

October 2019

Anguilla

 **Get ready for Brexit**



Produced by **The West India Committee**
Incorporated by Royal Charter in 1904
UK registered charity no. 258545

The West India Committee has an official partnership with **UNESCO** (consultative status)

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EXECUTIVE SUMMARY

- The Government of Anguilla and its London Office have generally received the same quality of insight into *Brexit* negotiations as has been provided to the UK public, revealing that the outcome remains uncertain as at the date of this document.
- Both the UK Government and the European Commission have stated both directly and indirectly that Anguilla must now prepare for all and any outcome of *Brexit* at all levels of society be it individual, business, institutional or administrative.
- Everyone is responsible for their own preparation or contingency measures.
- The Government of Anguilla and its agencies will provide updates on developments relating to the UK's withdrawal from the European Union that relate to Anguilla, as and when they receive them from the UK.
- **The guidance provided in this paper is not comprehensive, but indicative** and should assist all in assessing their respective positions and needs. Further guidance may be provided by the Government of Anguilla on request.
- The deadline for the UK's withdrawal from the EU is currently scheduled for 11:00 pm on 31st October 2019, London time, which is midnight in Brussels, Belgium, where the negotiations are taking place, unless there is a unanimous agreement to further extend the deadline.
- The UK Parliament has introduced legislation designed to avoid the UK leaving the EU on 31st October 2019 without a deal, however the UK Prime Minister remains adamant that the UK will leave on that date with or without a deal.
- Only the governments of the member states are authorised to decide the conduct and outcomes of *Brexit*.
- This paper has been prepared by the London Office of the Government of Anguilla in accordance with the recommendations of both the UK Government and the EU Commission to enable Anguilla to take preparedness and contingency measures in readiness for the outcome of *Brexit* negotiations. The paper does not, however, anticipate nor stipulate the outcome of those negotiations.
- The paper has been prepared with the support of the West India Committee, a UK registered charity incorporated by Royal Charter and a consulting NGO to UNESCO specialising in small-island developing nations.

BACKGROUND

On 23rd June 2016, the UK held a referendum in order to determine whether it should remain as a member state of the European Union. The UK Prime Minister at the time, David Cameron, introduced the measure to address mounting public concern with a number of political issues pertaining to the European Union. The most prominent was the free movement of people that has led to over 3.8 million European citizens living in the UK as of 2017, with the on-going potential for further migration as more countries join the EU, gaining the entitlement to live and work in any EU member state indefinitely.

The EU requires all of its member states to observe each of the four fundamental freedoms of the European Single Market, namely: free movement of people, free movement of goods, free movement of capital and freedom to establish and provide services. As, according to the 2016 referendum and the 2017 election, the UK no longer wishes to observe some of them, it is obliged to leave the EU, unless the referendum is overturned.

Although the 2016 referendum found in favour of the UK leaving the EU, the vote was very close with 51.9% voting to leave the EU and 48.1% to remain. The withdrawal of the UK from the EU has been christened 'Brexit' by the press, a generally adopted term that denotes the UK's withdrawal from the EU. In determining the result of the referendum, an assessment of votes across the entire UK was made, that did not take into account regional preferences. Devolved nations, such as Scotland and Northern Ireland, are therefore obliged to leave the EU despite the majority of the citizens of these nations voting to remain in the EU, leading to political challenges against the UK Government by these devolved administrations, each of which is represented in the UK Parliament. This has added to the complexity of the negotiation process. As such, discord has the inherent risk of breaking up the United Kingdom of Great Britain and Northern Ireland. This has caused a very challenging political climate in the UK leading to various votes of no confidence in the Prime Minister and the UK Parliament voting against the Withdrawal Agreement and Political Declaration resultant from two years of negotiations between the UK and EU conducted by Prime Minister Theresa May, who was subsequently replaced by Boris Johnson, the current Prime Minister. Those opposing *Brexit* have now forced through legislation that obliges the PM to request a further extension beyond 31st October 2019, although Mr Johnson remains adamant that he will not allow the process to go beyond that date. At the date of this document it remains unclear if an extension will be agreed, thus changing the day of *Brexit*.

Not every British nation took part in the referendum. In the case of the British Overseas Territories, only Gibraltar was given a vote after litigation in which a court awarded them the right to participate despite not being a component nation of the United Kingdom per se. However, as the only inhabited territory, other than the military base in Cyprus, that is physically located in the continent of Europe, Gibraltar voted in the referendum. Conversely, although physically on the continent of Europe, the British Crown Dependencies of Jersey, Guernsey and the Isle of Man did not have a vote in the EU referendum and, like the British Overseas Territories, none are deemed to be within the jurisdiction of the United Kingdom due to their constitutions. Nonetheless, various British Overseas Territories are exposed to the consequences of *Brexit*, and Anguilla in particular. Unfortunately, the position of Anguilla as a British nation with direct borders with various French and Dutch islands, two of which are Outer Most Regions of the EU and, as such, administered in

Europe, was not taken into consideration at the time of the referendum by the UK who is constitutionally responsible for the 'external affairs' of the island. Since then, we have struggled to secure that recognition in order to ensure that comprehensive provision is made should the people of Anguilla require support in the event that post-*Brexit* relations between the UK, France, Holland and the wider European Union prove challenging. Having brought the matter to the attention of the UK Government, we were initially advised that "*nothing would change for Anguilla as a result of Brexit*" and that Anguilla's borders were merely "*nominal*". This position has also been reflected in communications made within the territory on behalf of the UK, although some in the territory dispute this assessment, remaining concerned that the traditionally soft border arrangements between the islands may change.

In direct response to the referendum, the UK Government under Prime Minister Theresa May issued what is known as the *Article 50 Notice* in March 2017, which triggered the process for the UK's withdrawal from the EU. It was agreed by Theresa May that the future relationship between the UK and EU after withdrawal would be negotiated in the second phase of the negotiations once the terms of the withdrawal itself have been settled in phase one. It was originally intended that the initial phase would entail a two-year process in which the parameters for the second and third phases would be determined and that the second phase of the negotiations would focus upon future relations between the UK, its related nations and the EU. It is during these negotiations that Anguilla's position would have been referred to, although indications thus far are that there has been little progression from the UK's stance that Anguilla's borders are "*nominal*" and that "*nothing would change*" for the island. The island has therefore not been given any distinctive consideration as a border nation, and merely appears as a footnote in the withdrawal agreement negotiated by the British Government and the EU.

Initially phase one was due to end by 11:00 pm on 29th March 2019 (London time). However, although the terms of the Withdrawal Agreement negotiated over the two years were approved by the PM, the UK Parliament rejected it on three separate occasions, finding fault in the provisions designed to support the Good Friday Agreement between the UK and the Republic of Ireland over the conduct of the border between the Republic and Northern Ireland that became known as the 'Irish Backstop'. As a consequence of the political challenges in the UK, the twenty-seven remaining EU member states unanimously agreed to extend the deadline for the UK's departure each time it was rejected, now leaving the current deadline of 31st October 2019 as the legally binding date by which the UK must leave the EU despite the fact that the UK Parliament has now passed a law prohibiting the new Prime Minister, Boris Johnson, from leaving Europe without an agreement by that date. Nonetheless, there remains a real risk that if negotiations are not successfully concluded by that date and an extension is not agreed, the UK will withdraw on 31st October 2019 even if there is no agreement on the nature of the withdrawal. This 'No Deal' *Brexit* would mean the relationship between the UK and EU will have to rely upon a series of international rules and regulations that govern how countries generally interact with each other, including those of the World Trade Organisation.

From Anguilla's perspective, the UK, in its entirety, is its sovereign state. Under the terms of the current Anguilla constitution, the UK is solely responsible for the negotiations of *Brexit* on behalf of Anguilla. Anguilla, together with the British nations of the Channel Islands, England, Scotland and Wales, have direct marine borders with the EU, whilst Gibraltar and Northern Ireland have land

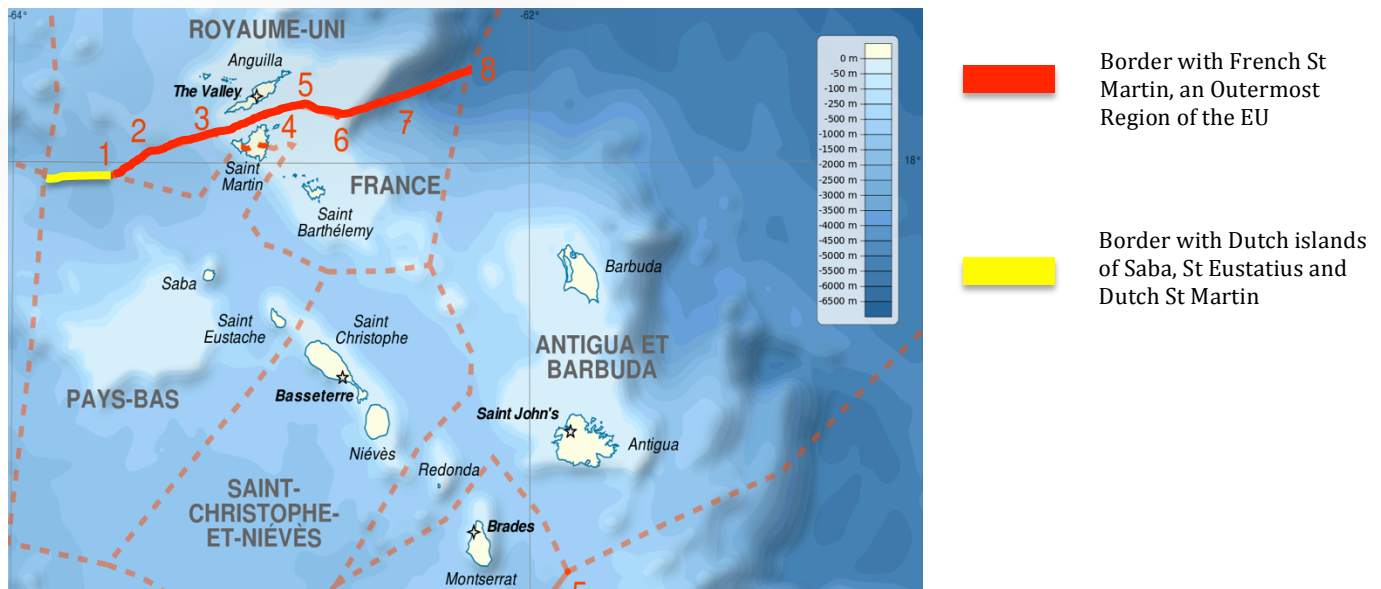
borders. Unlike the remainder of the British family of nations, Anguilla borders Outermost Regions of the EU, in the guise of French Saint Martin and Saint Barts, whilst also sharing other marine borders with various Dutch islands in its vicinity. Anguilla's viability is heavily reliant upon neighbouring French and Dutch Saint Martin that forms the gateway for a significant percentage of Anguilla's tourists, as tourism remains Anguilla's main economic driver, and upon the EU itself that provides Anguilla's only significant source of capital developmental aid in recent years, other than the disaster relief provided by the UK in the aftermath of Hurricane Irma. Saint Martin is also key to Anguilla as the only market for the territory's agricultural and fisheries sectors. The shallow waters of Anguilla also means large shipments are often transhipped via Saint Martin, and as such even those goods imported from the USA and other major markets may become affected should Anguilla's borders with the EU related islands experience disruption. This arguably makes Anguilla one of the most exposed and vulnerable of all British nations to the risks of an unsatisfactory, or *No Deal Brexit*. The fact that the French are at liberty to close their border with Anguilla at any time, as is the case on a daily basis at present, further adds to Anguilla's exposure to *Brexit* with four twice daily shipments of containerised goods per week and over half a million crossings per annum according to the current Governor of Anguilla.

