. Our Ministers should attend CARICOM on a regular basis because these convening moments—I keep using that term—are vital to keep the dialogue going, to understand the issues more fully and to build relationships with these stakeholders. It is a great question. The Caribbean is the place where we need to step up a gear.

Lord Cryer: Thank you.

The Chair: Lord Beith, did we deal with your question earlier?

Lord Beith: We have dealt with it for now.

The Chair: In which case, Lord Burnett, do you want to ask your

question?

Q33 Lord Burnett of Maldon: Can I come back to the strategy envisaged in the joint declaration? First, in your answers so far you distinguished between a strategy and a White Paper. I would like to understand the difference that you have in mind. You have seen the evidence of Mr Doughty, who said, if I remember correctly, in terms, that there was no work on a White Paper going on and that a number of the overseas territories are quite keen that there should be a White Paper to update the 2012 one. First, could you explain, if only for my benefit, the distinction between the strategy that was contemplated in the joint declaration and a new White Paper?

David Rutley: Sure. The joint declaration set out the framework. The strategy was the road map. The view was that the strategy document was a UK Government document that would set out accountabilities around government departments. I have said that several times. I am sorry to repeat myself, but that is key. It was clear that the 2012 White Paper needed to be updated. It had positions that were vital and are still relevant. One was that “each UK department has now assumed responsibility for supporting the territories as needed in its own areas of competence and expertise.” That is still directly relevant, but there were some strategic choices that needed to be updated given the context. Given the points that have been made previously, that context continues to change.

It was not envisioned at the time that it would be a White Paper. We could debate now whether that is right or wrong, but the key thing was that it would be a strategic document that was—I keep referring to this because a lot of people were quite concerned about the strategy—a pathway to the partnership compacts. The strategy document would have been published. There would have been—and was—very active consultation with the overseas territories. In fact, we had hoped that the strategy would have been published, ideally, by the summer of 2024, but clearly the election scuppered that. If it had not been the summer, the aim was to produce it by the general election. The reason for that was to create the framework for whoever formed the new Government to then move forward with the partnership compacts.

Lord Burnett of Maldon: Just to pin down one or two aspects of that, you indicated that quite a lot of work was done on the strategy, so that would be in your department as well as by the overseas territories.

David Rutley: And in other government departments.

Lord Burnett of Maldon: And in other government departments. Are you able to distil to a series of bullet points the principal issues that everyone had in mind when the joint declaration was signed that needed to be dealt with in this strategy?

David Rutley: The idea was—again, using these words that I have used before but just to reinforce them—a road map and that it would include

clear accountabilities, not just in the obvious areas around defence and security but on the environment, communities, the economy and governance. That was about what the UK Government would do. There is a debate about whether that should have been a White Paper, but I was keen to move forward at pace and felt that we could move quicker with a strategy than a White Paper to get to those partnership compacts. It is a perfectly legitimate question whether the 2012 White Paper should have been refreshed and there should have been another White Paper. It is just that at that moment in time we felt that a strategy would be the right thing.

As it happens—and you have had a chance to speak to the Minister about this—it sounds as if a new charter is being put in place. I do not really know what is going to be included in it. I hope it will embody many of the aspects that we were looking to put into the strategy. It certainly needs to be published, in my opinion, and it needs to involve the overseas territories and consult with them. One point for clarification: if I had a chance to speak to the Minister, he is also asking separately for input from the overseas territories. I think he said so on the record. Rather than saying, “We’re creating a charter”, a better approach is to say, “We’re creating this framework. We need your input for that, and it would be interesting to get your ideas”. They need to be more joined up. The Minister has strong interest in the overseas territories. He is incredibly hard-working, and I am sure that he will be trying to work through these issues with a strong sense of public duty.

We can all be aware that after a general election there is a moment for review, particularly in a complex area like overseas territories. What I would say, gently, is that it has been 18 months since the general election, or probably a little bit more. As I was reviewing the White Paper from 2012, it was quite interesting—again, in the early parts of a relatively new Government—that the consultation for a full White Paper took four to five months. It is a question of focus and priorities. My request to the Government is that there has been a moment to review and there is a lot of good work going on, but now is the time to create the framework with added pace and a sense of urgency. Also, let us not forget these compacts. Often, people talk about the strategy; I am more interested in these partnership compacts.

