



Constitution Committee

Corrected oral evidence: 2023 UK-Overseas Territories Joint Declaration

Wednesday 25 February 2026

10.35 am

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Members present: Lord Strathclyde (The Chair); Lord Beith; Lord Bellamy; Lord Bichard; Lord Burnett of Maldon; Lord Griffiths of Burry Port; Baroness Hamwee; Baroness Laing of Elderslie; Lord Murphy of Torfaen; Lord Waldegrave of North Hill.

Evidence Session No. 6

Heard in Public

Questions 63 - 73

Witnesses

I: Chris Carnegy, UK Representative, Government of Tristan da Cunha; Richard Hyslop, UK Representative, Falkland Islands Government; Dr Rebecca Cairns-Wicks MBE, Chief Minister, Saint Helena Government; Fabian Picardo KC, Chief Minister, Gibraltar.

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Examination of witnesses

Chris Carnegy, Richard Hyslop, Dr Rebecca Cairns-Wicks, Fabian Picardo and Dr Joseph Garcia.

Q63 The Chair: Welcome to this meeting of the House of Lords Constitution Committee. Today, we are continuing our inquiry reviewing the UK-Overseas Territories Joint Declaration. Following our previous evidence session on 11 February, today we hear from a second panel of representatives of the overseas territories.

We are delighted to welcome Chris Carnegy, the UK Representative at the Government of Tristan da Cunha, and Richard Hyslop, UK Representative at the Falkland Islands Government, both of whom are joining us in person. They are very welcome. We are also delighted to welcome Dr Rebecca Cairns-Wicks, Chief Minister at Saint Helena Government; she seems to be having some communication problems, but we hope she will be able to join us any moment now. We also have Fabian Picardo KC, the Chief Minister of Gibraltar, who is joining us remotely online.

Ascension Island and the Pitcairn Islands were also invited to today's meeting but were unable to join us. Many of the territories represented at today's meeting have also submitted written evidence, for which we are extremely grateful. The evidence we are taking today will be published on the committee website after today's meeting. The list of members' interests related to this inquiry have been published on the committee website.

We have a number of questions about the joint declaration and the relationship between the overseas territories and the UK Government. My first question is slightly broader: can each of you outline the key issues currently facing your territory?

I address this question first to Fabian Picardo, the Chief Minister of Gibraltar, as we are aware of recent important developments regarding the UK-EU treaty on Gibraltar. In the House of Lords, examination of the treaty lies within the remit of our European Affairs Committee, and we therefore will not ask detailed questions about the treaty today. However, Mr Picardo, you are welcome to offer any brief reflections on the treaty in your answer to the opening question, before we turn to our other witnesses and the matters central to this committee's inquiry into the UK-Overseas Territories Joint Declaration. I hope that is clear and meets with your approval. Would you like to make a few comments on the key issues currently facing the territory of Gibraltar?

Fabian Picardo: Thank you, Chair. I am very content with what you are proposing for how we should conduct ourselves this morning. I would like to start by welcoming you to Gibraltar, although you are only seeing the inside of one of our offices. Of course, the committee will be very welcome to visit Gibraltar as soon as it can, to assess on the ground some of the things that I will go through now.

First, you are of course right that the key issue facing Gibraltar is the implementation of the agreement we have done with the European Union on access to the Schengen area and the application of single market rules between us and the EU in relation to the movement of goods. That is likely now to result in the agreement itself being published in the coming days by the European Union, by His Majesty's Government in London and by His Majesty's Government in Gibraltar. I intend to lay that text on the table in Parliament in Gibraltar, and then to have a debate on what you would have called, during the course of the Brexit debates in London, an amendable Motion calling on the United Kingdom to ratify those arrangements for Gibraltar under the CRaG process. It will therefore come before the upper House in London as well.

Additionally, you may be aware of a report of a recent inquiry in Gibraltar that has recommended that certain things in the context of public life and the administration of policing should also change. So another key issue that we are dealing with is the implementation of the recommendations of that report, which is known colloquially as the Openshaw report.

Additionally, we in Gibraltar always have pressure on matters related to housing and how to continue to house our people in an affordable way and in social housing. That continues to be a key driver of the work that my Government are doing.

Those are the three heads of the hydra that I am dealing with at the moment as the key issues affecting Gibraltar.

The Chair: That was an extremely helpful and comprehensive statement. Does anyone in the committee want to continue with this line of questioning?

Lord Griffiths of Burry Port: Thank you very much for that. I think we are tiptoeing through the process here in order not to stray into territory that does not belong to this committee. Previous witnesses who have appeared here for interrogation have again and again referred to the success of what has happened in Gibraltar. All the time, they are talking about the fact that Gibraltarians were an integral part of negotiating a future that they can now own. Therefore, should we not be alert to learning from those remarks from other places—perhaps you can confirm or add something to them—as we move to talk about other places and the discussions we are having with them, including, for example, the ones we met from the Caribbean last week? Have I said something that touches a real point of interest for a committee such as this one?

Fabian Picardo: The key factor in succeeding in the negotiations with the European Union has been that these negotiations have been run for Gibraltar by Gibraltar alongside—hand in glove and in partnership with—successive Administrations of His Majesty's Government in the United Kingdom.

I will give an example that may be helpful. Arrangements entered into by the United Kingdom over the heads of the Gibraltarians—for example, the

1987 airport agreement and the 1984 Brussels agreement—did not succeed. In fact, they have been in a political ditch since the years they were entered into, because the Gibraltarians did not form part of the process. This process is a different one: it has involved us wholly and fully in the negotiation. The Deputy Chief Minister, who sits alongside me now, has been alongside me and the Attorney-General in leading the political negotiations on Gibraltar alongside UK politicians, such as Stephen Doughty, David Lammy and David Cameron, in meetings in the Berlaymont in Brussels. We have not found that this is an imposition on us in any way, and therein lies the nature of success.