<https://www.thedailyherald.sx/islands/83161-governor-explains-uk-funded-projects>

In addition, due to Anguilla's short runway, a substantial element of Anguilla's airfreight is transhipped via Dutch and French Saint Martin.

Negotiations between the EU and UK have proved extremely complex and difficult, further complicated by the delicate political balances that must be maintained in the UK if a satisfactory outcome is to be achieved with the support of a majority in the UK Parliament within the ever-shortening time scale. This scenario led to the replacement of Theresa May with the UK's current PM, Boris Johnson, as she failed to overcome the impasse within Parliament, coupled with the dissension of increasing numbers of ministers within her own government.

Anguilla's viability rests upon close cooperation and collaboration between the peoples of the islands within its vicinity who, like Anguillians, seek a continuation of the current socio-economic ties that have endured for generations and who, together, face some of the most drastic consequences of climate change. The evident need for continued close relations of itself may not, however, override the impact that *Brexit* may have on the region. The situation is further complicated by the constitutional profiles of each island, which differ considerably, ranging from French St. Martin that is represented in the French Parliament in Paris as a *collectivité* of France and an Outermost Region of the EU, as is the case for neighbouring St. Barts that Anguilla also shares a border with; the Dutch country of Sint Maarten that is accountable to the States General of the Kingdom of the Netherlands through its own parliament (The Estates of Sint Maarten); and St. Eustatius and Saba that are each *municipalités* of the Kingdom of the Netherlands. Both the French and Dutch have delegated *Brexit* negotiations to the EU Commission in Brussels, including arrangements for their respective interests in the Caribbean. The process of *Brexit* for Anguilla's neighbours is being conducted by the EU's lead negotiator, Monsieur Barnier in Brussels, and not by the local democratic leaders, Governors nor other local officials, none of whom have authority to bind their respective member states, nor the other 23 member states that do not have countries, *collectivités*, *municipalités* or territories of their own. It is the unanimous decision of the 27 member states of the EU that intend to remain after the UK's departure that will determine the outcome of *Brexit* through the auspices of their lead negotiator.



Anguilla's marine borders with the EU.

Map courtesy of Sémhur / Wikimedia Commons, via Wikimedia Commons

Anguilla's exposure to *Brexit* has been widely publicised by a series of white papers that we have prepared on behalf of the Government of Anguilla, as we understand from discussions with the UK Government that the position of the territory appears to have been overlooked in the referendum process. The UK's response largely remains that "*nothing will change for Anguilla by virtue of Brexit*", although they no longer refer to Anguilla's borders as 'nominal', notwithstanding the hard fact that they close each day, rendering them somewhat significant in the eyes of many. Negotiations on behalf of Anguilla have, to date, largely been conducted at a local level by the Governor and formal talks have yet to take place with respect to the Overseas Territories in Brussels, and indeed may never take place if a *No Deal Brexit* occurs or the second and third phases of the negotiations, as originally envisaged, no longer take place. The Foreign and Commonwealth Office have also been in discussions at ambassadorial level in Europe, but these overtures will nonetheless be subject to the agreed, formal process that has been applied strictly to the *Brexit* process since inception, and as such would culminate in a referral of the matter to the lead negotiator, Monsieur Barnier. Although the French Government has now issued a letter addressing the requirements for Anguillians working in French St. Martin after *Brexit*, it should be noted that this is based on the assumption that a Withdrawal Agreement will be entered. The French anticipate that things will, in fact, change even if there is an agreement, from which we may reasonably assume that things may also change if there is no agreement over *Brexit* or an unsatisfactory one that may alter the calibre of the UK's relations with France and Holland.

Although we may now have but a few weeks left before the negotiations close, even if the *Brexit* date is extended to 31st January 2020, as specified by the legislation recently introduced by the opposition parties in the UK, the islands are still recovering from one of the worst natural disasters on record and will each find any form of disruption an additional and unwelcome burden during this period of vulnerability for them all.

The public in the UK are now being asked to **'Get ready for Brexit'**, and we must advise Anguilla to do the same, preparing for every eventuality that may arise from *Brexit* at every level of society, be it governmental, personal, commercial, institutional or otherwise. This is also the case for the citizens of the 27 remaining EU member states and the Overseas Countries or Territories

related to members states of the EU. To date, we have not been advised of any formal allocation of resources to Anguilla by the UK to address potential disruption or loss resultant from the UK's withdrawal from the EU.

The territory may also have to address the loss of much-needed funding that has been a critical source of support for the island's capital development. A recent letter from the Minister of State, Lord Ahmad, has gone some way towards alleviating this concern, stating that the UK will fulfil current EU funding obligations. However, the proposed alternative is clearly not a like-for-like substitution, as yet, and may expose Anguilla to a more competitive scenario and marginalisation of the nature experienced during the majority of its 369-year relationship with the UK. Moreover, you will note that the commitment is currently time-limited, whilst EU funding was destined to continue unabated.

Anguilla received £2,152,000 in UK Overseas Development Assistance (ODA) between 2012 to 2014.

This is a spend of **£141 per person** in a total population of 15,253.

Montserrat received £72,789,000 in UK ODA between 2012 to 2014.

This is a spend of **£14,101 per person** in a total population of 5,162.

St. Helena received £265,691,000 in UK ODA between 2012 to 2014.

This is a spend of **£66,290 per person** in a total population of 4,008.

The UK tend to provide government funding on a competitive basis, meaning Anguilla may have to compete with other territories for support with little regard to date for the size or composition of its resident population that ranks as a medium size territory with an unusually high percentage of indigenous people currently standing at over 96%. Without a committed level of support over a reasonable period, there may be less scope for the territory to develop its own medium to long term economic planning. The risk is therefore that the UK's substitute funding, in lieu of the loss of EU support, will neither be as accessible nor sustainable as that provided by the EU, further

adding to the economic challenges Anguilla faces as it recovers from Hurricane Irma, and addresses other fundamental economic challenges that predate that natural disaster. There is also the continued tendency of the UK to introduce conditions that impinge upon the territory's devolved powers, reflecting the classification of the British Overseas Territories as 'contingent liabilities' [of the UK]. We are therefore continuing our dialogue with the UK to advise them as to our preferred funding mechanisms that may prove effective for the foreseeable needs of Anguilla.

Should the stresses and strains of what many are calling a constitutional crisis in the UK go to the extreme and ultimately cause the breakup of the United Kingdom of Great Britain and Northern Ireland, Anguilla, together with the myriad of other British nations that are linked to the UK in its present form may be faced with a constitutional conundrum of their own: namely how to identify with a country that may be rendered substantially different to the sovereign state with which their constitutional relationship was originally forged.

Mrs Blondel Cluff CBE

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Special Adviser to the Premier of Anguilla
Chief Executive of The West India Committee**

PREPAREDNESS AND CONTINGENCY PLANNING

It should be noted that none of the below is currently stipulated in law and the advice given is anticipatory.

Whilst the UK is responsible for the external affairs of Anguilla, both the UK and the EU have ordained that the citizens of the member states [and their related nations] must be responsible for their own *Brexit* preparedness and contingency planning. The people of Anguilla must now identify how *Brexit* will affect their lives. Only they will know the true extent of this, which may differ considerably from one case to another. This paper will guide that assessment and should offer some assistance in this essential work that should, where applicable, be undertaken by individuals, institutions, commerce and government. This paper is not comprehensive, but may only serve as an illustrative guide, as the position of each individual, business, institution or administration will be unique and as such is more effectively determined and acted upon by those directly concerned.

There are two kinds of steps that may be considered:

1. PREPAREDNESS MEASURES

These are steps that must be taken as a consequence of the withdrawal of the UK, whether it secures an agreement with the EU or not. These measures will address much of the additional administration that will arise by virtue of Anguilla becoming what is known as a '*third nation or territory*' because once *Brexit* occurs the island will lie on the border of EU related islands and two Outermost Regions of the EU itself. Anguilla's new status may affect how it may interact with the islands on its border, although HM Government of Anguilla does not seek to introduce any new requirements, preferring to maintain the current position as much as possible. The EU are currently establishing the status of '*third territory*' to specifically designate nations such as Anguilla that have direct borders with the EU. Preparedness for the introduction of new administrative requirements by these islands that reflect Anguilla's new status will be essential to avoid disruption as the islands settle into their new relationship after *Brexit*.

2. CONTINGENCY PLANNING

These are measures designed to mitigate or reduce the negative effects of the new relationship. These measures should be temporary and should last only until final, long term arrangements are agreed on behalf of Anguilla between the UK and EU, although in some instances they may offer permanent alternatives to existing arrangements.

WHO SHOULD PREPARE?

Quite simply, everyone must prepare as a change in the relationship between the UK together with its territories and EU entities are inevitable and are likely to be noticeable. The aim is to ensure that *Brexit* does not adversely affects anyone. To ensure this is so, **we must all prepare and, if necessary, take contingency measures**. Hence individuals, businesses of all sizes, institutions, associations and other entities must assess their situation, plan and take all

necessary steps before 31st October 2019, or such other date on which *Brexit* may occur if further extensions are agreed, in order to build resilience to the impact of *Brexit*. It would be wise to interact with your EU counterparts on EU-related islands to ascertain what actions they are taking, thereby ensuring the relationship they share with Anguilla can be sustained with minimal disruption as we embark upon the new relationship.

