

SPECIAL SECTION

Guest editorial introduction:

Overseas Territories & Crown Dependencies: What future in ‘Global Britain’?

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ABSTRACT: Brexit has caused a big shift in the geo-political outlook of the United Kingdom (UK). An early statement of intent is the ‘Global Britain’ agenda. Within this context the UK’s Overseas Territories and Crown Dependencies are often overlooked. However, they have been both impacted by Brexit and potentially offer real opportunities for a more outward facing UK. This Introduction to the special section explores the extent to which the Overseas Territories and Crown Dependencies have lost out due to Brexit across a range of issues, although perhaps not to the extent originally expected. It also considers how both sets of territories might be able to contribute to realising the Global Britain agenda. However, it is not yet fully formed and the UK and several Overseas Territories are exposed due to the contested sovereignties of the latter. The Introduction concludes by discussing the six papers featured in the special section and how they prompt a range of questions for future research.

Keywords: Brexit, Gibraltar, Global Britain, Crown Dependencies, European Union, Overseas Territories

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Introduction

The territorial span of the United Kingdom (UK) goes far beyond the four ‘home nations’ contained within the British Isles: it includes a number of Overseas Territories and Crown Dependencies. There are 14 (mostly small and insular) Overseas Territories located across the globe. These include Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, the Turks and Caicos Islands, as well

as St Helena, Ascension and Tristan da Cunha, all the with permanent settled populations. Then there are others, such as British Antarctic Territory (BAT), the Chagos Islands/ British Indian Ocean Territory (BIOT), and the South Georgia and South Sandwich Islands, with no permanent residents. Then there are the three Crown Dependencies, Jersey, Guernsey and Isle of Man, which are located much closer to the UK. Collectively, these territories represent thousands of small islands, vast areas of ocean, but also, in Antarctica, a landmass six-times the size of the UK. There are significant geographical, constitutional, judicial and cultural differences between the Crown Dependencies and Overseas Territories; and yet there are themes of common interest *inter alia* governance, economic viability, geo-politics and the natural environment. Moreover, the Overseas Territories and Crown Dependencies' ongoing links with the UK mean that their immediate futures are intertwined with and impacted by UK political events such as Brexit and the agenda of 'Global Britain': the British Conservative Government's term for its post-Brexit foreign policy.

As the *UK in a Changing Europe* (2020) think tank suggests, the term 'Global Britain' "was intended to signal that the country would not become inward-looking after Brexit, but on the contrary would have a global outlook that went beyond Europe". The most significant attempt to establish what is meant by 'Global Britain' is contained within the government's flagship 'Integrated Review of Security, Development and Foreign Policy' (2021), which was launched under the headline title: 'Global Britain in a competitive age'. This seeks to provide a "comprehensive articulation of the UK's national security and international policy" and sets out "a vision for Global Britain" (Cabinet Office, 2021). It identifies four objectives: sustaining strategic advantage through science and technology; shaping the open international order of the future; strengthening security and defence at home and overseas; and building resilience at home and overseas.

The Conservative Government has argued that Global Britain is taking shape through, for example, trade agreements with countries such as Japan and the Aukus security pact with the United States (US) and Australia. However, there remains much to do to better articulate and formalise Britain's global presence and role. Within the broad context of the policy, the argument is made that the UK should make the most of the territory it possesses globally, embodied in the Overseas Territories and Crown Dependencies. In the Integrated Review (HM Government, 2021) there are several mentions of the territories. The key references include:

1. The common bond between them and the UK offering the latter "an advantage in an increasingly competitive global environment and a distinctive and influential voice in the world" (p. 13).
2. The UK's responsibility to ensure its security through the presence of the British Armed Forces in the Sovereign Base Areas (Cyprus), Gibraltar, Ascension Island, Falklands Islands and Chagos/BIOT, and a maritime presence in the Atlantic and Caribbean focused on counter-trafficking and humanitarian assistance (p. 71).
3. Environmental concerns, principally promoting "sustainable economic growth" (p. 92), marine protection (p. 93), and biodiversity conservation (p. 104).