Lord Griffiths of Burry Port: Thank you, that was very useful.

Q64 **The Chair:** I am now in a position to be able to welcome Dr Rebecca Cairns-Wicks to the meeting—you are very welcome. I am delighted to see that we have solved the communication problems. I now turn to Chris Carnegy, who is representing Tristan da Cunha, to give his view on the first Question. What are the key issues currently facing your territory?

Chris Carnegy: Thank you, Chair. Members will know that Tristan da Cunha, right in the middle of the South Atlantic Ocean, is the remotest human settlement on the planet. All three of the following issues are framed by that fact.

The first issue is that the cost of shipping goods to the island has always been high and has recently skyrocketed. In budgetary terms, there was an 83% year-on-year increase for the shipping costs for the Island Store. Islanders, many of whom earn £3,000 in an entire year, are now in effect paying a 100% surcharge for their goods—that is a problem for the islanders. There is also a problem for the island Government in that shipping costs and increasing medical bills have now put us into a severe and unsustainable deficit situation. Both are informed by the island's remoteness. By the way, Tristan is the only OT jurisdiction eligible for official development assistance that does not get a contribution from the UK to its core operating budget.

The second issue is demography. Again, a gently dropping population is not an unfamiliar story in small and remote territories. Problems such as attracting expat teachers who want to come and stay on the island make it less attractive sometimes for young families—a couple of them have moved away in recent years. We need to keep a close eye on that. An ageing workforce leaves us in a position whereby, when work needs doing, shipping in temporary labour is extremely expensive.

The third issue is about communications. Some 1,750 miles away lies Cape Town, to which all the logistics for Tristan da Cunha and an awful lot of the island's budget go every year. However, islanders have no special access to South Africa. If they, by mischance, overstay their welcome through a medical delay or a shipping delay, they can end up being banned for five years from South Africa. We have asked the UK Government to help with that.

There are those three challenges, all of which are connected with remoteness. I will add that remoteness brings benefits to the UK. Tristan, in its extraordinary position, commands 750,000 square kilometres of South Atlantic water, and we enabled the UK to hit its target for global marine conservation. We also provide a monitoring station for the Comprehensive Nuclear-Test-Ban Treaty Organization, which enables that organisation through the UK to fulfil its obligations to monitor a big chunk of the southern hemisphere. Our current issues are really all about isolation.

Q65 The Chair: Thank you very much indeed. I turn to Richard Hyslop, who is representing the Falklands Government.

Richard Hyslop: Thank you, Chair. I thank the committee for its inquiry and ongoing interest in the overseas territories.

There are four primary issues impacting the Falkland Islands at present. The first, following on from Tristan da Cunha, is also about communications: by air, by sea and telecommunications. We are very grateful for the South Atlantic Airbridge, which is the Royal Air Force flight between the islands, but that is impacted by rotor winds; a recent visit I was due to make with Members of Parliament to the Falkland Islands had to be cancelled because of that. By sea, we have had issues with our cargo vessel, which has therefore impacted supplies on the islands. We are also undergoing a big review of our whole telecommunications at present.

The next issue concerns our capital infrastructure programme. We are about to engage, over the next four to five years, in the largest capital investment programme we have undertaken in the islands in probably more than 40 years. That includes things such as a new power station and a new port.

Another issue is the lack of financial support, including private sector finance, for our own private sector, which obviously restricts its ability to grow and expand.

Finally—this is not really an issue but something we are working on at the moment—we cleared the field development plan for Sea Lion Field in the Falkland Islands in December 2025. That is a major piece of work that we are taking forward over the next many years.

Q66 The Chair: Thank you very much. I now turn to Saint Helena and Dr Cairns-Wicks. Can you give us any of your thoughts on the key issues currently facing your territory?

Dr Rebecca Cairns-Wicks: Thank you for inviting me to speak with you today. Saint Helena faces a complex and interlinked set of social, economic and environmental pressures. They include a declining and ageing population, labour shortages, rising costs of living and fragile critical national infrastructure. These are the constraints that remoteness places on economic opportunity, very similar to the descriptions that you have heard from Tristan, our remotest overseas territory.

Saint Helena is a recipient of overseas development aid. Our Government are focused on building a more resilient community and economy. In the short term, our priority is to protect living standards and core public services, while progressing the reforms in health, social care, education and infrastructure that will underpin the long-term sustainability and well-being of our community. At the same time, we recognise that we need to invest in locally driven growth and diversification, so that Saint Helena can progressively reduce reliance on UK support over time.

That includes support to address structural cost pressures, and healthcare is one example of that, as access to affordable medicines and specialist pathways is vital. Access to UK maintenance loans remains an outstanding issue, resulting in our young people not having access to tertiary education and contributing to the outward migration of families. Equally, fair and equitable pension arrangements for those eligible pensioners who contribute to the UK system remain important to ensure dignity and security later in life.

As British nationals, Saint Helenians rightly expect that their citizenship carries meaningful recognition in practice. Ensuring that this shared citizenship is reflected in policy delivery strengthens both fairness and the sense of belonging to the British family.

Saint Helena also plays a significant role in supporting the UK Government's environmental stewardship, managing globally important biodiversity and contributing to science well beyond what might be expected of a community of our size. Addressing invasive species, climate change and ecosystem restoration requires sustained and financial partnership. These challenges exceed local capacity alone, yet they represent an area where the territory contributes substantial global value.

The Chair: Thank you very much indeed. I will now open up the discussion to the rest of the committee. If you feel that you have had your question well answered, there is no need to get involved. Otherwise, I will continue to go round asking about Gibraltar first and then Tristan da Cunha, the Falkland Islands and, finally, Saint Helena, so that we can get a flavour from each. I turn now to Lord Bellamy.