Workshops have already begun for fishermen and may be required for others trading into the EU or its related interests in the Caribbean region. Similarly, those receiving goods from such sources will have to become conversant with any new administrative requirements and documentation they may seek to introduce, if any. There are already some guidelines online for various countries and we must maintain a watching brief on the publication of requirements for neighbouring islands that may be imposed without reference to the UK or Anguilla.

It should be noted that although the EU is conducting negotiations with the UK on behalf of the 27 remaining member states of the European Union, ultimately each state will adopt its own approach to how it conducts itself after *Brexit*, and so the position of each EU-related island must be assessed separately.

CITIZENS

It is important that you assess all of your interactions and relationships with EU member states and their related Overseas Countries and Territories, and Outermost Regions as listed in **ANNEX 2**. These should include relationships with persons residing there such as family members or other dependants, together with educational, commercial or business relationships and include focus on goods and services you require from or provide to such islands.

The following are some of the issues you should consider when evaluating your reliance on EU member states, EU Overseas Countries and Territories or Outermost Regions of the EU:

- Do you have a passport? If so what type of passport? At present, it is anticipated that both the British Citizens passport and British Overseas passport will continue to allow Anguillians to enter the EU and their related nations, including Saint Martin without a visa for up to three months in any six-month period, although this may not be definitive until the negotiations are satisfactorily concluded. The Government of Anguilla do not intend to adjust their requirements for entry by the citizens of EU countries, or their related islands in the Caribbean such as Saint Martin, so it is hoped that this will be reciprocated. It should also be noted that the French have indicated that visas will be required for Anguillians working in Saint Martin under a scheme that has yet to be introduced.
- Are there essential goods and services that you receive from the EU or its related Caribbean islands, such as medical or educational services, or funding that you may receive from EU grant-making bodies? Liaise with the provider of these goods, services and funding sources to ascertain what steps they are taking in preparation for *Brexit*, and what they may require you to do in those circumstances. It may prove prudent to stock up on essentials goods such as medicines, if practical, to overcome

any delay that may arise whilst the new regime commences. There may be additional costs incurred due to currency exchange rate fluctuations and availability of the items, and so you should budget for this, having first verified that any price increases are genuine.

- If you are a student in receipt of an EU-funded grant, obtain written confirmation that your course is fully funded through to completion, even if it is completed after *Brexit*. Students applying for EU funding will be advised directly by such grant-making bodies as to funding opportunities after *Brexit*, if any. You may also have to consider whether a student visa is now required if you study in the EU or an EU related island. As yet, this is unconfirmed.
- Do you have dependant family members in French or Dutch islands? If so make plans to overcome possible delays in transport or border control, or additional customs requirements for goods that may be introduced where goods are transferred from Anguilla and the end destination is a EU-related island.
- In respect of food and other consumables taken from Anguilla into EU related islands, there may be new checks put in place to ensure that they meet EU rules and regulations in respect of being sanitary, phytosanitary (plant sanitation) and other related issues. There have been workshops in Anguilla on fish exported from Anguilla to St. Martin and notices will be probably be published by the EU related islands should further EU rules and regulations arise.
- If you intend to travel shortly after *Brexit*, factor in flexibility, as access to Anguilla may be affected whilst new requirements are introduced in the immediate aftermath. In any event, providers of transport, such as Anguillian operated ferries and planes, will have to satisfy the EU-related islands that they continue to adhere to EU standards, such as those relating to licensing and qualifications, and may have to obtain new EU certification to prove that EU standards have been achieved. Much of this work is already in hand and so should not cause delay unless unexpected additional measures are introduced or currently unforeseen complexities arise.
- The transfer and holding of personal data in respect of Anguillians on an EU-related island may also change in due course that may culminate in the need to collect fresh information.
- Individuals working in the EU or its related interests on the basis of UK professional or trade qualifications may have to have them appraised and re-certified as acceptable under EU rules. This may take some time to process and so should be put in hand at the earliest opportunity once any EU requirements are confirmed by them. Fees may also be incurred.
- A requirement for visas for Anguillians working in the EU or its related interests may arise, depending on how the relationship between the UK and EU evolves. Should

this occur, consult your EU employer to ascertain what both they and you are required to do under the new regime, as you may each have to make arrangements.

BUSINESSES

In order to ensure that the conduct of your business is not disrupted by the introduction of new practices as a result of *Brexit*, it is important that steps are taken before *Brexit Day* to mitigate potential disruption. Any technical notes and updates published by the UK Government in respect of Anguilla will be circulated by the Government of Anguilla. We attach copies and links of those published by the UK government to date in **ANNEX 1** hereof.

Businesses in Anguilla that rely heavily upon the supply of goods and services from EU-related islands and that may also employ nationals or residents of such islands should take note. It is inevitable that the customs arrangements will be affected between the UK and the remaining EU member states. This may be reflected in the approach taken by EU-related islands in the Caribbean, although this is not a necessity and requirements, if introduced, may differ from those in Europe and from one island to another. Border controls may become stricter as a result of *Brexit*, although the Government of Anguilla have agreed with the UK that this should be avoided if at all possible, a position that the EU is sympathetic to at present. Preparation and contingency measures should nonetheless be taken to mitigate potential disruption to your business, particularly as this may adversely affect its profitability. Your budgeting should also anticipate the impact of *Brexit* on the rates of exchange of the various currencies used in the islands. These include Eastern Caribbean Dollars, the Euro and the US Dollar, each of which is used in Anguilla and St Martin, its main regional trading partner. It should be noted that some individuals rely on UK pensions that are remitted to Anguilla in Pounds Sterling and so face an additional currency exchange risk.

- Transport operators will have to ensure that they are conversant with all and any EU rules and regulations that may be introduced and to ensure that they satisfy them accordingly. The Government of Anguilla will update you on any changes, giving as much time as possible to enable you to prepare for them. To date, changes in the regulation of ferry operators and export of fish are being taken into account.
- There may be a need to secure EU certification and/or licensing for both operators of vehicles and their vehicles where such transportation is used within EU jurisdiction. Ferry and plane operators may be required to satisfy EU rules and regulations in order to ensure they are complicit and that the business may use the method of transportation in question accordingly.
- Goods that are both exported from and imported into Anguilla may be affected by EU rules and regulations, including items that are components for manufacturing. If you rely on an IT system or on-line service to support your imports and exports, care should be taken to ensure that data is up to date and adheres to the new regime.
- Items in transit from one EU-related island to another through Anguilla may be subject to different requirements to those applicable to items where Anguilla is the end

destination. Similarly, items in transit from Anguilla through an EU-related island to another final destination that is outside of the EU, may avoid EU requirements.

- Exporters of animals and plants from Anguilla, and products derived from them, are likely to require certification by way of proof that they have observed EU requirements in respect of sanitation and phytosanitary conditions, together with other aspects of their condition, source, treatment and handling.
- As Anguilla does not manufacture any pharmaceuticals, it is a net importer of these essential goods. The Government of Anguilla, the Health Authority of Anguilla and other government agencies may provide further guidance on how to proceed where such goods are imported from the EU or its related interests with particular focus on critical medicinal products. Similarly, access to EU-based medical services such as MRI scanning and pathology labs in St. Martin will have to be protected from any potentially adverse effects of *Brexit*, given the critical role this plays in the health services of Anguilla and the fact that the establishment of such services on Anguilla may not be cost effective *given* the size of the population and overheads entailed. Check your medical insurance cover to ensure that the insurer has not adjusted your level of cover as a result of *Brexit*.
- Personal data may be provided to an EU-related island as an intrinsic element of various businesses. After *Brexit*, there may be certain limitations on accessing information held there, unless EU regulations are satisfied. Businesses dependent upon the free flow of any such information should monitor the position and may need to take contingency measures to mitigate potential disruption.
- Professional qualifications that have been issued by the UK may have to be legitimised under EU rules and regulations. It is therefore important to ensure that practising certificates and other qualifications that are a pre-condition to the delivery of a service or conduct of business in the EU or an EU-related island are confirmed as being acceptable there before *Brexit Day* to avoid disruption, as each island may adopt a different stance on this issue and the position in mainland Europe may also change.

ADMINISTRATIONS

The administration of Anguilla is conducted jointly between Her Majesty's UK Government and the Her Majesty's Government of Anguilla (Government of Anguilla). The representative of Her Majesty Queen Elizabeth II is the Governor of Anguilla. As the Queen no longer has any constitutional power in the UK, the Governor of Anguilla is, *de facto*, an extension of the democratically elected Government of the UK who are conducting the negotiations for the withdrawal of the UK from the European Union on behalf of the British Overseas Territories in accordance with the constitutional relationship between Anguilla and the UK, whereby 'external affairs' are conducted by the Governor unless an entrustment has been granted to the Government of Anguilla on specific matters. The mandate of the Governor in respect of *Brexit* is derived from the instruction of the people of the UK issued to the UK Government by means of the

referendum on EU membership held on 23rd June 2016 in the UK and the British Overseas Territory of Gibraltar. Anguilla was not included in this process.

Anguilla also has a relationship with the EU by means of the Overseas Countries and Territories Association (OCTA) of which it is a member. However, as Anguilla is not a member of its Executive Council, it is merely an observer of the policy decisions made by OCTA. As such, the approach taken on *Brexit* does not fully represent the island's unique position. This is magnified by the fact that the majority of the French and Dutch nations that surround Anguilla are not active members of that forum, with French Saint Martin lying outside of its remit entirely. This forum must observe the instructions of the member states of the EU that includes the UK until *Brexit Day*. Thereafter, it is currently hoped that the British Overseas Territories will attain a form of associate membership of the association. This is likely to depend upon the nature of the UK's departure from the EU and the willingness of the remaining EU member states to accommodate the 14 British territories in the absence of a member state. It should be noted that only three EU member states have overseas interests that are members of the association. In the circumstances, certain long-term members question the viability of the association whose principle purpose is to facilitate engagement of its members with the EU. Should the British territories continue as associate members, the UK would have to contribute to its overheads, as 80% of its costs are met by the EU. Anguilla has been largely marginalised by the association for several years and, as such, receives limited benefits. Given our genuinely close relationship with the EU-related islands in our vicinity and the size of our well-established diaspora in the UK, which is one of the largest and oldest of the British Overseas Territories, some form of close on-going relationship with the EU would be desirable, that would enable Anguilla to rationalise its unique position as a border nation of two Outermost Regions of the EU. The quality of the relationship sought would exceed that currently experienced through OCTA and would reflect the UK's own desire to create a mutually beneficial relationship with the EU – post-*Brexit*. The Gibraltar Model, that entails a bespoke relationship with the EU, offers a suitable precedent.

