

# Written evidence from His Majesty's Loyal Opposition in the Bermuda Parliament (SOT89)

## Public Administration and Constitutional Affairs Committee The Status of the UK's Overseas Territories in the 21st Century inquiry

### I. Introduction

1. This submission of written evidence is respectfully made to the Public Administration & Constitutional Affairs Committee of the UK Parliament in respect of the Committee's Inquiry: *The Status of the UK's Overseas Territories in the 21<sup>st</sup> Century*.
2. It is appreciated that this written evidence is made after the published date for submissions, but it is nonetheless hoped that this submission may be of some assistance to the Committee. More specifically, this submission has been prepared to respond to the question the Committee has posed about the UK's current constitutional arrangements as regards the Overseas Territory of Bermuda and, in particular, the question whether and how Bermuda might pursue independence.
3. In view of the support for independence expressed by the present Government of Bermuda, we wish to ensure the Committee receives a full and balanced view of the issues relating to self-determination in Bermuda and its present circumstances.
4. The Opposition strongly encourages and invites the Committee to accept this evidence in the spirit of full and open inquiry into matters of momentous importance to people in Overseas Territories around the world, and especially those in Bermuda.

### II. Executive Summary

5. The Opposition recognizes, respects, and supports the right of self-determination for all Bermudians as enshrined under Article 1 of the United Nations Charter. It is for Bermudians to decide our Island's destiny. If the time comes for Bermuda to reconsider its constitutional relationship with the United Kingdom, any self-determination must only be carried by a ballot of the people of Bermuda through a fair and transparent democratic referendum.
6. Making a favourable case in support of independence faces a litany of arguments demonstrating in practical terms the extent to which Bermudians will suffer as a

post-independence Commonwealth nation. Arguments against independence have many practical merits; in contrast, the arguments made by those in favour of independence are largely political. The tangible impacts of independence to all Bermudians would be immediate and ultimately reduce the quality-of-life Bermudians have come to know in the decades following World War II.

7. Ultimately, any aspiration to political independence and sovereignty put forward by Bermuda's political leaders must first acknowledge that only through a unified community can the exercise of Bermuda's self-determination succeed.

### **III. Democratically Exercising Self-Determination**

8. Only the people of Bermuda have the right to decide Bermuda's destiny. This right of self-determination is enshrined in Article 1 of the United Nations Charter and is a fundamental principle of liberal democracy.
9. Taking this right as our starting point, the Opposition strongly believes that severance from the United Kingdom must not occur *unless and until* independence has first been endorsed through a democratic referendum posing a clear question and yielding a decisive outcome. Only in this way will every voice be given the opportunity to be heard and counted on the specific issue of independence.
10. For the will of the majority of Bermudians to be clearly ascertained, the vote must stand alone from all the other political issues of the day. A general election is a woefully inadequate forum to determine an issue of such fundamental importance. Voters weigh many factors during a general election: the party platform; the personal appeal of candidates; and the record of the incumbent party are just a few. The significance of Bermuda's decision regarding any possible independence requires nothing less than the single focus of a democratic referendum.
11. If Bermudians are called upon to determine the potential severance of British subjects from our long-standing connections with the United Kingdom, the assent of a material proportion of Bermudians must be required considering the significance of such a decision. Even if such a consensus is achieved, there cannot be independence unless there is also a clear and democratic consensus among Bermudians on *when and how* to bring to an end our historic relationship with Britain.
12. When examining such a consequential and fundamental change in Bermuda's constitutional framework, it is the duty of Bermuda's elected representatives to consider the viewpoints of all segments of the community.