Q67 **Lord Bellamy:** Perhaps we could focus particularly on the joint declaration, which is what this committee is looking at. My question is in two parts. First, what, if anything, has been the impact of the joint declaration on your territory? Secondly, to what extent have the commitments within the joint declaration been delivered? Let us start again with Gibraltar, as the Chair suggested.

Fabian Picardo: The engagement between Gibraltar and the United Kingdom, as those of you who have been following the relationship for some time know, is very fluid. Perhaps because of our geographical proximity, we can enjoy the benefit of having communication with UK Ministers, the UK Government, Parliament and members of the Opposition, almost when we need to and without any difficulty. Therefore, the joint declaration for us is more a restatement of principles

and commitments. The Deputy Chief Minister reminds me that one of the key issues contained in the declaration is a commitment to the self-determination of the peoples of the overseas territories, which we deploy in the United Nations when we attend the C-24 special committee each year in June, as well as the General Assembly Fourth Committee in October.

I will now look at it from the other point of view and consider what the UK might have seen Gibraltar to have obtained from the declaration. I have written to Stephen Doughty, Minister of State for Europe, North America and Overseas Territories, confirming that the Government of Gibraltar are now moving up further, in the context of the publicly accessible registers of beneficial ownership that we operate, than what the United Kingdom was proposing to us should be the type of register that we operate. We have had the public register before any other jurisdiction in the world. This week, we have made it free to access—you no longer even have to pay a small fee—so it is even more accessible. That follows the UK model, something that we committed to do during the course of the JMC last year, when we entered into the mutual commitments that form the joint declaration.

I see that there are rights and obligations in both directions. There are benefits to both the United Kingdom Government and the overseas territories Governments in the declaration.

Chris Carnegy: As the Chief Minister mentioned, elements of the declaration are familiar from the communiqués that we see year on year at the end of a joint ministerial council. The self-determination line, for example, is a familiar and extremely welcome one.

On how the declaration took us forward, I ought to say at the outset that I am not sure whether it has been much referenced since. I do not recall a mention at either of the subsequent two joint ministerial councils of it being monitored or even acknowledged. However, I have been on a trawl through it to see whether anything has changed from my perspective—and, yes, some things have. For example, there was a reference to the sharing of public service skills and expertise, and that has stepped up usefully in the past two years. A good example of that is a Home Office-sponsored event on cyber security, which we were invited to take part in and found extremely useful.

It is also potentially helpful in explicitly referencing the UK's obligations under the UN charter. We talk about them a lot, but HMG do not talk about them very often to us, so it was very good to see that reference there. In particular, the Article 73 commitment to advancing the economic development of the territories will provide a touchstone for future years.

It also foreshadowed the creation of the compacts—the bilateral arrangements that we are about to enter into—and so it is useful in that respect.

Those are the elements that I would pick out where we have noticed some changes since the declaration came into effect. However, many of the signatories have changed their Governments, including the UK, since the document was signed.

Richard Hyslop: Similar to the other comments, the Falkland Islands enjoys a very good relationship with the UK. We believe it to be a mutually beneficial partnership based on the principles of self-determination. In a sense, the joint declaration did nothing to enhance or change that. However, the joint declaration is part of a journey that we—the UK and the overseas territories—are on together in improving, modernising, developing and enhancing our relationship.

As the joint declaration was agreed under the previous Government, work on it stopped when there was a change in Government. So some of us, I think, were a little surprised to see that it was still an extant document. We see that as being part of a journey that Minister Rutley was on at the time, and that Minister Doughty is on now, concerning the positive ongoing development in the relationship between the UK and its overseas territories. We see the joint declaration as a step in that journey and therefore a positive thing that has since led to the charter and the bilateral compacts, which is another positive step on that journey.

Dr Rebecca Cairns-Wicks: I support what my honourable colleagues have said; I agree with them. My role in the joint ministerial council in 2025 was my first as an elected leader. As we know, the joint declaration reaffirms important shared values of partnership, transparency and mutual responsibility between the UK and the overseas territories.

As has been mentioned, it was not referenced in the JMC of 2025, and so from the Sant Helena perspective its practical impact has not yet been obvious. However, from what I have seen, the success of progressing the shared values and principles of the joint declaration forms part of a continuum of progress based on the increasing development of our established relationships. My honourable friends referred to that, including the progress made on addressing specific issues and financial arrangements.

Initiatives such as the UK Government Charter on Engagement with the Overseas Territories, and the development of the bilateral compacts, have the potential to strengthen cross-government engagement and ensure that UK departments recognise and act on their responsibilities towards the UK overseas territories within their area of responsibility. If implemented effectively, we believe that these would represent a meaningful step forward.

Q68 **Baroness Hamwee:** A couple of weeks ago, we asked representatives of other OTs whether a new White Paper is needed. The representative from Anguilla said, “The first thing that we must all accept—indeed, this has been confirmed to us by the Foreign Office—is that it is the White Paper that takes precedence ... The 2012 White Paper dominates the joint declaration of 2023, compacts and anything else relating to us”. She then

went on to refer to what she called a “chilling development” of Minister Stephen Doughty saying that “policies relating to the British Overseas Territories may be altered by parliamentary statements, ministerial correspondence, public statements and even speeches”. She asked, “What is it that we can rely on?” I thought I would give you that as background, not to try to trip you up, but as public evidence we have had from other overseas territories. Therefore, is a new White Paper needed? If so, what primary issue or issues should it address? Let us start with Gibraltar again.

Fabian Picardo: This issue of whether we should have White Papers or continue with compacts was raised during the course of the last JMC. We are still waiting to see what a compact looks like in relation to Gibraltar. There was an idea that there would be one territory that would develop a first compact and that we would then look at those compacts going forward to see whether they were adaptable to other territories.