There are no administrations on Anguilla that are entitled to negotiate the terms of *Brexit* with the EU, even in respect of their particular sector. Instead, the island must rely upon the UK to conduct negotiations on its behalf. However, as a matter of prudence, the people of Anguilla must nonetheless undertake preparations for *Brexit* in Anguilla at all levels of society and take contingency measures wherever necessary. This is now required by both the UK and the EU in accordance with their recent announcements.

Agreement on *Brexit* must be reached if the outcome of the referendum of 2016 is to be respected, unless the deadline is extended or the UK decides to revoke Article 50 and no longer leaves the EU, failing which the UK may have to leave in a *No Deal Brexit* scenario, leaving the EU without a bespoke relationship. Administrative bodies in Anguilla should prepare their members for every eventuality within their respective sectors. There is little to prevent direct liaison and cooperation with their EU-related counterparts outside of government to ensure that *Brexit* does not hinder their on-going relationships, nor create additional, unnecessary bureaucracy.

Administrative bodies in Anguilla may be both formal and informal, and operate in the public and private sectors together with those in civil society such as charities, churches, sporting bodies and other social groups that operate cross-border. These include:

- The Health Authority of Anguilla;
- Anguilla Chamber of Commerce & Industry; and
- Other community groups that operate across the borders with the EU-related islands, together with regional bodies, such as those that deal with disaster preparedness, communications, accident response units and otherwise.

The administration of the police and defence of Anguilla, both terrestrial and marine, resides within the Governor's Office. The policing and defence of Anguilla has always relied on close collaboration with neighbouring islands and the sharing of information and intelligence. This lies within the remit of the Governor and is beyond the control or influence of the Government of Anguilla. Similarly, under the Anguilla Constitution, the Governor of Anguilla is responsible for international financial services or any directly related aspect of finance. These may also be affected by *Brexit*; the Anguilla Financial Services Commission, of which the Governor of Anguilla is the head, may issue guidance on *Brexit* developments, should they arise.

CONCLUSION

Preparation for the impact of the UK's withdrawal from the EU on Anguilla is a matter for everyone. The withdrawal of the UK from the European Union, known as *Brexit*, will change the relationship the island has with those islands related to the remaining member states of the EU, as after *Brexit*, Anguilla will be reclassified by the EU as a border or 'third' nation. This will also be the case for the UK. Anguillians must now scrutinise their own personal, business, professional and administrative relations with all EU member states and their related Overseas Countries, Territories and Outermost Regions. These are listed in **ANNEX 2**.

A *No Deal Brexit* in Europe will have unavoidable repercussions in the Caribbean, as has been the case throughout history where European disputes have been played out in the region. Although the people of Anguilla did not have a vote in the 2016 referendum like Gibraltar, it is unlikely, given the small size of Anguilla's population, that the result of the referendum would have been different had Anguilla participated. The Government of Anguilla, both in London and at home has been working hard to ensure that the EU and UK are aware of the substantial, critical risks that *Brexit* entails for Anguilla and its people. Our work has raised awareness of Anguilla's circumstances in the UK, EU and globally, as well as the fact that the conduct of *Brexit* has the potential to inadvertently inflict hardships upon the people of Anguilla.

Whilst this paper focuses on a *No Deal Brexit*, there are recommendations within it that may prove constructive in the context of any form of *Brexit*.

If *Brexit* causes a breakdown in the goodwill between the UK and EU, this need not, of itself, adversely affect relations in the Caribbean, but local goodwill cannot override the constitutional obligations of the islands to their respective sovereign states in Europe, and so relations may yet become challenging in the event of discord in Europe. Using all efforts to maintain the goodwill and respect the islands have for each other is all the more important in such circumstances, and the islands may well lead Europe by example as they continue their *deep and special symbiotic relationship* with each other.

Maintain open dialogue with your colleagues in the EU-related islands and share information with them on how *Brexit* is evolving for you so that you may help each other prepare and continue your relationships constructively.

Draw up a list of areas of concern, and possible solutions, and share them with your friends and colleagues in Anguilla and with persons in the EU-related islands with whom you interact to ensure that the steps you may take are compatible and mutually beneficial.

Beware of unscrupulous individuals and entities that may seek to profit from the consequence of *Brexit*. If you are suspicious of such activities, verify what the correct code of conduct, and/or additional costs (if applicable) should be with the relevant government department.

Determine whether you need to visit EU-related islands in the immediate aftermath of *Brexit*. If not, monitor developments to avoid encountering disruption.

The UK, as the sovereign state of Anguilla, is obliged to safeguard the welfare of its citizens, who are British whether they hold a British Citizens passport or a British Overseas Territories passport. In the event of a *No Deal Brexit* jeopardising the welfare of Anguilla, the UK is obligated under the constitution to provide for the reasonable needs of all British Overseas Territories. This, coupled with the central object of securing sustainable prosperity for the territories, means the UK may have to consider supporting Anguilla in reducing its exposure to EU-related islands whose continued cooperation with Anguilla may be compromised by virtue of a negative outcome for *Brexit*, with particular risks should a *No Deal Brexit* result in medium to long term animosity towards the UK and its territories. In such extreme circumstances, Anguilla may have to take the contingency measures of stock piling goods that are solely sourced from EU-related islands, and seek sustainable, alternative non-EU sources, whilst at the same time swiftly developing its infrastructure in a manner that improves resilience and self-sufficiency. This would, however, mark the erosion of generations of goodwill between the islands, and should be avoided by all concerned wherever possible. Indeed, it is likely to adversely affect the welfare of the people of the EU-related islands as they, like Anguilla, recover from the worst hurricane on record to hit land and, as such, seek ways and means of growing their economies.

Anguilla's principle economic driver is tourism, which is heavily reliant on its clients being able to travel through EU-related islands. Thus, the economic risks are extreme for all of the islands should the French and/or Dutch islands be forced to close or harden their borders with Anguilla in a manner that prohibits a reasonably free flow of people, goods and services. The magnitude of the risks entailed in a 'No Deal' or an otherwise unsatisfactory *Brexit* is colossal for Anguilla placing it among the **highest risk levels** of the British family of nation, particularly where any such disruption arises without a formal basis that may be challenged by the UK. It should be noted that the tourist season commences on 1st November, one day after *Brexit* is currently due to occur, adding to the uncertainty for Anguilla.

The potential loss of the mutually beneficial symbiotic relationship Anguilla has shared with its sister EU-related islands of St. Martin, St. Eustatius, St. Barts and Saba is all the more precarious

as the British Overseas Territory is still in the throes of rebuilding its key infrastructure, nearly all of which was destroyed by Hurricane Irma in September 2017.

Furthermore, the 2017 hurricane disaster clearly illustrated that Anguilla is not deemed eligible for direct support through the UK for Official Development Assistance (ODA) by the Organisation for Economic Cooperation and Development (OECD). If the EU's European Development Fund (EDF) is no longer available to Anguilla, the UK will have to create a new funding stream. This is an obligation of the UK to Anguilla in accordance with the provisions of the International Development Act 2002 and the Anguilla Constitution. Whilst the UK has agreed in principle to provide funding in substitution for the EDF, the terms and conditions for access will differ considerably from those of the EU where the democratically elected government of the territory is permitted scope to deliver its own manifesto priorities without influence from the funder. Moreover, the proposed 'bidding' system favoured in the UK, whilst extremely favourable for certain territories, has seldom resulted in the sustainable level of support Anguilla has received under the European Development Fund for the capital development of the island. In 2016, the EDF accounted for 36% of Anguilla's capital development budget, and is currently contributing to the rebuilding of the island's only secondary school, that was severely damaged by Hurricane Irma.

The loss of key infrastructure, by means of the hurricane, and underdeveloped public services in Anguilla cannot be resolved in a practical, cost effective manner in time for *Brexit*, leaving the island exceptionally vulnerable to circumstances that may challenge the welfare of over 15,000 British citizens. In short, years of neglect of Anguilla may greatly magnify the negative impact of a *No Deal Brexit*.

The shallow waters of Anguilla mean certain shipments are trans-shipped through Saint Martin, and we are now instructed that a substantial element of Anguilla's air shipments follow a similar route. Saint Martin is the closest deep-water port and is favoured by many carriers. Moreover, with the small size of Anguilla's population, goods imported from a distance are often delivered to both islands in tandem, as a cost-effective option.

There is limited scope for Anguilla to undertake comprehensive contingency measures to protect against long term adverse consequences of *Brexit* without substantial support from the UK as its sovereign state, particularly during this time of recovery from Hurricane Irma, and faced with the increased risk of an increase in the frequency and ferocity of such extreme weather conditions due to climate change.

"The Government of Anguilla is committed to working with the Government of the UK and member states of the European Union to ensure that the lives and livelihoods of the people of Anguilla and those of our neighbours and friends in the surrounding islands are not adversely affected by the UK's withdrawal from the EU, and that the unique, age old bond between the islands remains untarnished."

The Hon Victor Banks
Premier of
The Government of Anguilla

BREXIT AT A GLANCE



SHOPPING IN EU-RELATED ISLANDS

If you intend to shop in EU-related islands after *Brexit*, you may find that the currency exchange rates may have altered due to fluctuations in the value of the different currencies that are used in, and within the vicinity of, Anguilla. Budget accordingly. The Government of Anguilla will not impose new customs requirements on goods acquired in the EU or EU-related islands. See page 23 for more details.



IF YOU INTEND TO USE YOUR MOBILE PHONE IN EU RELATED ISLANDS

If you intend to use your mobile phone or IT equipment in EU-related islands after *Brexit* that requires access to broadband or roaming data, you may find the rates may eventually be adjusted. This is a commercial decision in the hands of the service provide. Check with them for details and refer to page 30 for more information.