Although these are important areas of cooperation and have potential for promoting a Global Britain brand, issues one and three are very broadly drawn, whilst issue two creates risks for Britain's global reputation as Gibraltar, Falklands and Chagos/BIOT are claimed by Spain, Argentina, and Mauritius respectively; while the UK can no longer assume the backing

and support of the European Union (EU) in any of these cases, and particularly Gibraltar. (More on this below.) In this shifting geopolitical and geo-legal environment, uncertainties over the maintenance of British sovereignty pose risks to the UK's international standing and could compromise the overarching objectives of the Integrated Review.

The inspiration behind the special section was to give us and the authors of the papers an opportunity to reflect, not only on the idea of Global Britain, and the place of the Overseas Territories and Crown Dependencies within it, but also on what if anything has changed in terms of their relationship with the UK since its departure from the EU. In short, the special section offers both a broad overview and focused insights into the impacts of Brexit on the Overseas Territories and Crown Dependencies and how relationships might develop in the future. The issues are of special interest to us as we have previously offered analysis of what the effects of Brexit might be for the Overseas Territories and Crown Dependencies (e.g., Clegg, 2016; 2018; Benwell & Pinkerton, 2016). Prior to the UK's departure from the EU, the Overseas Territories and Crown Dependencies drew certain benefits from UK membership. With the exception of Gibraltar, which was part of the EU, the other Overseas Territories were recognised as EU Overseas Countries and Territories, were members of the Overseas Countries and Territories Association (OCTA) and were beneficiaries of an 'Overseas Association Decision' that offered a range of benefits including free access of goods to the EU market, aid, free movement of people, and a strong political voice in the EU. The Crown Dependencies were not associate members of the EU, but they were part of the EU's Customs Union and the Common Travel Area.

These benefits were important, although individual Overseas Territories and Crown Dependencies benefitted in diverse ways. For example, Falklands Islands and Tristan da Cunha exported significant amounts of squid and lobster into the EU tariff-free. Gibraltar's services sector, such as its shipping trade and online gaming industry, gained from access to the EU's single market. Pitcairn, which depends on financial transfers, received crucial development funding from the EU. The Overseas Territories located in the Caribbean, with their offshore financial sectors, valued the political access they had in Brussels when financial regulations were being discussed. Jersey sent 90% of its fisheries to the EU, and the waters between Jersey and France were generally well managed by several agreements, which were underpinned by the UK's EU membership. In terms of security, Gibraltar's border with Spain was more open and stable because of EU membership. As Benwell and Pinkerton (2016, p. 10) argued, the EU emerged here as a "guarantor power". Similarly, the position of Falkland Islands was boosted in its territorial dispute with Argentina due to the EU's recognition of UK sovereignty. Therefore, it was unsurprising that Brexit, on balance, appeared to represent a potentially damaging outcome for the Overseas Territories and Crown Dependencies. As Clegg (2018, p. 163) noted in this journal, "The territories will likely become more isolated, more vulnerable, and quite possibly poorer over the next few years". So, has this sombre prognosis come to pass?

It is still early days; and we cannot provide a full assessment here. Moreover, the six papers in this special section, while going into depth, focus on particular issues. Nevertheless, we *do* provide an overview of how developments are starting to play out. Of course, plotting the effects of Brexit is not easy, in part because of the significant impact of the COVID-19 pandemic (Benwell et al., 2021) and because there was an interregnum between the Brexit vote and when the UK eventually gave up the benefits of EU membership in January 2021. Alongside the Withdrawal Agreement, the Overseas Association Decision (Revocation) (EU Exit) Regulations 2019 was put into effect. In a statement issued to residents of the Overseas Territories, the UK government noted that during the transition period, "your rights and those

of your family members will not change” (MercoPress, 2020). The Crown Dependencies were similarly protected until the end of 2020. Therefore, this special issue covers just over 12-months since the full impact of Brexit has been felt. Yet, the precarity of the post-Brexit situation is already being revealed.