Lord Burnett of Maldon: Might I ask about the partnership compacts? If I may say so, you very helpfully identified the high level that you envisage the strategy operating at, as a stepping stone or pathway to the compacts. I would be grateful if you could indicate again one or two subject matters that you would expect the compacts to cover, perhaps by reference to events that have happened such as in the Turks and Caicos with the problems with illegal migration from Haiti and the crime problems. There have been other specific difficulties in overseas territories that one might think could be the subject of compacts between the territories and the UK Government.

David Rutley: The partnership compacts are about the relationship between the UK Government and an individual overseas territory. It is very personal, it is very tailored and will be directly relevant to the specific needs of that territory. There is an opportunity to use that then as a vehicle to foster an ongoing dialogue. They should be, in my opinion, dynamic documents that can be reviewed in time based on circumstances. When in a relationship you set out clear accountabilities, you are more likely to have a successful partnership and relationship. With a partnership compact, the comprehensive version would be across all those subject areas that I discussed such as governance, defence, security, environment, communities and the economy. They would be all in one compact, an agreement, with an individual overseas territory. You have the strategy, and then with each of those component compacts that becomes pretty powerful. It also enables you to start having conversations, as has been highlighted by Lord Cryer, with the MoD that, "We've made these commitments to Caribbean overseas territories. Let's work together to work out how we now fulfil those commitments". They are important moments.

I am increasingly getting to a point where I think that there might be opportunities to have topic-related or single-issue partnership compacts with an overseas territory. The Turks and Caicos Islands would be a great example, as you highlighted, where perhaps we try to prove the model, not across a comprehensive basis but on a single issue, and get those accountabilities and the commitments really clear, and move things forward. They are a useful tool. As I said, there is lots of good work going on already, but, given the challenges we face and the context that has already been highlighted about the geopolitical situation and the geostrategic position of many of our overseas territories, this is a key moment now to step up with the partnership compacts.

Lord Burnett of Maldon: Thank you.

Q34 **Lord Bellamy:** If I understand you, Mr Rutley, effectively you are saying that, since the joint declaration, the framework that you originally envisaged has not come out yet, nor do we have any compacts yet, and you feel that we should make progress—

David Rutley: For the record, you are absolutely right.

Lord Bellamy: Yes, thank you. You feel that we should continue to try to make progress on both those points, but the point you are stressing particularly is the urgency in relation to the Caribbean territories, with particular reference to the geopolitical shift that we are seeing as far as the United States is concerned and its particular problems such as immigration in relation to the Turks and Caicos Islands and Haiti, other related defence issues, and sometimes gang violence and so forth. In your view, it is high time we took things forward more urgently than is going on at the moment. Is that a fair summary?

David Rutley: Yes, it certainly is. I am not saying that no action is happening. You were very clear, as was the Minister, that a huge amount

of action is happening, no question, and will continue to go on because of the relationship that we have with the overseas territories. In terms of what was envisaged in the joint declaration, the Minister said that he does not want to junk it. He realises that that has value, as does the 2012 White Paper. Now there is an urgency to build on these. There are tools. There is still remaining good will around the joint declaration. That should not be lost. Momentum needs to be rebuilt around it. There is an opportunity now, whether it is a charter as long as it is comprehensive and engages the OT, or the compacts; there is still a commitment to those from the Minister. All I would say is we need to move forward with greater urgency and continue to consult, and look at territories where these approaches can be used with the greatest impact and where there is an urgent requirement. The TCI would be one.

Lord Bellamy: Thank you.

Q35 **Lord Beith:** Did you ever compare notes with the Netherlands? It gave its overseas territories in the Caribbean the opportunity to choose from a number of different models, and they chose different models that link into different bits of the Dutch constitution. They are not the same.

David Rutley: I met with Dutch interlocutors at the OAS, the Organization of American States, and had interesting conversations, particularly about migration matters. I would just highlight, again, that there are lots of parties in the Caribbean worried about irregular migration, not just the UK. We did not speak specifically about the matters that you raised, Lord Beith. There are lots of different models and approaches. The one we have works well. In my conversations with overseas territories, there has not been a demand, as in some of the French approaches, to have elected representatives in the House of Commons. Broadly, our approach works well in the sense that there are elected representatives in each of the overseas territories. They have their own Governments and Cabinets. We have governors there. That model is good and fit for purpose. It is more now about how we deliver on accountabilities.