It is important that we also ask ourselves: where is this all going anyway? It is all very well to talk about a White Paper or compact, but what is the future? It was very clear when David Lammy was Foreign Secretary that he knew where he wanted to take the overseas territories, and Stephen Doughty has a very clear view, too. We saw a little of that raising its head in the *Sunday Times*, where Ben Judah, who was a *spad*, talked about representation for the overseas territories in Westminster and whether that should be in the upper House rather than in the lower House. So the question has to be asked, whether it is through a White Paper or compacts, where the future of the overseas territories is in the constitutional architecture of the United Kingdom.

In my submission, where we sit now does not sit comfortably with the United Kingdom’s obligations under the European convention, international human rights conventions or even the Human Rights Act. Those are issues that are not likely to be solved by a compact; they would likely require more of the long-term thinking that a White Paper requires. None the less, we might have compacts alongside that which are territory-specific.

Chris Carnegy: It is a fact that the last two White Papers each happened a couple of years after a major change of Government. Therefore, in the scheme of things, we might have expected one around now.

Tristan da Cunha is a practical, sleeves-rolled-up kind of place, and I do not imagine many islanders spend much time worrying about the sort of nomenclature at the top of the documents here in Whitehall. The bilateral compact will probably be the more immediate concern for Tristanians, but we do need some proper foundations—something to anchor us in an increasingly uncertain world.

We have been told that the White Paper remains in force and that the declaration, the strategy and the compacts will all end up in force as well in some way—and so surely they will overlap each other. My concern is that we have to keep focused on clarity, if that is not tautological. We

have to be sure that they will not contradict each other or overlap with each other in an unhelpful way. A White Paper would seem to be the gold standard in setting out the policy position of HMG.

Baroness Hamwee: Is there anything in particular that it should address, beyond the issues you have already talked about?

Chris Carnegy: Funnily enough, I referenced a couple of things in the declaration that I thought were very helpful. For example, the UK's commitment to the Article 73 obligations under the UN charter—getting those restated is helpful. The existing White Paper attempts to achieve buy-in from across Whitehall departments. I think there is a concern, probably in the FCDO, that that has not been fully successful yet. The write-around process that goes towards a White Paper might be helpful in cementing that.

Obviously, there will be lots of territory-specific issues. On the overarching structure, I think that ensuring that the current generation of parliamentarians are all bought-in to the relationship is what we are all after.

Richard Hyslop: Yes, we need a new White Paper. The White Paper was produced in 2012. So much has happened since then, not least Brexit, so the White Paper is essentially not fit for purpose, because it relates to the UK's relationship with the European Union and how that impacts the overseas territories. That is just one example.

As you indicated, it is still the go-to document. Among the plethora of joint declarations, charters and compacts, the White Paper is the one that sits at the top of them all. If anyone is asked what the Government's position is, it is to go to the 2012 White Paper. The White Paper is out of date and needs replacing, and for a long time we have supported having a new White Paper. I suggest that it should look broadly—along the lines that the Chief Minister of Gibraltar set out—at where we are now with our modern, democratic relationship with the UK, because that has changed a lot since the 2012 White Paper. We have seen things such as the joint ministerial council being introduced as well as, obviously, the joint declaration itself. We have gone on quite a long journey in our relationship with the UK since the publication of the White Paper. The new White Paper, as Tristan da Cunha said, is the gold standard and should reflect the modern relationship between the UK and the overseas territories.

Baroness Hamwee: Dr Cairns-Wicks, do you want to add anything?

Dr Rebecca Cairns-Wicks: I entirely agree with the conversation and the submissions put forward. We too recognise that the 2012 White Paper predates Brexit and significant, global and domestic changes, including climate pressures, security challenges and the evolving economic realities of the British Overseas Territories. We recognise that the White Paper takes precedence within the framework of the agreements and support

the need for a review, a refresh and an update to support that modern partnership for a stronger British family.

Like Tristan, our view is a Saint Helenian perspective. The immediate priority is perhaps not the White Paper but the implementation of existing commitments, particularly those on the development of the bilateral compacts. We believe that these would offer a practical mechanism for translating those shared principles and priorities into measurable outcomes for each of our territories, recognising how diverse in our circumstance and opportunities we are. The bilateral compacts will perhaps provide us the flexibility to reflect that diversity, while remaining anchored in the principles of the partnership—sustainability and mutual accountability—that are set out both in the White Paper and the joint declaration.

Q69 Lord Bichard: I want to build on and extend Lady Hamwee's question, because the mechanisms that exist look quite complicated. We have a White Paper, a joint declaration and meetings of the joint ministerial council. We are now being told that there is going to be a charter on engagement and compacts, some bilateral—between overseas territories—and some with the UK Government. Someone, in giving evidence to the committee, suggested that we have too many statements of principles and too little delivery. I just wonder what your response to that is and whether you saw any way in which we could perhaps, in the words of Chris Carnegy, have a little more clarity and a little less obfuscation. Could I go to the Chief Minister of Gibraltar first?

Fabian Picardo: Gibraltar is a demonstration of the opposite, perhaps because needs must when the devil drives. In the 15 years that I have been Chief Minister, we faced for the first five a very aggressive Spanish Government, who were pursuing their sovereignty claims, with lengthy frontier queues, and seeking to do as much economic damage to Gibraltar as possible. I am sure that colleagues in the Falkland Islands will remember times when they have suffered in that way. At that time, our engagement with the UK Government, both at prime ministerial level and foreign secretarial level, was extraordinarily fluid, in order to deal with those issues. There was delivery against that agenda at that time.

Of course, after 2016, things changed dramatically for two reasons. The first was because of the referendum on leaving the European Union and the issues that that engaged for Gibraltar, which led to a cross-Whitehall team being deployed to assist us, in terms of the negotiation for Gibraltar both on the aspects of the withdrawal agreement that were relevant and now on the future relationship agreement that has become relevant. That does not mean that there are not other areas where we might benefit from being able to engage more directly, because these two headline areas that I am talking about—the sovereignty issue and now the Brexit issue—are not the only issues that are live in Gibraltar. There are other issues that are live, and there are other areas where we might engage.