Five areas of special concern

Trade

Let us first consider trade. The UK, including the Crown Dependencies, signed a thin trade deal with the EU, the EU-UK Trade and Cooperation Agreement. Although trade is tariff-free there are other non-tariff barriers to enter the EU market, such as certificates of inspection, new customs requirements and more paperwork. Less trade is now being undertaken with the EU as a result (Flach, 2022). Moreover, Jersey has been negatively impacted by the changed management of its local fisheries, which now rests entirely with Jersey; previously under the Granville Bay agreement there was shared responsibility between Jersey and France. Under the EU-UK Trade and Cooperation Agreement, Jersey must allow European (primarily French) boats, which have historically fished in its waters to continue to do so. However, in 2021, French fishers and the French government objected to the low number of fishing licences awarded to them. This led to French boats protesting outside the harbour of St Helier in Jersey and French authorities threatening to cut off Jersey’s electricity supplies and introduce ‘targeted measures’ against British boats. Ultimately, additional licences were given to the French fishers (BBC, 2021).

For the Overseas Territories, the consequences of Brexit for their trade was potentially even more serious as they are not part of the EU-UK Trade and Cooperation Agreement. However, in some cases the short-term losses have been lessened due to the implementation of temporary/transitional measures. For example, Tristan da Cunha received a reprieve after the EU signed a mini tariff package of mutual concessions with the US in 2020. This included the removal of tariffs on US lobster imports into the EU, which in turn led to the EU removing tariffs on all imports of lobster, including those from Tristan. The deal runs until 2025 and means Tristan’s regime for exporting lobster into the EU remains unchanged since Brexit (Carnegy, 2021). Elsewhere, the Falklands has benefitted from a deal that allows 75,000 tonnes of squid to be imported into the EU duty-free. But only product for ‘industrial processing’ is eligible, which excludes the majority of squid from the Falklands. As James Wallace, CEO of Fortuna Ltd, a significant player in the Falkland Islands, South Georgia and South Sandwich Islands fisheries industry said: “it is not a replacement of the quota-free-access that [we] enjoyed on all fishery products prior to Brexit” (MercoPress, 2021). Although they have not faced the feared worst-case scenario since Brexit, it is clear that the certainties in place when the UK was an EU member have now disappeared for Jersey, Tristan da Cunha and Falkland Islands. Instead, they are having to adjust to a more unstable, less predictable and less supportive set of trade relations with the EU and its member states.

Aid

Beyond trade, another area of concern, particularly for the Overseas Territories, relates to aid. All of the territories received EU aid in one form or another, whether that was via the European Regional Development Fund for Gibraltar, the European Development Fund, or the Technical Cooperation Facility for the Falklands. Tens of millions of Euros were allocated, and

for some territories such as Anguilla and Pitcairn, it was vitally important. A funding gap was created as a result of Brexit and that gap remains. So far, the UK Government has not made clear its plan for providing financial assistance to those territories that do not require budgetary aid from the UK (all except St Helena, Montserrat and Pitcairn). In the communiqué from the 2021 UK-Overseas Territories Joint Ministerial Council, it was stated that, “The UK will continue to consider further requests for financial support on a case-by-case basis” (GOV.UK, 2021). However, this does not offer any certainty for the territories and is far removed from the well-planned and longer-term EU funding. The House of Commons Foreign Affairs Committee, in its report on the Territories, suggested “a dedicated development and stimulus fund” (Foreign Affairs Committee, 2019, p. 4), but this has not gained traction in government circles thus far. Moreover, the UK is not in a strong economic and fiscal position, in part because of global shocks related to COVID-19 and the war in Ukraine but also because of Brexit itself. As a result, resources will be more limited going forward, including for the Territories, which are not a high budgetary priority when compared to the UK’s National Health Service, Education or Defence. Therefore, not only is the funding gap left by Brexit likely to stay; but any existing support for the territories is likely to be further reduced.