13. Bermudians have, to date, been given only one opportunity to express their view of independence through referendum. In August 1995, approximately 74% of Bermudians<sup>1</sup> voted to remain British.
14. More recently – and contrary to the position advocated by the current PLP Government – 2023 data demonstrates that an even greater majority of 84% of Bermudians<sup>2</sup> would vote against independence. The remainder who expresses support for independence are small in number<sup>3</sup>.
15. The Opposition therefore respectfully encourages the Committee to use great caution when considering any submissions that purport to suggest there is wide support for an independent Bermuda. Any such contention is against the totality of other available information.
16. For the reasons set out, the Opposition respectfully invites the Committee to formally recommend to the UK Government that it provide an unequivocal and binding confirmation that *any future consideration of Bermudian self-determination must require a democratic referendum of the people of Bermuda as a necessary precondition for any determination on independence.*

#### **IV. An approach to Considering the Merits of Independence**

17. Building on this foundation, the Opposition strongly advocates that those tasked with such a momentous decision should approach the question of independence by considering the answers to the following three questions:

***(1) Will independence allow Bermudians to fulfil their dreams and reach their full potential?***

18. *Social division and enmity:* Bermudians have time and again indicated a reluctance to fundamentally alter Bermuda's status as an Overseas Territory of the United Kingdom. Given such an overwhelming majority of the Bermudian electorate who do not favour independence, any proposal to proceed with

---

<sup>1</sup> Direct Democracy, <http://www.sudd.ch/event.php?lang=en&id=bm011995> [Last Accessed 8 October 2023]

<sup>2</sup> In a poll conducted by the independent research company Narrative Research Bermuda in January 2023, **83% of Bermudians currently oppose independence**. This is an increase from the poll conducted four years ago in September 2019, where at that time 71% opposed independence. So there has been a distinct hardening of the anti-independence viewpoint.

<sup>3</sup> The January 2023 poll revealed that **only 3% of Bermudians strongly support independence**. When added to the 7% who mostly support independence, this means support for independence in 2023 has dropped to 10%, which has fallen markedly from the 23% who expressed support for independence in the 2019 poll.

independence regardless will only sow division and distrust among Bermuda's community.

19. *Political Instability and Corruption:* The Westminster parliamentary system, and indeed the constitutional order that accompanies parliamentary democracy, is one of the foundational and more successful frameworks of government to emerge in human history. The Bermuda Constitution Order 1968 provides Bermudians with a stable and free society under the rule of law and within which its people can lead lives of dignity and personal liberty. Conversely, one need only look at Transparency International's corruption perception index<sup>4</sup> to see the high incidence of perceived corruption in post-independence Commonwealth nations.
20. *Loss of favoured immigration/travel status:* Bermudians currently enjoy a number of benefits by virtue of our long association with the United Kingdom, including perhaps most valuably, freedom of travel under the protection of His Majesty through entitlement to possess, as a British subject, a British Overseas Territory Passport. Indeed, from around 2002, Bermudians also enjoy the right to live and work in the United Kingdom. Independence would remove these invaluable benefits. It is also noted that many Bermudians have emigrated to the UK to avail themselves of the UK's enviable social system, including access to UK healthcare and education.
21. *Access to Defence and National Security Support:* One recent example that can be cited in favour of remaining a British Overseas Territory is the material support received from the United Kingdom during the recent coronavirus pandemic. As the spread of the COVID-19 virus across the globe brought the world's nations to a standstill, the global consensus was that only through a strategy of containment and vaccination could nations hope to mitigate the risks posed by the virus. Bermuda's status as an Overseas Territory provided its residents with priority access to *multiple* state-of-the-art mRNA vaccines. This accelerated the Island's ability to emerge from the restrictive public health measures required at the height of the pandemic.

**(2) Will independence lead to an improvement in the economic success of our island and its inhabitants?**

22. *Likely 'Brain Drain' of skilled workforce and reduced tax base:* if, as seems likely, independence were to lead to increased emigration of people from Bermuda, this 'brain drain' would clearly be detrimental to the Island's community and economy. This would include a decline in the number of persons in Bermuda who are able

---

<sup>4</sup> Transparency International, <https://www.transparency.org/en/cpi/2022>, [Last Accessed 8 October 2023]

to contribute to the payment of taxes, with a reduced tax base putting increased pressure on public services and the Island's already considerable debt burden (as to which see below).