You mentioned a charter on engagement, which is not something that I, as Chief Minister, would feel that I might need—or, indeed, any of my

other Ministers would feel they might need—because we have a very fluid relationship with UK Ministers, which leads to results.

There are areas where we have not been able to achieve the results that we wanted to achieve. Perhaps most interestingly, even when Ministers and some officials have wanted to deliver results, they have not been able to deliver those results for Gibraltar. I can give you an example—I would just like to keep my evidence short and succinct—in the area of pharmaceutical procurement through the NHS supply chain. We have not been able to plug into that as effectively as we want to. We have to procure those ourselves and, being a much smaller market, we pay a lot more for those drugs than we would if we were able to procure through the rest of the NHS family for the Gibraltar Health Authority. I hope that that is helpful.

Chris Carnegy: Lord Bichard, to pick up on your point, clarity is what we are after. Some way to codify and, if possible, to future-proof the statement of the UK-OT relationship would be extremely helpful.

To go to the delivery point, your correspondent hit the nail on the head there. Delivery really matters, particularly for small, remote territories. It can be difficult, of course. Sometimes, when it really matters—Covid vaccines are a very good example—the UK pulls out all the stops. The vaccine reached us before the disease ever did. It was a remarkable achievement. Those urgent jobs tend to be done very well. The longer-term, strategic things should be in the action list, and they can get put on the back burner.

I amused myself this morning by skipping through the 2012 White Paper, doing that thing where you search for your own name. I put “Cunha” into it and reminded myself that, in 2012, the UK was about to fix the problem with the unreliability of Tristan da Cunha’s harbour. Here we are, 14 years later, and we are about to get a study into it. I am not saying that there have not been studies in the intervening 14 years, but the permanent fix has not happened. A straightforward statement of what we are trying to achieve, followed by monitoring of the achievement, would be another aspect of the gold standard.

Richard Hyslop: It is interesting that we have all these documents, and they are really important. But, from the Falklands perspective, our day-to-day engagement and relationship with the UK is generally very positive, at ministerial level or at official level. It is almost as if these documents do not impact that. We do not wait for a joint ministerial council to raise issues; we raise them directly as and when they arise. We engage and deal with these matters on a bilateral basis with the Foreign Office or any other government departments at official or ministerial level.

As Tristan da Cunha and Gibraltar have said, they are still important documents. If you have phrases such as the “UK family” and, “We are part of the UK family”, issues such as pharmaceutical procurement—which is an issue that we also face—or frozen pensions, which Saint

Helena raised, these issues should not exist. It can be dealt with through something like a new White Paper, but we should not get caught up on this, because when any of us have issues, we do not go to the White Paper on a daily basis to check things, we are just getting on with our day-to-day life. Our relationship with the UK is hugely important. We progress that and work with the UK as we need to, based on the issues, challenges and opportunities that we have.

Dr Rebecca Cairns-Wicks: Echoing, as I have been, I agree with and support the idea that clarity is absolutely needed to give us assurance of that framework within which we lie and, as Chris Carnegy said, confidence about the future and the long-term relationship, particularly, as we have indicated through the conversation, with particular reference to the joint declaration, as things change between Governments.

We have a good relationship with the UK Government and Ministers, and the same applies. Effective engagement does not need to wait until formal meetings. It was most recently tested with the temporary closure of our airport due to the technical failure of our fire appliances. Through co-ordinated efforts across Saint Helena public service, Saint Helena Airport Ltd, the Governor's Office, and the Foreign, Commonwealth and Development Office, we were able to very quickly return regular, scheduled flights. Minister Doughty was quick to respond, offering support, and we maintained regular communication. So, where there is urgent and immediate need, we have that communication and mechanism to provide that support.

Along with our overseas territories cousins, we have some really good examples of strong relationships across Whitehall, particularly with Defra, the Department of Health and Social Care, UKHSA and, more recently, the Home Office. We have seen how knowledge transfer and co-ordinated support can strengthen our resilience and public service delivery. These are examples that reflect the spirit of the declaration and demonstrate the value of sustained cross-government engagement.

Where we are challenged is in cross-Whitehall and cross-ministerial approval, when it is not in the gift of—or despite the desire of—a Minister to bring forward some of the long-term changes that we have so desperately been asking for. We have previously referenced the unfreezing of pensions, access to maintenance loans for our students and access, particularly with regards to healthcare, to pharmaceuticals at an affordable price.

Lord Bichard: Could I just follow up on that last point? I do not want to go around everyone again, but you raised the very important issue of where your points of contact are in the UK Government. The primary point of contact at the moment is the Foreign Office, but you are able to develop relationships with other departments. Is everyone happy with that, or does anyone want us to revisit that arrangement? That is to say, your primary point of contact is the Foreign Office, which co-ordinates when necessary, but you still have the right to go to other departments. Does that work well, or does anyone feel that we should have a look at

that? Nodding means that it all works well.

Dr Rebecca Cairns-Wicks: Yes.

Chris Carnegy: It works well, but we need, maybe supplied by the Foreign Office, the full list of contacts. I do not know if it is completely up to date, but there is a list of departmental Ministers who have responsibility for the OTs. An updated list of senior civil servants in each department who own that responsibility would be extremely welcome.