IF YOU WISH TO TRAVEL TO THE EU OR AN EU RELATED ISLAND AS AN END DESTINATION

If you intend to travel to the EU or an EU-related island as an end destination after *Brexit*, you should ensure that your passport is valid with more than 6 months left to run to enable you to obtain any visas in case this requirement is introduced. NOTE: At present this is not anticipated. However, you should ensure that your passport, whether a British Overseas Territories passport or British Citizens passport remains valid throughout your trip to the EU or EU-related islands. For further details refer to pages 22 and 26 and **ANNEX 3**.



IF YOU INTEND TO TAKE GOODS INTO THE EU OR AN EU RELATED ISLAND AFTER BREXIT

If you intend to take goods from Anguilla into the EU or an EU-related island, either personally or as a business, you will be obliged to take them through the customs of that EU location. The process may become stricter after *Brexit*, and as such you should check with the customs department of the EU or EU-related island destination on whether the goods you intend to take there are acceptable, and whether documentation may also be required in respect of such goods. For further details refer to page 27.

IF YOU INTEND TO ACQUIRE MEDICAL SUPPLIES OR SERVICES FROM THE EU OR AN EU-RELATED ISLAND



If you intend to purchase pharmaceuticals or other medical supplies from the EU or an EU-related island, you may bring those items back to Anguilla without attracting any new customs requirements or duties. If you require medical support from the EU or an EU-related island, there is a possibility that there may be new regulations on the access you may have to these services as a British citizen. Check with your service provider before attending the EU or EU-related islands to access these medical services, to ensure that you can comply with any new requirements. Also verify the terms of any applicable medical insurance cover. See page 23 for more details.

IF YOU WORK IN THE EU OR AN EU RELATED ISLAND



If you work in the EU or an EU related island, you may be required to obtain a visa/work permit. In order to do so you must have a valid British Overseas Territory passport or British Citizens passport with more than 6 months left to run at the time of the application. There may be a charge for the visa. Please refer to pages 25 and 26 and **ANNEX 3** for more details.

IF YOU USE YOUR UK OR OTHER BRITISH QUALIFICATIONS IN THE EU OR AN EU RELATED ISLAND



If you use your UK or other British qualifications in the EU and EU-related islands whether for professional, employment or educational purposes, you may find that those qualifications may no longer be acceptable within those EU locations without satisfying new regulations. Ascertain whether you will be required to have your qualifications accredited by an EU-based institution, and, if so, how to achieve this. Fees may be applicable. Please refer to pages 24 and 28 and **ANNEX 1**.

IF YOU INTEND TO SPEND MONEY IN THE EU OR AN EU RELATED ISLAND



The value of different currencies will change at different rates unless they are 'pegged' or fixed to each other, reflecting the politics of their respective jurisdictions of origin. This will mean that some goods will become more expensive, whilst there is a remote chance that others may be cheaper. Please refer to page 23 for more details.



IF YOU INTEND TO TRAVEL TO OR THROUGH THE EU OR AN EU RELATED ISLAND

If you intend to travel to or through the EU or an EU-related island, you should ensure that your vehicle satisfies EU requirements and that your licence for driving the vehicle is duly recognised in that jurisdiction. This is important as it may affect your insurance cover. Vehicle hires in that jurisdiction will not require such documentation and the hire company should ensure that your licence meets all requirements. Refer to page 26 and 29 and **ANNEX 1** for more details.



IF YOU HAVE DEPENDANTS IN THE EU OR AN EU RELATED ISLAND

If you have dependants in the EU or an EU-related island and intend to take goods to them from Anguilla, you may find that certain goods may be subject to import duties as they are destined to stay in that jurisdiction. Contact the customs office of the EU destination to ascertain whether the goods you intend to take fall into that classification and budget accordingly. Refer to page 24 for more details.



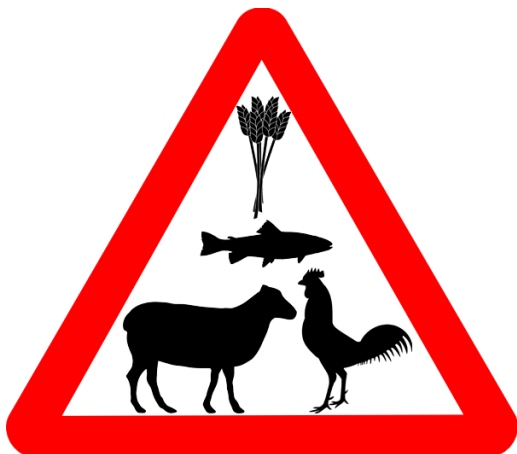
IF YOU WISH TO TAKE YOUR PETS TO THE EU OR AN EU RELATED ISLAND

If you intend to take your pet to the EU or an EU-related island you must observe the regulations governing their entry into that jurisdiction. After *Brexit* these may be applied more stringently, and additional requirements may be introduced to ensure that the state of health of your pet satisfies EU requirements. Contact the border control of your destination in advance of your journey to ascertain the position. Also refer to page 26.



IF YOU ARE AN ANGUILLAN WHO LIVES IN THE EU OR AN EU-RELATED ISLAND

If you are an Anguillan who is a British citizen that resides in the EU or an EU-related island, the right to reside there may be determined by means of a visa. Check with the authorities in the EU jurisdiction to ascertain whether the current basis for your residency will continue to be recognised or whether a new form of permission will be required. It is important that you have a valid passport with at least 6 months left to run at the time of applying for any such visa. For more information on visas refer to page 22.



SELLING ANGUILLAN LIVESTOCK, CROPS OR FISH IN EU RELATED ISLANDS

If you intend to sell livestock, fish or crops produced in Anguilla into an EU-related island, you should contact the customs department of the EU related island in question to ascertain whether they require any form of certification or other documentation to clear its entry after *Brexit*. Please refer to page 27 for further information.



IF YOU RECEIVE GRANT FUNDING OR LOANS FROM EU INSTITUTIONS

If you receive EU funding or have received a commitment from the EU or an EU-related institution that funds will be remitted after *Brexit*, the UK have undertaken a commitment to provide such funding if the EU fails to do so after *Brexit*. This does not extend to every type of EU funding and so you should contact the EU institution from which your grant, loan or other funding facility is provided to ascertain what they have been instructed to do after *Brexit*. If necessary, check UK Government websites for confirmation that they will take on the responsibility for the funding after *Brexit*, should the need arise.

ANNEX 1 provides the UK's current position on EU grant substitution as on 4th October 2019.

GUIDANCE TABLES

The following Guidance Tables are indicative and may not yet be comprehensive as the *Brexit negotiations continue*, but should serve to illustrate the areas you should consider if you are one or more of the following:

- (i) an individual citizen of Anguilla;
- (ii) a business that is registered in or conducts business within Anguilla;
- (iii) an Anguillian institution or administration;
- (iv) another group or person that must, by necessity, interact with both Anguilla and the EU, and/or EU-related interests as defined in **ANNEX 2**.

The tables are divided into areas of concern to provide insight into the issues any of the above groups should consider in making preparations and contingency plans for the aftermath of *Brexit* that may have to be adopted immediately on 31st October 2019, or any such other date that the UK and EU may agree, referred to in this document as 'Brexit Day'.

Issue	PASSPORTS AND VISAS
<p>Impact of No Deal Brexit</p>	<p>Anguillians are entitled to two forms of British passport:</p> <ol style="list-style-type: none"> 1. The British Citizens passport; and 2. The British Overseas Territories passport. <p>(Note: The illegitimate children of Anguillian fathers may not currently acquire a British Citizens passport.)</p> <p>At present, indications are that those holding either form of passport will continue to be able to enter and stay in an EU country or related island for up to 90 days in any 180-day period without a visa. You may however, need a visa to stay for longer, or to work or study there. Details of the new visa regime are not yet available. In order to enter for up to 90 days you may need:</p> <ul style="list-style-type: none"> • A return ticket or onward ticket out of the EU country or EU-related island within the required time limit. • Show that you have enough money to meet your needs during your stay in that jurisdiction. • Enter new immigration lanes at the airport and ferry port as you will no longer be regarded as an EU citizen.
<p>Preparedness Measures</p>	<p>Ensure that you:</p> <ul style="list-style-type: none"> • Monitor updates on how negotiations are progressing on border controls in the Caribbean; • have a valid passport with more than 6 months left to run to ensure it is valid throughout your visit, as after <i>Brexit</i> border controls may become stricter for both French and Dutch islands; whether officially or unofficially. • allow more time to travel as there may be more checks at the border, particularly immediately after <i>Brexit</i>, as a new system may be introduced and may not be fully functioning at that time; • budget for additional visa costs and allow time to obtain any visas required. Also, budget for variations in the value of currencies you may use. • Plan your journey accordingly.
<p>Contingency Measures</p>	<p>Ensure that you:</p> <ul style="list-style-type: none"> • Monitor developments and updates from the government of Anguilla, Saint Martin, and other EU-related islands you may seek to visit, noting the length of time you are permitted to remain there and the authorisations you may require to do so. • If you also intend to visit the UK during the life of your passport, you may consider holding both a British Citizens and British Overseas Territories passport, as this may provide more flexibility if you also intend to travel to the UK, and Europe, as those holding British Overseas Territories passports are also limited to six months stay in the UK. This contingency measure may be left until you wish to travel but allow plenty of time to apply for your passport and any visas required, as many others may be taking the same action. • Budget accordingly. • Plan your journey accordingly too.