A voice in Brussels

A third area of concern relates to the lost ‘voice’ of the Crown Dependencies and Overseas Territories within the EU. Prior to Brexit, both groups of territories had direct access to the European Commission and European Parliamentarians (with Gibraltar being represented by a Member of the European Parliament). Now, of course, that access has been lost, and there are worries that EU blacklisting of offshore financial centres in some Overseas Territories and Crown Dependencies may now be more likely. Indeed, in February 2020, the Cayman Islands was blacklisted by the EU and was then required to pass a series of reforms to improve its tax policy framework. Cayman was removed from the blacklist in October 2020 (Klein, 2020). However, at the same time Anguilla was added to the blacklist; but it was removed the following October. In January 2021, the European Parliament voted to place those Overseas Territories and Crown Dependencies that have an offshore financial sector on the blacklist. During the prior debate, MEPs referred to the fact that “after Brexit, [they] lacked a layer of protection from inclusion on the blacklist” (Partington, 2021). The ultimate decision lies with EU member states and thus far they have not taken the decision to place all those territories on the blacklist (although five Overseas Territories are on the “grey list”), but the risk has certainly increased since the UK left the EU.

And the risks will only heighten with Russia’s invasion of Ukraine. In a Foreign Affairs Committee report from 2018, *Moscow’s Gold: Russian Corruption in the UK*, the link between Russian dirty money and the Overseas Territories and Crown Dependencies was highlighted. Journalist Juliette Garside told the Committee that “In Russia, one of the names for a shell company—one of the words people use—is BVI [British Virgin Islands]. They just call them BVIs as shorthand” (FAC, 2018, p. 22). Garside also name-checked the Isle of Man. With tough sanctions against Russia, the call of the Committee is even more prescient: The territories “are important routes through which dirty money enters the UK. This cannot continue” (FAC, 2018, p. 23). In an effort to address this, a UK Foreign Office Minister visited the BVI in March 2022 to ensure sanctions were being fully implemented by the territory (Wintour, 2022).

Sovereignty disputes

A fourth issue to consider relates to the active sovereignty disputes that exist between the UK and other countries over particular Overseas Territories, specifically the Falklands, Gibraltar and Chagos Islands/BIOT. There were concerns that the UK may lose the important collective diplomatic support of the EU with Brexit, and in turn weaken the UK's sovereignty over the three territories. At the time of writing (March 2022), the EU has not changed its diplomatic posture; however, pressures to do so are building. For example, in February 2022, Guillermo Carmona, Argentina's Secretary of the Malvinas, Antarctica and South Atlantic, said: "What has happened, the Brexit, has brought about a fundamental change" (MercoPress, 2022). He believed that the EU would now offer more support to Argentina's territorial claim over the Falklands. Its diplomatic efforts were reinforced, also in February 2022, when China reasserted its support for Argentina's claim and Argentina's President Alberto Fernández backed China's sovereignty claim over Taiwan (*The Guardian*, 2022).

But perhaps the most prominent challenge has come in relation to Chagos/BIOT. The territory was established in 1965 when the British split the Chagos Archipelago from Mauritius, which was soon to gain independence. The UK then removed the entire population of the archipelago prior to establishing a joint military facility with the US on the island of Diego Garcia. Since then, both the status of the territory and removal of its population have been contested, and over the last few years the UK has faced increasingly serious challenges to its position. For example, in February 2019 the International Court of Justice ruled that Mauritius could not be considered fully decolonised until the Chagos Archipelago was returned to it. Then, three months later, the United Nations General Assembly passed a resolution stating that the Chagos Islands were an integral part of Mauritius' territory. Further, in January 2021, the International Tribunal for the Law of the Sea ruled that Mauritius had rightful sovereignty over the archipelago. Most recently, in February 2022, exiled islanders made their first unsupervised visit arranged by the Mauritius government. Its Prime Minister, Pravind Jugnauth, said the visit was not meant to embarrass the UK: "It is merely an exercise of our sovereignty over part of our territory ... in accordance with international law" (Bowcott & Rinvolutri, 2022). There is no evidence to suggest that the growing pressure on the UK regarding Chagos/BIOT has anything directly to do with Brexit, but it does demonstrate, as with Argentina's more proactive diplomacy on the Falklands, that there is greater brittleness in the UK's authority and influence since leaving the EU. Arguably, this extends to a sense of the UK being increasingly – at least with reference to the Chagos Islands – isolated and out-of-step with wider de-colonial sentiment. This could have consequences in relation to how the Global Britain agenda is interpreted and received by other actors, including the Overseas Territories.