23. *Devalued currency and Minimal Exploitable Natural Resources*: the real risk of currency devaluation would also have a devastating effect on Bermuda. The Bermuda dollar is currently pegged to the United States dollar. In the event of increased economic adversity, were this peg to be removed, it is unlikely the Bermuda dollar would strengthen against the US dollar. Were the Bermuda dollar to fall, this would likely devalue Bermudian assets and lead to economic uncertainty.
24. *Bermuda has debt of \$3 billion and \$3 billion in unfunded pension liabilities*: using current data, Bermuda's debt and unfunded public section pension obligations together total between \$6 billion and \$7 billion. This is a considerable economic concern, and an independent Bermuda is unlikely to be in better position to reduce these obligations.
25. *Mutual Geopolitical Strategic Value*: the current relationship with Britain affords Bermuda stability and comfort in an increasingly unstable world and maintains a jurisdiction of considerable strategic value in the Atlantic for the UK. The Cold War may be behind us, but future geopolitical conflict may see a resurgence of strategic importance for the UK through Overseas Territories, including the increasing relevance of territorial claims to the ocean.
26. *Mutual economic opportunity and innovation*: with the UK seeking to enhance its global prominence as a nation outside of the European Union, the UK is reviewing its global relationships, including the natural affinity that it has with Commonwealth countries and British Overseas Territories. For Bermuda, this represents an opportunity for increased economic benefit and innovation.

### **(3) Will independence create opportunity for effective and fruitful international engagement?**

27. *Reduced diplomatic influence*: it goes without saying that an independent Bermuda will lack the status for international engagement that it currently benefits from as a British Overseas Territory. Additionally, any efforts by an independent Bermuda to promote greater international engagement will come at a considerably increased cost to the Island. At present, Bermuda can ill afford the increased expenditure needed to do this.
28. *Diplomatic Access to Supranational Organizations*: this point dovetails with the preceding one. If it is seriously contemplated that an independent Bermuda

would take on the international obligations of independent nations in terms of diplomatic relations and participation in Supranational Organizations, the added cost, and added tax burden to the residents of any independent Bermuda, would be extreme and detrimental.

## **V. A Collective Objective of Unity and the Case for Reform**

29. More fundamentally, when Bermudians embark upon any democratic consideration of self-determination, the Opposition believes it is vital for all of us, *whether or not we support independence*, to recognize that independence *itself* cannot be the ultimate goal.
30. History is littered with failed nations who mistook independence – rather than unity – as an end in itself. Independence does not guarantee unity. And the pursuit of independence in the absence of unity leads to fracture – or worse.
31. Our true goal, instead, must be to achieve a unified people – with Bermudians working together for the success of our Island and the betterment of all her people in the face of our current adversities, of which there are many.

## **VI. Conclusions and Recommendations**

32. Bermuda's people will likely face extraordinary adversities, both locally and on a global scale, in the decade to come. The distraction of implementing a new constitutional order as an independent nation in a geopolitical landscape that presents unforgiving risks to our island, is one of the many reasons why Bermuda is ill-served by consideration of independence at this point in our island's history.
33. The question of self-determination must be left to the people of Bermuda in line with the UN Charter and recognised principles of liberal democracy. Anything less leaves the fates of each Bermudian in the hands of only a small group, whose interests are too often obscured from public scrutiny and who have consistently demonstrated an inability to resolve Bermuda's most pressing issues. And this occurs despite their having access to the considerable resources offered through our longstanding special relationship with the United Kingdom.
34. The Opposition urges the Committee to formally recommend that His Majesty's Government in London unequivocally requires a referendum for any decisions of self-determination. We encourage the Committee to recognise that the full range of issues presented by a discussion on Bermuda's future as a British Overseas Territory are varied and complex. Certainly, these very real issues ought not to

be ignored in the face of selective representations calculated to present an incomplete picture.

35. Finally, we express our sincere gratitude to the Committee for permitting the Opposition to contribute to this important discourse.

*November 2023*