Issue	GOODS AND SERVICES TRADED WITH EU-RELATED ISLANDS
Impact of No Deal Brexit	<p>The UK is likely to leave the EU Customs Union, although the UK Parliament continues to debate this option. This may expose Anguillians to new custom duties and/or tariffs* on goods and services traded with Europe or EU-related islands, that may also be applied in the Caribbean by analogy as a result of political influence from Europe, as the islands are outside of the Schengen area. Anguilla will formally become a border nation of the EU after <i>Brexit</i> and as such will be reclassified by the EU as a 'Third Nation'. This may give rise to alterations in Anguilla's treatment by the EU, particularly in respect of French St. Martin and St. Barts that are Outer Most Regions of the EU, and are represented in the French Parliament.</p> <p>{*tariffs is defined in the widest sense in this document and refers to duties and other charges on goods entering a nation made by the receiving/importing nation}</p>
Preparedness Measures	<p>Where goods and services may only be obtained from EU-related islands:</p> <ul style="list-style-type: none"> • Contact the supplier to learn what new arrangements they may be obliged to implement due to <i>Brexit</i> by their government. • If difficulties are envisaged by your EU supplier, where necessary and possible, stock up on essential goods such as medicines (remembering to check their export dates and conditions for storage), prior to <i>Brexit Day</i> to mitigate the risk of disruption during the anticipated period of uncertainty that may arise immediately after <i>Brexit</i> whilst new requirements are introduced, if at all, having confirmed the position with other suppliers first. <p>Budget for an increase in costs, including variations in exchange rates across the four currencies used in the vicinity of Anguilla: Pounds Sterling £, US Dollars \$, Euros € and Eastern Caribbean Dollars EC\$.</p> <ul style="list-style-type: none"> • This will be particularly relevant to those who receive UK pensions that are calculated and remitted in Pounds Sterling £. • Ascertain whether you can obtain the same goods and services from another source other than an EU-related island as listed in Annex 2 to reduce your exposure to disruption. • Beware of steep price rises, wherever possible check with other suppliers to ensure such price increases are genuine.
Contingency Measures	<p>As a contingency measure:</p> <ul style="list-style-type: none"> • Seek alternative sources of goods and services other than from an EU-related island, to ensure that you do not suffer disruption in the immediate aftermath of <i>Brexit</i>. • Plan for the delivery of services that you need, well before <i>Brexit</i>, particularly essential services, including medical services, in order to mitigate potential disruption arising from <i>Brexit</i>. This will require you to monitor the news on <i>Brexit</i>, as the date for <i>Brexit Day</i> still remains uncertain due to the politics involved. • Ask service providers if they are capable of providing those services through another route, such as through an Anguillian-based service provider and confirm such arrangements well before <i>Brexit Day</i> to ensure they are in place when <i>Brexit</i> occurs.

Issue	PROVIDING FOR DEPENDANTS ON EU-RELATED ISLANDS
Impact of No Deal Brexit	Where an Anguillian takes goods to an EU-related island to tend to the needs of a dependant, custom duties/ tariffs may be incurred on those goods after <i>Brexit</i> .
Preparedness Measures	Certain goods may be refused entry into the EU-related islands from Anguilla after <i>Brexit Day</i> if they do not comply with EU rules and regulations that are already being more strictly applied in some instances, such as the delivery of fresh fish. This is likely to affect foodstuffs, plants and other similar goods. It is therefore essential that you confirm they meet the requirements for entry into an EU-related islands, failing which they may be confiscated and/or destroyed on entry.
Contingency Measures	<p>Ascertain whether the goods in question may be acquired in the EU-related island to avoid the need to take them through customs at the EU border.</p> <p>If you purchase goods on an EU-related island, there may be an additional cost incurred if currency is exchanged, as rates of exchanges are likely to continue to fluctuate throughout the <i>Brexit</i> process.</p>

Issue	UK PROFESSIONALS QUALIFICATIONS
Impact of No Deal Brexit	Anguillian professionals that hold British qualifications may no longer have those qualifications recognised and accepted in EU-related islands as listed in Annex 2 . This will be the case in mainland Europe, and so Anguillians seeking to work there will also have to address this issue.
Preparedness Measures	<p>Apply to the relevant body within the EU, EU-related island or interest from which you seek formal recognition of your British qualifications. This would enable steps to be taken to ensure that they are formally accepted within the EU jurisdiction. This may generate a formal document that you should refer to in your Curriculum Vitae and that should be kept with the certification of your British qualification. There is a risk that this certification may have to be renewed regularly and may incur a significant cost. If costs appear excessive, confirm the amount by contacting the government of the location in which you seek recognition of your qualifications to verify the legitimacy of the proposed charge.</p> <p>Enquire as to whether the business, practice or institution with which you are working in the EU or EU-related island may be authorised to undertake EU accreditation on your behalf.</p>
Contingency Measures	Take the same measures as for preparedness. In the long term, consider applying for dual qualification if the accreditation process proves problematic or excessively expensive. Those currently in education or training should consider the jurisdictions in which they may ultimately seek to practice in and take preparedness measures accordingly.

Issue	ANGUILLIANS WORKING IN EU-RELATED ISLANDS
Impact of No Deal Brexit	<p>The UK now seeks to terminate the free movement of people from the EU into the UK and the automatic right of new migrant EU citizens to live and work in the UK. Indications to date are that, after <i>Brexit</i>, visas may apply to Anguillians holding British Citizens passports who seek work in French Saint Martin. Please see Annex 3 for more details. This policy may also apply to other EU-related islands by way of analogy, although Anguilla and the surrounding EU-related islands are not in the Schengen Area, where this is applied strictly. Also, goods and materials taken into the EU-related islands, even if essential for the employment of Anguillians in that EU jurisdiction, may attract customs duties if they ultimately remain on that island and are sourced in Anguilla. In effect, they may be treated as if you had sold them into the EU island from Anguilla.</p>
Preparedness Measures	<p>If you work in French Saint Martin and possibly other French islands, you may be required to hold a valid work visa in order to work there. These requirements may also be adopted by other EU related islands.</p> <ul style="list-style-type: none"> • Liaise with your EU based employer or, if you are freelance, the party for whom you are working. It is likely that they will have to participate in the application process, should this system be introduced. They may also have the opportunity to apply for multiple visas if they have a large, non-EU workforce. • Ensure you have a valid passport that runs throughout your period of employment, as this may be required before a visa/work permit may be issued. It is recommended that passports should have a bare minimum of 6 months to run at the time of the visa application and should, in any event you should hold a valid passport throughout your period of employment. • Do not ignore any EU visa/work permit requirements as you may be banned from entering or working in the EU or EU-related islands if you are found in breach and any employment you undertake there may be deemed illegal in that jurisdiction. <p>Monitor updates on <i>Brexit</i> and speak to your employer on the EU-related island regularly to ascertain developments that may affect your work, as requirements may change swiftly subject to how <i>Brexit</i> progresses.</p>
Contingency Measures	<p>If continuing to seek employment in an EU-related island:</p> <ul style="list-style-type: none"> • Apply for as long a visa/work permit as possible and ensure that your passport is valid throughout the period you may seek to work. In any event, ensure your passport has a minimum of 6 months to run at the time of your application for a visa. <p>If you are employed by an Anguillian firm that is operating in an EU-related island, they may be able to obtain the visa/work permit on your behalf, but you will still be responsible for your own passport, which must be valid.</p>

Issue	TRAVEL
Impact of No Deal Brexit	Stricter border controls and the possible introduction of visas for British Citizen and British Overseas Territory passport holders may yet arise, whether temporarily or permanently after <i>Brexit</i> , depending on the outcome of negotiations. The list of countries requiring visas may also be extended after <i>Brexit</i> . Tourists en route to Anguilla should not be affected if they can confirm that they are not staying in the EU-related island or are visiting on brief trips to such islands. With around 6% of tourists visiting Anguilla being British, they may require visas to stay in Saint Martin for a prolonged period that is currently envisaged as being more than 90 days. Those staying in Saint Martin overnight, as is often required due to poor transportation links between the islands, and the daily closure of the border between French St. Martin and Anguilla, are unlikely to require visas for that purpose, provided they can prove Saint Martin is not their intended end destination and their stay does not exceed 90 days.
Preparedness Measures	Monitor developments and allow plenty of time to apply for any visas that may be introduced, allowing as much time as possible for processing and budgeting accordingly. There may nonetheless be delays at borders due to the introduction of new requirements and stricter passport checks. To avoid this, consider other routes to Anguilla that may avoid EU-related islands in the immediate aftermath of <i>Brexit</i> .
Contingency Measures	Postpone travel until the post- <i>Brexit</i> regime is introduced and is fully functioning or re-route your travel to avoid EU-related islands.

Issue	EMPLOYMENT OF NATIONALS OF EU-RELATED ISLANDS IN ANGUILLA
Impact of No Deal Brexit	The Government of Anguilla have taken all reasonable action to ensure that their interactions with EU-related islands will run as smoothly as possible throughout <i>Brexit</i> and there is no intention on the part of the Government of Anguilla to alter Anguilla's visa requirements for EU nationals or those of EU-related islands as a result of <i>Brexit</i> , the UK having endorsed Anguilla's desire to maintain a soft border with its EU-related neighbours.
Preparedness Measures	Monitor developments in Anguilla. If necessary, apply for employment visas for nationals of EU-related islands who seek employment in Anguilla well in advance, should Anguilla become obliged by the UK to change its policy, although this is <u>not</u> an anticipated requirement.
Contingency Measures	<p>Schedule your work plan so that your entire work force has adequate time to acquire any necessary visas and to ensure that they are valid throughout the period of employment to avoid them being subject to changes in policies and administrative requirements during their term of employment that may disrupt your business. This may entail the need for valid passports.</p> <p>Budget for costs that may be incurred in any administrative processes introduced, although none are envisaged at present.</p>

Issue	IMPORT AND EXPORT
Impact of No Deal Brexit	<p>New customs duties and tariffs may be introduced, or existing ones increased after <i>Brexit</i>. This is highly likely to occur in mainland Europe, as the UK does not seek to remain within the EU Customs Union. Anguilla may also be affected as French St. Martin and St. Barts are classified as an Outermost Regions of the EU and so these measures may be introduced by analogy, notwithstanding the existing level of autonomy, as these French <i>collectivités</i> are governed by Paris and as such are more strongly linked to the political developments and attitudes in mainland Europe.</p> <p>Goods entering the EU-related jurisdiction will have to be certified as meeting EU rules, regulations and standards, failing which they may not be permitted entry and risk being confiscated and destroyed. Regulations may be extensive and may extend from the goods, to how they are handled, stored, through to their packaging.</p> <p>Regarding goods entering Anguilla from EU-related sources: the Government of Anguilla may determine whether they will be subject to similar treatment or not, although, at present, there is <u>no</u> desire on their part to introduce barriers to trade or movement.</p> <p>Goods transiting through EU-related islands and on to another final destination may have other procedures to follow, but proof that they are in transit may nonetheless be required to avoid EU regulations being applied.</p>
Preparedness Measures	<p>Consider re-routing goods via another pathway that does not include an EU-related island. However, if the end destination for the goods is within the EU's jurisdiction, EU requirements may nonetheless have to be met. Please note that if you send your goods to an agent for export on your behalf, you may still have to meet the requirements if the destination is EU-related, even if the agent is not based in Anguilla, as the requirements are likely to focus on the source of the goods and not the jurisdiction in which the transportation agent is based.</p>
Contingency Measures	<p>Budget for additional duties and tariffs and allow plenty of time for the additional administration, particularly immediately after <i>Brexit</i> occurs whilst the nature of the new relationship is being determined, as disruption is most likely to occur during that period.</p>