Q70 **Lord Waldegrave of North Hill:** My question was on the same point as that raised by Lord Bichard. It is worth exploring a little. The last thing that we want to do is to encourage you to criticise the Foreign Office, which is a department I had a happy period as a Minister in. But there is something slightly anomalous about British citizens abroad being handled by the Foreign Office. In the Cabinet Office, there is the expertise and relations with the devolved Governments here, and there is an overview of governance issues as far as the British Government think about these things. On some of the things that you have said about the lack of continuity between people and so on, it is really for us to decide, but I wonder if it would not be a good thing for the development of a central career structure that dealt with you and the other related issues that, for example, the devolved Governments within the United Kingdom raised, which are sometimes not so different. I do not want you to complain about it, and it is very nice to hear that the Foreign Office, my old department, is doing a good job, but in a theoretical way, do you think that you might gain from a more central Cabinet Office relationship? I wonder whether Fabian Picardo, who has been an observer of British Governments for a very long time, has any views on that.

Fabian Picardo: Thank you very much for the chance to comment. Last time we met, you were Master at Eton, and one evening you hosted me there. The reality is that today's interaction rests on the personal relationships that one builds with Foreign Office Ministers and officials. We have been very lucky in Gibraltar that our key issues are Foreign Office issues—traditionally, they are issues that relate to the Spanish sovereignty claim and so on. The Foreign Office has been, as you indicated, a very useful gateway to other government departments. Whether it is Defra, the Department for Education, the Department of Health or the Home Office, we have always been able to find our way to the right person in those other departments, through the Foreign Office.

The relationship with officials is as important as the relationship with Ministers. Of course, officials change less often. We have been extraordinarily lucky to have had, for almost a decade, one or two particular officials who have stayed in different posts. That has really helped to develop the Gibraltar relationship. That is why you may be right that, if there was a department with a group of officials in it that was more directly responsible for the overseas territories and if the overseas territories were not seen as foreign, that would indeed be more helpful.

If we came directly under the Cabinet Office's remit, while engaging directly with the Foreign Office on matters that relate to Foreign Office competences, such as the United Nations, Spain's claims and so on, we would none the less be able to use the Cabinet Office as the springboard to the other Whitehall departments, with which we should have engagement—as you started your analysis—as British citizens. That is key.

My previous point about where this is going in the long term is apposite. Where does the United Kingdom see its overseas territories in its constitutional hierarchy and structure going forward? Can it justify regarding them as somehow able to engage through the Foreign Office; as the Channel Islands do with the Home Office in some way; and, as in your example, the Cabinet Office?

Lord Waldegrave of North Hill: Do others have comments to make on this?

Chris Carnegy: Lord Waldegrave, I do not come with a brief from the Chief Islander—who presents his compliments to the committee—on this particular topic. I have heard the discussion over the years. The personalities matter. The personalities at the Foreign Office have been very good over the years. While waiting in the corridor outside, Lord Ahmad came and said hello. He served twice as the Overseas Territories Minister, and he has spoken in your Lordships' House about the marvellousness of Tristanian lobster. We are pleased when people invest in getting to know the overseas territories. The FCDO, at ministerial and official level, certainly does.

Picking up your point about the career path, there is something in that, because institutionally the FCDO likes to move people around rather quickly—every three or four years perhaps. The chance to stay with a speciality, such as the overseas territories, is not granted to many of their people. So maybe finding a home for the good civil servants or Ministers who want to stick with the OTs is something to think about.

Richard Hyslop: Similar to Gibraltar, many of our issues are Foreign Office issues, by dint of the geopolitics. Therefore, the relationship with the Foreign Office is important, because we obviously have a governor. The governor is a direct employee of the Foreign Office. We do a lot of work engaging with embassies across Latin America, which do a tremendous job in promoting the Falkland Islands, Falkland Islanders' right to self-determination and the Falkland Islands' life and culture, and all that comes through the Foreign Office. For us, we have to sit somewhere. The Foreign Office seems to be a good place to be.

A lot of the relationship is personality-driven. We are very lucky that, in recent years—with Minister Rutley and now Minister Doughty and some of their predecessors, such as Minister Morton—we have had really good Ministers who take a great interest in the overseas territories and have a passion and drive that across Whitehall.

In the past, we have had Ministers that are less interested, because often, their portfolios are quite wide—Minister Doughty has a huge portfolio, in addition to the overseas territories. Therefore, they take less of an interest in the overseas territories. That is sometimes the same with the officials. At the moment, the officials are very good, but sometimes there are officials that are less interested in the overseas territories. Therefore, in grounding and embedding a lot of these things in a new White Paper or whatever, it would not necessarily matter who the Minister was or who the personalities were, because the structures that are in place do not change, even if the Minister changes or the officials change.

Lord Waldegrave of North Hill: Dr Cairns-Wicks, do you have any views on this topic?

Dr Rebecca Cairns-Wicks: My views are very similar. I echo the words of Richard Hyslop. We have a governor. We work with and have a good relationship with the Governor's Office and the FCDO. For us, the most important thing is the further strengthening of the systemic Minister-to-Minister dialogue. In particular, on the advanced briefing on funding reform decisions, ensuring that our Ministers are fully engaged at the appropriate stage of departmental decision-making is really important, as is ensuring that any decisions affecting the territories, particularly those relating to financial management and reform, are developed collaboratively, supported by regular updates and bilateral dialogue.

For us, the continuity of engagement and the expansion of cross-Whitehall ministerial strengthening is important. Relationships across ministerial and official levels are critical. Understanding takes time, and sustained dialogue is essential if we are to realise our shared ambitions of a sustainable, a resilient and a thriving territory within the British family. We greatly value the consistency and openness shown by Minister Doughty in his role as the Minister for the Overseas Territories. I will leave it there.

Chris Carnegy: One further point to make, Lord Waldegrave, is that, regardless of where we sit, it is an anomaly that the Crown Dependencies sit somewhere else.

Q71 **Lord Griffiths of Burry Port:** I realise, when part of a discussion such as this, why I am delighted that I am not a diplomat. There are two groupings here. The first is made up of the Falklands and Gibraltar, because of where they are, how money has been invested and the largest capital programme for 40 years, as you said. Saint Helena and Tristan hang together in quite a different way. We heard, in your introductory remarks—and I have read, when going online—that, for both Saint Helena and Tristan, there is an absolutely critical moment from the financial point of view, upholding the range of services and other requirements, and that it puts a quite a heavy burden on a rather small number of inhabitants.