And then there is Gibraltar

Gibraltar has been impacted most directly by Brexit in terms of its potential future status and the need to maintain an open border with Spain that is so important for the free movement of workers and trade. There was considerable risk that the border would become much harder after the transition period. However, Spain introduced 'bridging measures' to soften the blow until a more permanent agreement was signed. On 31 December 2020, an agreement in principle was outlined for Gibraltar to join the EU's Schengen Area that would involve Spain supervising checks on immigration with officers from Frontex (European Border and Coast Guard Agency) carrying out the actual controls. Spain suggested that any agreement would be based on the principle of "co-responsibility" (Lee, 2021). Although Spain has not explicitly

raised its territorial claim, there are obvious sensitivities around a new agreement, and Gibraltar has put in place plans for a potential 'no deal'. Nevertheless, even with the bridging measures, there have been problems with the border. For example, in February 2022 hundreds of tons of rubbish were stuck in Gibraltar because the company that usually transferred the waste to a plant in Spain lost its authorisation to transport it due to a ruling that the service now involved a non-EU territory (Fernandez, 2022). Thus, Gibraltar is faced by a sub-optimal post-Brexit choice: accept an agreement that would surely involve greater Spanish oversight of its affairs; or have a 'no deal' that would incur major logistical challenges, extra costs and restrictions.

Brexit and its challenges to trade, development, sovereignty and offshore financial flows will shape how 'Global Britain' is constructed, and where its limits might be. On the one hand, continuing strong ties between the UK, Overseas Territories and Crown Dependencies will be needed to develop a positive and influential agenda. This might include continued networking, cooperation and lobbying within the UK political system on issues of common interest; securing the longstanding aim of greater engagement on territory issues by a wider range of UK government departments; and a possible new formal mechanism for Parliamentary Select Committees to scrutinise relevant UK government policies, as recommended by the Foreign Affairs Committee in 2019. On the other hand, there will have to be some give and take to plot a course through the increasingly choppy international waters that in turn will require some greater autonomy of action by the territories.

The papers in this special section

The six papers included in this Special Section prompt a range of questions for future research. These fall into four broad areas. The first concerns the ongoing consequences of Brexit on the Overseas Territories and Crown Dependencies and includes material impacts of reduced access to trade and aid, but also, building on the articles by Brandtjen (2022), Mut Bosque (2022) and McDowell (2022), questions about how the UK's exit from the EU is experienced, perceived, and negotiated by citizens, political elites and sporting officials/athletes in the islands and territories concerned, and, to what extent it may influence views on their future political status.

The second area of interest focuses more specifically on the evolving political relationship between the Overseas Territories, Crown Dependencies and the UK: examining potential reforms to and perceptions of the institutions and processes by which policy is developed and the ways in which citizens' voices may be incorporated therein (Clegg, 2022).

Thirdly, growing recognition over past decades of the environmental importance of the Overseas Territories, both terrestrial and marine, and highlighted here by Harmer (2022) and Montana (2022), calls for further research into questions of knowledge production, governance, management and justice in this area (Howson, 2020).

And fourthly, returning to one of the central themes of this Special Section – the Conservative Government's 'Global Britain' agenda – prompts key questions about how this policy will unfold in practice over coming years, particularly in the context of major geopolitical change and crisis. This includes the extent to which the Global Britain agenda retains traction for current and future governments and how it is viewed from the Overseas Territories, Crown Dependencies and – as highlighted by Gray (2022) in this special section – other international actors.

The emphasis on foregrounding perspectives from outside the UK raises further questions regarding how this policy may be evaluated and approached through the lens of decolonial perspectives and/or analyses that attempt to make “ongoing colonial entanglements theoretically and politically visible” (Boatcă, 2021, p. 391). These new insights and understandings might emerge from both within and outside academia, drawing on voices not previously documented when considering the UK and its relationship with the Overseas Territories and Crown Dependencies. As the contributors to this Special Section demonstrate, there is fertile ground here for further critical work that interrogates the many social, geopolitical, economic and cultural links bound up in these relationships.

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