Issue	PROFESSIONAL SERVICES
Impact of No Deal Brexit	UK qualifications may no longer be recognised or accepted in EU-related islands after <i>Brexit</i> without EU accreditation or alternative EU qualifications in certain cases. This approach may be extended to include British qualifications obtained in the British Overseas Territories, as Anguilla will be reclassified by the EU as a 'Third Nation' after <i>Brexit</i> .
Preparedness Measures	Apply for the UK and, where necessary, other British qualifications to be formally recognised by the relevant authority in the EU-related island in which your business may seek to use such qualifications. This process should be undertaken well in advance of <i>Brexit</i> once it is confirmed that it will apply to the islands. Act in a timely manner to ensure continuity of recognised professional status, particularly if the qualifications are only used in an EU-related island and are key to the provision of your professional services.
Contingency Measures	Plan the provision of services based on UK or British qualifications to ensure that they can be delivered and completed within the new regime. You may find the services provided are not actually dependent upon the UK or British qualification. However, it may nonetheless be prudent to seek formal EU recognition of them to avoid disruption and to avoid the matter becoming contentious at a later date, particularly when the professional services are provided under contract, as you may be regarded as having breached the contract if you are unable to provide the services without recognised qualifications. Budget for any fees that may be incurred in the recognition process. Refer to government guidelines in the EU-related islands to verify the fee rates that may be applied, if any. Beware of applying for visas through agents as this may attract an unnecessary fee that may be high.

Issue	BORDER CLOSURES
Impact of No Deal Brexit	<p>Each evening the border between Anguilla and Saint Martin closes. If closures are extended further, residents and tourists may find access to Anguilla difficult and costly, and locals may find access to the outside world impractical as Saint Martin offers one of the most cost-effective routes out of the territory. Adjustments in the timing of the border closures may adversely affect Anguilla's main economic driver, tourism, and undermine its economy, particularly whilst it attempts to recover from Hurricane Irma.</p> <p>It may also compromise the welfare of the islanders in the absence of fully developed and comprehensive public services in Anguilla, such as the hospital.</p>
Preparedness Measures	Develop other points of access and trading routes. Consider St. Kitts, the British Virgin Islands, Puerto Rico and Antigua for this purpose and monitor closures of the French and Dutch borders shared with Anguilla.
Contingency Measures	There is no short-term contingency other than to commence the extension of the airport runway to open new options for access to Anguilla, given that its shallow waters that limit sizeable marine traffic and short airport runway that excludes sizeable aircraft capable of long distant travel with medium to large payloads and passenger accommodation. Anguilla's self-sufficiency must also be enhanced, albeit necessitating the provision of sustainable developmental assistance that will no longer be available from the EU, including funding and technical assistance.

Issue	NO-FLY ZONES
Impact of No Deal Brexit	As with threats of the introduction of No-Fly Zones over Europe, Anguilla may experience the same threat, albeit without legal foundation, as the relationship depends upon legislation put in place in 1946 after the Second World War. Given the limited capacity to accommodate larger planes, small propeller planes will be required to take on riskier and longer journeys with prolonged periods over the sea en route to the territory if St. Martin is no longer an easy option for access.
Preparedness Measures	Negotiate alternative flight paths to Anguilla and enhance airlift from the international hub of Puerto Rico and other non-EU-related islands, marketing these options in readiness for <i>Brexit</i> .
Contingency Measures	<p>Extend the airport runway to accommodate planes with the capacity for longer-range flights and increase the options for access to Anguilla for larger numbers of passengers other than the 6-8 seaters currently in use from Antigua, whilst at the same time supporting all Anguillian air operators of any size.</p> <p>Improved airlift is imperative to Anguilla's self-sufficiency whilst tourism remains its main economic driver and successful disaster resilience and preparedness is to be secured if there is an acrimonious <i>Brexit</i> that may undermine relations between the European nations in the Caribbean, regardless of local sentiment and need.</p>

Issue	COMMUNICATIONS NETWORKS
Impact of <i>No Deal Brexit</i>	<p><i>Brexit</i> may cause agreements on wayleaves for communications networks to be reviewed.</p> <p>Anguillian mobile phone and broadband users may face increased tariffs on EU related islands should these commercial relationships be adversely affected by a negative post-<i>Brexit</i> relations between the UK and EU, although the two are separate and distinct.</p>
Preparedness Measures	<p>Focus on enhancing Anguilla's self-sufficiency. Develop better satellite communications on Anguilla, that may also address the need for improve resilience in response to devastating weather conditions, as was recently demonstrated by Hurricane Irma that crippled the island's communication network for a prolonged period, adding to the challenge of recovery.</p>
Contingency Measures	<p>Join new communications networks with non-EU nations and develop improved satellite facilities that feed directly into Anguilla.</p>

ANNEX1 – THE UK GOVERNMENT STATEMENT

Overseas Territories: UKG No-Deal Messaging to Citizens

1. General:

The PM has made clear that the UK will be leaving the EU on 31 October. The UK Government would prefer to leave with a deal, and it continues to work in an energetic and determined way to secure a better deal.

The UK Government has taken a number of steps to ensure people and businesses are prepared for a no deal scenario. This includes publishing more than 100 pages of guidance for businesses.

The UK Government is also recommending that OT businesses and individuals now ensure they are prepared.

The UK Government has published extensive advice on the steps that businesses and citizens may need to take to prepare for Brexit, including through the Get Ready for Brexit campaign.

While the UK Government appreciates a great deal of this information is specific to UK-based businesses and individuals, depending on circumstances this information may be helpful to OT businesses and individuals too – for example, individuals seeking to travel to EU destinations on British Citizen passports after Brexit, or business which export goods to the UK or EU.

The UK Government would therefore encourage OT stakeholders to take a look at [gov.uk/brexit](https://www.gov.uk/brexit), which includes the new Get Ready for Brexit online checker tool, to identify any steps to take.

You may also wish to consider the specific guidance on passport rules for travel to Europe after Brexit <https://www.gov.uk/guidance/passport-rules-for-travel-to-europe-after-brexit> and the Technical Notice on funding for OTs in a no deal scenario <https://www.gov.uk/government/publications/funding-for-british-overseas-territories-if-theres-no-brexit-deal/funding-for-british-overseas-territories-if-theres-no-brexit-deal>.

2. Citizens' Rights:

Access to EU for BOTC Citizens: British Overseas Territory Citizen passport holders' rights are not predicated on the UK's membership of the EU and will not change as a direct result of Brexit. This includes 90-day visa-free access to the Schengen area in any 180 days.

Access to EU for British Citizens: British Citizen passport holders resident in the Overseas Territories will have no fewer rights to access the EU than British Citizen passport holders in the UK.

British Citizen passports: Eligibility criteria for British passports (of all types) will not change as a result of Brexit.

The "European Union" branding on British Citizen passports will not affect their validity after Brexit.

The rules for travel for British Citizen passport holders to most countries in Europe change if the UK leaves the EU with no deal. If your adult passport was issued over 9 years ago, you may be affected. Please visit the relevant travel advice page on Gov.uk. You can use this [online tool](https://www.passport.service.gov.uk/check-a-passport) <https://www.passport.service.gov.uk/check-a-passport> to check whether your passport is still valid for your trip before you book.

British Citizens currently resident in EU:

The Government has already committed that the rights of over 3 million EU citizens living and working in the UK will be protected in any scenario.

The UK is lobbying Member States to fully reciprocate its offer to EU citizens. The UK Government wants Member States to provide the same reassurances to UK Nationals in the EU that it has provided to EU citizens in the UK.

The UK Government is urging Member States to communicate their detailed plans to UK Nationals as soon as possible.

For up-to-date information for the country in which you live please find out about your British Embassy's outreach events by signing up to email alerts, and please visit the relevant 'Living in' page on gov.uk.

[**Note:** The Government has published an extensive Living in the EU: prepare for Brexit guide https://www.gov.uk/guidance/advice-for-british-nationals-travelling-and-living-in-europe#_blank which you may wish to consider]

3. EU Funding guarantee:

The UK Government can confirm that it will guarantee EU-funded projects under EDF, BEST, Horizon 2020 and Erasmus+ that have been agreed before exit day for the lifetime of those projects, if the EU ceases payments. This provides more certainty for project participants over the course of Brexit.

You should not take any steps to terminate your European Commission grant agreement until instructed to do so, and must continue project activities in line with the existing terms and conditions set out in your European Commission grant agreement.

EDF: The UK Government has undertaken contingency planning to ensure the EDF funding guarantee can be mobilised. In the event that the EU ceases payments, detailed discussions will be held with the local government to agree the terms under which replacement funding would operate.

BEST: The Department for the Environment, Fisheries and Rural Affairs (DEFRA) is reaching out directly to project leads in BEST-funded projects to provide all necessary information on the guarantee.

Horizon 2020: Participants in the British Overseas Territories in Horizon 2020-funded projects need to register their projects on the UKRI portal <https://apply-for-innovation-funding.service.gov.uk/eu-grant/overview>. This is so that UKRI has initial information about you and your project for the underwrite guarantee, if required, and to keep you updated as to what you need to do next.

Erasmus+: Participants in Erasmus+-funded projects can access further information on how the Government's funding guarantee relates to these projects by going to the Department for Education's guidance, Register to claim Erasmus+ and ESC funding from the government guarantee <https://www.gov.uk/guidance/register-to-claim-erasmus-and-esc-funding-from-the-government-guarantee> on gov.uk. This guidance also applies to the OTs.

The UK Government will consider **future funding arrangements** for the OTs as part of the next full Spending Review. This will include considering whether to seek to participate in EU programmes. Where the UK Government decides it should like to remain party to EU programmes, consideration should be given to including the OTs where appropriate. Where the UK Government decides not to seek to participate, replacement domestic programmes will be considered. Future funding to support biodiversity and conservation will take account of the recent Call for Evidence.

4. Market access:

OT goods will continue to enjoy **UK market access** on current terms by virtue of an arrangement between the UK Government and all the OTs. The arrangement is implemented under the Taxation (Cross-Border Trade) Act and is published on gov.uk here https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785793/arrangement-import-duty-trade-goods-certain-british-overseas-territories.pdf.