I congratulate Dr Cairns-Wicks on her recent arrival in power, with 823

votes, which was 71% of the total votes cast. Croydon, where I live has a similar thing happening.

You talked about sustainability. There was reference made by more than one of you not to the 2012 White Paper or the agreements we have mentioned but to the United Nations Charter. If you start there, our responsibilities to disparate and smallish bodies such as yours require us to spend more money. You had the request for that ironed out of you by going into diplomacy. It would be remiss of us in this committee if we did not recognise how fragile the economies of Saint Helena and Tristan are.

The Chair: Thank you very much, Lord Griffiths. I do not know if any of you want to respond to that.

Chris Carnegy: I welcome it, Lord Griffiths. I know about your connection with the Methodists and the UN's Methodist Central Hall celebrations in the last couple of months.

Article 73 is very important. In a changing world, there is no sign of that changing. In the past, I have asked the UK, at some interval—maybe every other year—to publish an account on how it has delivered on the obligations of Article 73. The current Minister, Minister Doughty, expressed interest in that idea before he was in office. I wonder whether his civil servants have quietly encouraged him to forget it. But, yes, I agree.

Dr Rebecca Cairns-Wicks: I just want to express thanks for that recognition. It is a significant and severe challenge. Obviously, being an ODA recipient, negotiating our aid budget preoccupies much of our time annually. We very much hope that we might be more fortunate to have a longer-term timeframe for that agreement. It makes a significant impact on whether we can deliver just core services and our ability to invest if we are going to have a thriving future—being able to not just stabilise our current situation but build resilience for the future. The availability of resources is an extremely worrying situation for us. We are certainly hugely grateful for the benefits that we get, and capital support is important in supporting capital project developments. Recently, as you know, we had the port opening, which took place just last year, thanks to that support. We are certainly looking, as I mentioned earlier, at the critical infrastructure where renewables and telecoms are going to really underpin our opportunities for bringing down the costs of living and supporting growth.

The Chair: Your points are very well made. I will turn to Lady Laing.

Q72 **Baroness Laing of Elderslie:** Thank you, Lord Chairman. We have covered just about every aspect of this in terms of the joint declaration. I wonder if I could just explore a little further. To what extent is it effective for you, as overseas territories, to work as one entity—for example, as with the White Paper or the joint declaration? Is it more effective for you to negotiate separately with the UK Government, in terms of compacts or bilateral agreements, or is it sometimes better to be in one of those

aspects rather than the other, depending on what you are talking about, be it constitutional or practical? I wonder if I can first turn to the Chief Minister on that.

Fabian Picardo: Lady Laing, what a pleasure to see you again and to address you in those terms. You are absolutely right that there is an issue here about whether we as overseas territories engage together in the JMC with the UK Government and that is effective, or whether the reality is that we are as similar as we are diverse and that the issues affect us are so different.

Our most effective engagement with the United Kingdom has been when we have had a Gibraltar-specific JMC. After Brexit, the Conservative Government set up the JMC Gibraltar, which was the joint ministerial council that led to the successful negotiations on the withdrawal agreement aspects for Gibraltar and now the new arrangements, which we hope will be published in the coming days and involved working directly with successive Conservative Ministers for Europe, including Wendy Morton and Leo Docherty, who were engaged in that negotiation with David Cameron, Liz Truss and Boris Johnson.

That work was much more effective for us than the work that we do together, as all overseas territories engaging with the UK Government, because the difference is so great. There is room for that too, because there are some things that we need to do together as a family of overseas territories and the United Kingdom, but there is much work to be done, and much more effectively, bilaterally with the United Kingdom Government. That is why we are so attracted to Lord Waldegrave's idea that there should be direct engagement with a different Whitehall department on those issues, which are not the pure Foreign Office issues.

I will give you an example. Today, as you know, the Foreign Office has an overseas territories department. We do not engage with that department from Gibraltar for most of our work with the Foreign Office; we engage with the department for Europe, because Gibraltar is in Europe and our issues are usually European. They are not the issues that are facing some of what I might call our more outlying overseas territories cousins. I hope that is helpful.

Baroness Laing of Elderslie: That is very helpful and rather enlightening. Thank you, Chief Minister.

Chris Carnegy: The answer is both, please. At the overarching level, there will be some things that are absolutely common interests—respect for local autonomy and democracy, and support for environmental stewardship, for example. Those are very much pan-OT issues. That is where the high-level statement of principle, be it a White Paper or whatever, would come in. Most of the day-to-day work is territory-specific, and the territories are wonderful diverse.

Richard Hyslop: I agree with what has been said already. We do not allow the JMC to be the only mechanism we have; we engage bilaterally

on a daily basis with the UK on our issues. But there are some issues, such as the fundamental right to self-determination and other things, that impact us all, and it is important that we come together as a family of overseas territories on those issues but that does not prohibit us engaging bilaterally as and when we need to.

Baroness Laing of Elderslie: That is very useful, thank you.

Dr Rebecca Cairns-Wicks: I would like to reinforce the statements that my colleagues have made, certainly those of Chief Minister Picardo in recognising how diverse our circumstances and opportunities are. Therefore, for us, it is very much both. We have talked about the framework from the 2012 White Paper through to the joint declaration, which is a progression. More importantly, developing those relationships through the UK overseas territories charter, which we expect will deliver—and needs to deliver—stronger cross-Whitehall partnerships and the ministerial responsibilities to support the overseas territories within their responsibilities.