Lord Beith: Not having elected representatives in the UK Parliament is advanced sometimes by overseas territories as an argument against enforcing something that is essentially British legislation being translated into the overseas territory.

David Rutley: I have heard that is the case, but in my engagement with overseas territories they were not queueing up to have Members of Parliament here. That was not the case, in my experience. You have an opportunity to test that but I did not see that. The approach is a dynamic one. There are these relationships. If anything, there needs to be clear accountability so that not just the premier knows who to pick up the phone to or send an email to, or whatever, to tackle an issue. There needs to be more direct contact at official levels as well so that they know when there is an issue how it can be tackled. There is a useful example of this in DHSC, which has a specific group that works with the overseas

territories to tackle issues. Accountabilities and points of contact are clear. That is what we need in more departments across government.

The Chair: That brings us to our last question, to be asked by Lady Laing. Perhaps in answering, if you want to give a wrap-up conclusion to what you have said, the committee would find that very helpful. Eleanor?

Q36 **Baroness Laing of Elderslie:** You have given us a terrific and very helpful insight into this whole issue. Interestingly, you have given some ideas about moving forward, and that is what I wanted to explore further. You mentioned that there should be one Minister who looks after overseas territories and relationships with the Caribbean, and that seems a very sensible outlook. Are there any other changes needed to the way that the UK Government manage their relationships with the overseas territories?

David Rutley: We need the strategy and the partnership compacts, just to get that on the record again. As I highlighted, there are pragmatic ways in which those partnership compacts can move forward. Pick some pilots. If it is too difficult to look at a comprehensive one initially, let us go thematic or single issue, and we can move forward.

There are other areas where changes are required. One is around capacity building. It is not just the geographic distance that is important to bear in mind in terms of the context, but it is also about how isolated small communities often, quite understandably, do not have the capacity to deal with an issue. For those of you who have worked with local authorities in Cheshire, we had serious flooding a few years ago. Getting the expertise on flood prevention can be challenging for a unitary authority or council in the UK. Trying to do that thousands of miles away is even more complicated. Again, I do not think that some of our policymakers and civil servants understand that.

We should look at opportunities for secondments and exchange opportunities so that civil servants in the UK can learn new technical and management skills in distant locations—remote locations—and we should see these as opportunities for people to develop. Too often, we look at situations in the overseas territories as just challenges. When you see the situation in the Turks and Caicos around irregular migration, that is a great opportunity for our civil servants to learn how to tackle irregular migration, because—guess what—we have those issues domestically as well, but there is a reluctance to do so. Of course, we understand the resource constraints, but there were previous times when Labour, Liberal Democrats or Conservatives were in Government where there was a more dynamic approach to see how we could learn from these situations, and we should.

This is also a moment, Lord Chair, for looking at the legislative process. I used to be a Whip. I confess that. It is a job that I loved. I must confess that some of my experience is a little bit rusty now. I would have thought there is an opportunity now to work with the Parliamentary Business and Legislation Committee, PBL, to have a quick review or a bit of an MOT to

see whether the OTs are genuinely fully consulted as far as possible and that they are front of mind in the legislative process, particularly, if I may say, with impact assessments. We have a good process, and there are moments where we can sense-check and review whether the overseas territories have been adequately involved. We need to make sure that overseas territories are included on any checklists that are used before clearance is finally given. There will be people around the table who are actively involved with these processes now more than I am, but I think overseas territories will benefit from that type of review.

Then, as I have already said, the point about combining responsibilities for overseas territories in our representation in the Caribbean is key.

In conclusion, thank you for the opportunity to be before you. I wish you every success in this important work. The inquiry is well placed, with a good intention. Just as I benefited from parliamentary scrutiny in my time in office, I am sure that the Minister who is doing good work will benefit from your scrutiny as well. I just hope that through your recommendations we help grow the partnership between the UK Government and overseas territories from strength to strength. Thank you.

The Chair: Thank you very much indeed for what you have just said and, indeed, for the evidence that you have given. You have a pretty unique sense of expertise, given the range of areas you were looking at when you were a Minister prior to 2024. We are all grateful to you for taking the time and trouble to go through some of this stuff in detail. We have taken a record of it, but if there are any details that we need to check up I hope we will be able to contact you and get that clarification. In the meantime, I draw this public evidence session to a close.