In addition, the UK Government will be working to seek to negotiate the best possible access to the **EU market** for OT goods as part of the UK's future relationship with the EU.

5. Higher education:

Recognition of UK degrees in the EU: UK degrees are recognised in many countries around the world, and there are a number of agreements between different countries that support this. Some of these are not related to the EU, which means that after the UK leaves the EU, most academic qualifications will still be recognised. Recognition of some professional qualifications is more complicated, but UK universities are hoping that the mutual recognition of professional qualifications will continue. You can find out if your chosen subject is academic or professional by speaking to your university.

Student exchanges with EU universities: UK universities are working with their partner universities across the EU to make sure that student exchange can still take place even with a no deal.

ANNEX2

THE EU AND ITS RELATED INTERESTS

MEMBER STATES OF THE EUROPEAN UNION

- | | |
|------------------|--------------------|
| • Austria | • Italy |
| • Belgium | • Latvia |
| • Bulgaria | • Lithuania |
| • Croatia | • Luxembourg |
| • Cyprus | • Malta |
| • Czech Republic | • Netherlands |
| • Denmark | • Poland |
| • Estonia | • Portugal |
| • Finland | • Romania |
| • France | • Slovakia |
| • Germany | • Slovenia |
| • Greece | • Spain |
| • Hungary | • Sweden |
| • Ireland | • United Kingdom * |

* The United Kingdom will cease to be a member state from 11:00 pm on 31st October 2019 (London Time), unless an extension is agreed with the EU.

OVERSEAS COUNTRIES AND TERRITORIES OF THE EUROPEAN UNION IN THE CARIBBEAN

- Dutch Sint Maarten*
- St Eustatius*
- Saba*
- Martinique,
- Guadeloupe
- Curaçao
- Aruba
- Bonaire

OUTERMOST REGIONS OF THE EUROPEAN UNION IN THE CARIBBEAN

- French Saint Martin*
- Saint Barts*

{* islands with a direct border with Anguilla}

ANNEX 3 - THE TRANSLATION OF THE LETTER FROM THE FRENCH GOVERNMENT

**MINISTRER DES AFFAIRES ETRANGERES ET DU DEVELOPPEMENT INTERNATIONAL
MINISTRER DES OUTRE MER**

**THE AMBASSADOR
REGIONAL COOPERATION DELEGATION
IN THE ANTILLES - GUYANA ZONE**

Sir,

I confirm for you that, under the sway of availabilities from the ministerial bylaw of April 18th 2012, the residents of Anguilla can enter through the dispensation of a visa into the territory of Saint-Martin for short-term visits. These availabilities are not under question as a result of Brexit.

After Brexit British passport holders will no longer benefit from this or, in absence of a withdrawal agreement, from communal rules relating to free movement. Those people who are not covered by the bylaw of April 18th 2012 will be submitted to the obligation of a visa, under condition of particular availability, which may be instigated at the initiative of the (French) Interior Minister.

Regarding Anguillan emigrants hoping to pursue salaried activity in Saint-Martin, this situation on the subject of working rights is to be analysed as a consequence of the absence of the aforementioned 2012 bylaw; this does not allow for a short term visa, which defines itself relative to movement of touristic nature. For a long-term stay, relating to a work contract, the obligation of a visa is not deleted.

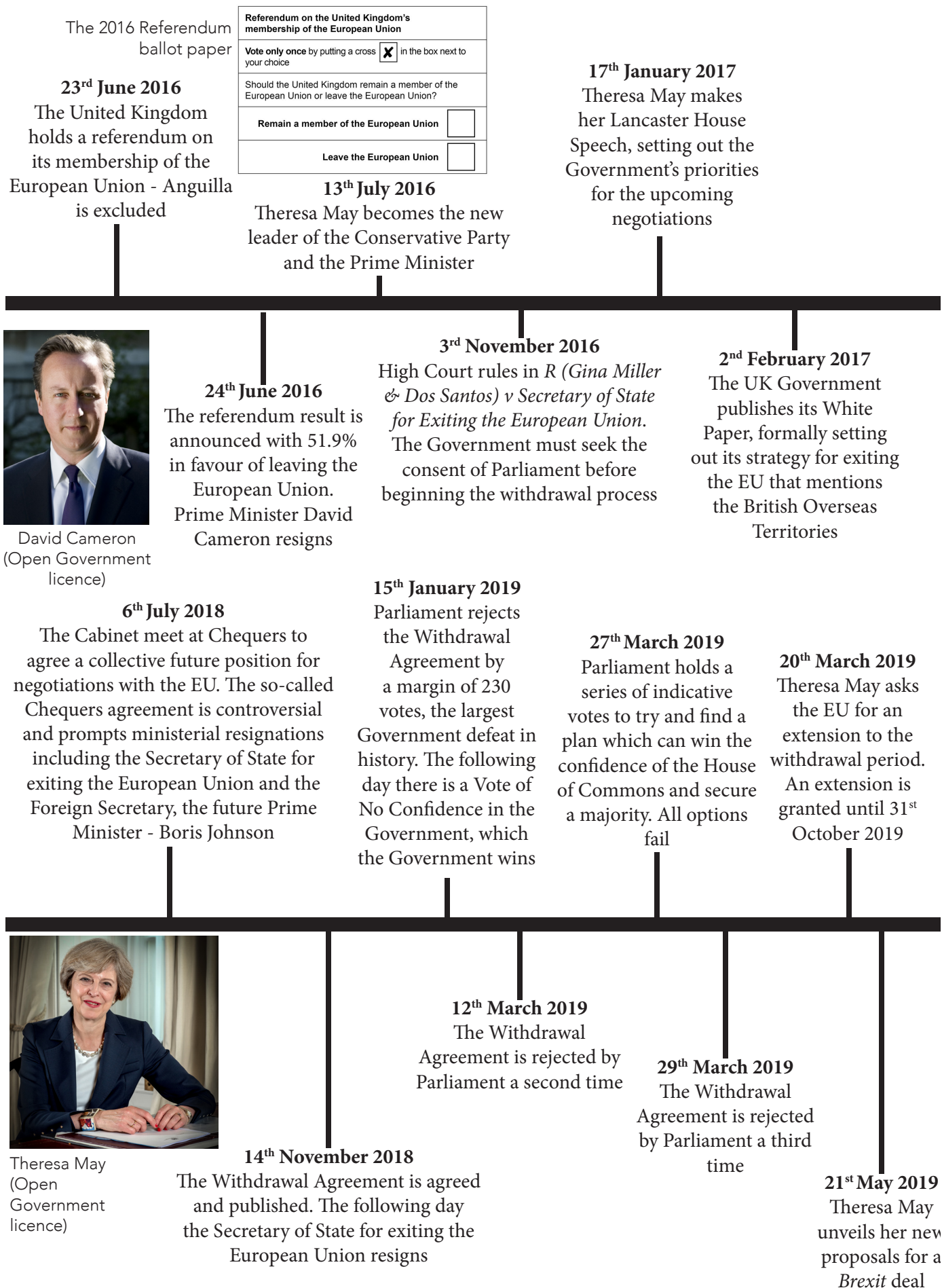
There is no current project for the modification of rules pertaining to people moving between the two parts of the Island of Saint-Martin. However, the intention of the French and Dutch authorities, expressed during the quadripartite meeting of June 28th 2018 is to engage in a dialogue in order to harmonise the the rules around the entry and visit of the island applicable to both the entry of (French) Saint-Martin and the entry of (Dutch) Sint Maarten. This objective results from the existence of a free movement principle between the two parties on the island, which renders the maintenance of frictional rules insupportable.

You will find attached the bylaw of June 27th 2014, which rules for the entry of foreigners on the territories of Martinique, Guadeloupe, and Guyana.

With my best memory,

Jean-Bernard Nilam

Brexit: A Timeline



16th March 2017

The European Union (Notification of Withdrawal) Act becomes law, granting the Prime Minister the power to notify the EU of the UK's intention to leave as per the terms of Article 50 of the Lisbon Treaty

8th June 2017

General Election in the UK. The Conservatives are the largest party in the hung Parliament and form a Government with the support of the Democratic Unionist Party

Brexit Secretary David Davis and EU negotiator Michel Barnier



22nd September 2017

Theresa May makes a speech in Florence, Italy setting out the UK's position on how to move the talks forward, offering a transition period after the UK leaves the EU

29th March 2017

Theresa May formally writes to Donald Tusk, President of the European Council, thus triggering the two year withdrawal process

19th June 2017

The UK and EU begin the first round of negotiations

26th June 2018

The European Union (Withdrawal) Act, more commonly known as the Great Repeal Bill, becomes law

Boris Johnson (Open Government licence)

28th August 2019

Boris Johnson decides to prorogue Parliament in September, ending the current parliamentary session and reducing the time for Parliament to pass legislation before the deadline of 31st October

4th October 2019

The UK Government tells the Overseas Territories to prepare for a *No Deal Brexit*

23rd May 2019

The UK votes in elections for the European Parliament, with the Brexit Party securing 29 seats and 31.6% of the vote, more than any other UK party



23rd July 2019

Boris Johnson is elected as new leader of the Conservative Party

24th July 2019

Boris Johnson is appointed Prime Minister and in his first speech, commits to take the UK out of the EU by 31st October 2019

24th September 2019

The Supreme Court finds the proroguing of Parliament unlawful. Parliament resumes and, although Boris Johnson's government is in minority, the opposition parties will not sanction a General Election

11th October 2019

President Macron has advised that the EU will respond to Boris Johnson's latest proposals, made on 2nd October, by this date, revealing whether there is a prospect of a deal or not

24th May 2019

Theresa May announces her intention to resign as Prime Minister and leader of the Conservative Party





The Representative of the Government of Anguilla and The West India Committee have prepared this document on behalf of the Government of Anguilla. The West India Committee is a UK registered charity incorporated by Royal Charter in 1904 the object of which is to improve the general welfare of the peoples of the Caribbean and the societies in which they live and work through the auspices of education, training, advocacy and advice, where necessary acting as an umbrella organisation in so doing promoting the interests of manufacturing, trade and commerce. The West India Committee is a Consulting NGO to UNESCO specializing in Small Island State Development, and is custodian of The West India Committee collection and library that spans five hundred years of Caribbean history which is inscribed as a UNESCO Memory of the World, second only to a World Heritage Site.

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