For us, the bilateral compacts very much offer that necessary flexibility to reflect that diversity. They are a practical route to strengthen that relationship and give us that structured framework that we need, in terms of Minister-to-Minister engagement, the aligning of shared priorities and creating what is importantly a consistent bilateral feedback loop. In particular, I note that progress in establishing those bilateral partnerships is going to require sufficient capacity and resourcing to move from principle to practice. We want to move these forward quickly and within our capabilities.

It is a combination of both. We have to recognise that we also have strengths in working across the territories. That strength comes from knowledge-sharing, family and partnership.

There is also a role that perhaps we do not have a chance to explore quite enough—working together outside that UK relationship. Certainly, our Minister for Health has just returned from a very successful visit to Montserrat of shared learning and experience. We look forward to hopefully welcoming Montserrat to our shores in the future.

Q73 **Lord Beith:** I will pick up on a couple of points that emerged from the written evidence which you helpfully provided us with. In the Tristan da Cunha written evidence, you make the point that the commitment in the declaration is the consultation on primary legislation, not on secondary legislation. The committee has often pointed to the range now covered by secondary legislation and the extent to which it impacts on people's lives, perhaps more directly than the parent primary legislation. Is there a concern among several territories that there should be some consultation mechanism on secondary legislation? Do you share the concern expressed by the Falkland Islands that, "On some occasions, we only find out that a piece of legislation or a treaty/agreement that has come into force impacts us because we have read something in the news or been at an event where it has been raised by someone else"? Does that echo

other people's experience?

Fabian Picardo: If I might just take up the cudgel of replying first to that, it is true that there are some instances when the United Kingdom enters international legal obligations and treaties, and we are informed, with perhaps 12 hours' notice, and asked whether we should wish to be involved or not and whether it should be extended to us. These tend to be treaties that have tangential, if any, reference or relevance to Gibraltar and that at the last moment someone thinks that they should check with us. That needs to improve, for sure.

Having said that, when it comes to primary and secondary legislation, Gibraltar has for some time established—for the past almost 30 years—that no orders in council are passed that are relevant to Gibraltar. Gibraltar does its own legislation in a particular area of competence. We get consulted on that secondary legislation if it is going to have an impact or produce an order in council, because we do our own, rather than have them extended to Gibraltar by the United Kingdom.

Chris Carnegie: Lord Beith, the Chief Islander made the point in his written submission that we feel, in principle, that being consulted on secondary legislation that will directly impact us would be an equitable thing to do. He also made the point that the Crown Dependencies have rather stronger safeguards against direct legislation than the overseas territories do.

It may be that we are moving in a direction where a more consultative, and dare I even say collaborative, approach might be coming. The Minister's mantra is, "Nothing about you without you". If that is to be the new direction of travel of HMG, we would be pleased to see it come into effect.

Lord Beith: If I could raise another point, which the Falklands submission brings in: you made the point that you had difficulty with the Health and Safety Executive over an issue, to the extent that you started thinking of looking to another foreign Government for advice on it. That suggests that, whereas government departments might have established systems to notify you or assist you, agencies that run separately from the departments may not be covered by these sorts of arrangements. Was that the situation?

Richard Hyslop: Yes. On the broader point, very often it is not a deliberate desire to exclude us; it is just that sometimes we fall off the table or we are forgotten. I could be wrong, but with the devolved institutions, there is some sort of formal check that has to be gone through every time legislation is done to make sure that there is no impact on the devolved institutions or, if there is an impact, that it is taken into consideration.

We would love to see something similar for the overseas territories, Brexit being the prime example. The UK assumed it could negotiate about the overseas territories but did not seek a mandate to negotiate about

the overseas territories. Therefore, it could not include us in its negotiations. As a direct result, we now have tariffs of between 6% and 18% on our fisheries exports. Last year, we paid €15 million in tariffs to the EU, when, prior to Brexit, we were not paying tariffs. We are still struggling, all these years later, to try to work out how we can disentangle that situation.

You are right about agencies. The HSE stuff relates directly to the Sea Lion oil field and our hydrocarbons work. We are having real difficulty engaging there, so it may be that we have to look elsewhere. I must say that the Foreign Office and Minister Doughty are keen to help and support us, but sometimes that ministerial support does not necessarily filter through to other institutions and agencies.

Lord Beith: Saint Helena is nodding, is that in agreement?

Dr Rebecca Cairns-Wicks: Absolutely. It is very much a shared experience, probably for the very same reasons. It is important, and it is a challenge, to ensure that consultation takes place early and in a way that enables us to meaningfully participate in the decisions that affect us. As Chris Carnegie mentioned, absolutely, the principle is, "Nothing about you without you".

For us, when engagement happens late in a process, it can limit our ability to ensure that policies and programmes are informed by local conditions, capacities and priorities. Early dialogue leads to better decisions that are more practical, proportionate and effective to our island context.

Agencies and engagements are really important, not just in terms of "Nothing about you without you" at UK level, but translated to Saint Helena.

Richard mentioned the Brexit negotiations, which were very significant and impacted all of us. For us, it removed access to the economic development fund, on which we were quite dependent in our capital programmes and development. It is what enabled us to get fibre optic to the island, which is going to be the backbone of our development going forward in terms of the ability to have future prosperity linked to that. We have not been compensated for that loss, and that is a particularly good example of how significant the impacts can be if we are not included in that dialogue and there are not alternatives in the case of things such as the EDF.

The Chair: That brings the questions from the committee to an end. It just remains for me to say that all this evidence is extremely helpful to us in our deliberations. We expect that we will publish the findings of our inquiry around Easter—in other words, in a few weeks' time. This is the final evidence session that we will be taking. We are extremely grateful for the time and trouble that you have taken and, to some extent, for a slightly different view from some of you, which all adds to this extraordinary cocktail of the overseas territories, which you are, for which

all of us have a great deal of affection and a far greater understanding of.
Thank you very much. I am now going to draw this public session to a close.