

**UNITED BERMUDA PARTY**

*Independence Review Committee*

**INTERIM REPORT**

## INTRODUCTION

In August last year the United Bermuda Party Caucus agreed the terms of reference listed here-under of a Committee to be appointed to review the question of Independence:

### TERMS OF REFERENCE INDEPENDENCE REVIEW COMMITTEE

1. To review the Green and White Papers on the subject and advise whether or not the committee agrees with the conclusions reached: and where options are given for assuming the various responsibilities (in the event of Independence) to recommend the preferred option to Bermuda.
2. To consider and report on:
  - a) Any alternative form of Independence save the traditional form predicated in the Green and White Papers.
  - b) Any possible constitutional changes or advances short of Independence.
  - c) Costs of Independence.
  - d) Public concerns and fears about Independence.
  - e) Benefits of Independence.
  - f) The experience of other countries (relevant to Bermuda) on achieving Independence.
  - g) Any social, economic, and emotional aspects not covered by the preceding items.
  - h) Any other matters which would arise at a constitutional conference dealing with Independence.
  - i) How the public should finally be informed on the subject.
  - j) Any other relevant matters.

The following committee was appointed after consultation between the Premier, the Party Chairman and the Chairman of Caucus:

Sir John H. Sharpe, Chairman (elected by the Committee)  
Hon. Quinton L. Edness  
Hon. Gerald Simons  
Dr. Hon. John Stubbs  
Mr. David Wilkinson  
Hon. R.O. Marshall  
Senator Hon. Charles Collis  
Mr. Alan Davidson  
Mrs. Karen Esdaille  
Mrs. Joyce Hall  
Mr. David Bell  
Mr. Tim Smith

Senator Charles Marshall  
Hon. E.W.P. Vesey

Following his resignation from the House of Assembly, the Hon. E.W.P. Vesey resigned from the committee and Mr. Harry J. Viera was appointed.

The Chairman subsequently appointed from among the committee, sub-committees to examine and report on the various matters arising from the terms of reference, and he is Chairman of the sub-committee specifically examining those matters which, under the present Constitution, are “reserved” for the Governor, namely external affairs, defence and internal security. And since the answers to some of the other questions in the terms of reference (e.g. costs) will depend on how, in the event of Independence, Bermuda would propose to handle those matters presently the responsibility of the Governor, this interim report will mainly address them.

## BACKGROUND

Considerable research has been done on the subject “Independence for Bermuda” first in the Green Paper of July 15 1977 and subsequently in the White Paper dated November 9 1979.

It is a fact that as far back as 1968 when the Constitution extending responsible government to Bermuda came into effect, Bermuda put in place the modus operandi to manage its own affairs – save for external affairs, defence, internal security and the Police, which were “reserved” the United Kingdom Government. But even on these matters (except defence) there has been a degree of delegation to Ministers, and the Constitution provides also for a Governor’s Council “for the purpose of considering matters for which the Governor is responsible”.

The preceding paragraph simply makes the point that under the existing Constitution since 1968 the Bermuda Government have achieved considerable experience in the management of Bermuda’s affairs, both internal and external.

The United Kingdom Government’s position has always been, and continues to be that “It is Britain’s policy to give Independence to those dependencies that want it, and not to force it on those which do not”.

This has been the policy of successive United Kingdom Governments, so the question might well be raised as to why, in view of that policy, and the apparent disinclination of Bermudians towards Independence, should we now “review” it?

The Government rejected the proposal for a referendum on Independence in part at least because it was obvious that before people could themselves make a judgement on the issue, more definitive information was required – hence the Government Party gave an undertaking to review and report on the subject.

While members of the Party Committee hold to various views on the subject of Independence for Bermuda, all are agreed that the subject itself needs to be examined rationally and objectively, against the possibility that at some time or another, for one reason or another, present circumstances may change to the point that it might be necessary or desirable to change our present constitutional arrangements.

In particular therefore it is necessary to consider how, in the event, Bermuda would assume those responsibilities which are presently “reserved” for the United Kingdom Government.

Because, as we said in the introduction, the answers to other questions in the terms of reference will depend on how these matters are arranged, this interim report will deal mainly with the sub-committee’s

preliminary and tentative conclusions as to what the sub-committee believes may be feasible having regard to the strategic importance of Bermuda to the U.K., the U.S.A. and Canada, and the goodwill which exists with these countries. The point we wish to make is that a Party Committee simply does not have the authority to make the necessary enquires. Hence the following are in the nature of our preliminary feelings as to how those responsibilities might be assumed in the event of Independence.

## **MATTERS UNDER THE CONSTITUTION RESERVED FOR THE GOVERNOR**

### **External Affairs-Representation, Travel, Missions, etc.**

Both the Green Paper (beginning with paragraph 34 on page 10) and the White Paper (on page 9) explored this subject fairly exhaustively.

Paragraph 40 of the White Paper which noted:

“In view of the vital importance to Bermuda of tourism and international business and because Bermudians presently engage in foreign travel to a particularly large extent in relation to the size of its population, it would be essential to ensure that Bermuda was adequately represented overseas and that Bermuda passports would receive international recognition. The purpose of overseas representation would be to protect and increase Bermuda’s essential economic interests and to preserve the freedom of personal mobility presently enjoyed by Bermudians. Consequently, it would eventually become necessary for Government to arrange with some friendly power for consular representation in most parts of the world, as it is impracticable for Bermuda to provide these services from lack of both economic and human resources”.

In so far as its conduct of business with other countries the Green Paper stated

“...it is for consideration whether Bermuda needs to establish any separate diplomatic missions at all. Moreover it seems likely that the countries of most significance to her, the United Kingdom, Canada, and the United States of America, would establish missions in Bermuda on Independence”.

It is the sub-committee’s view that business with those countries could generally be done with and through their representatives here, augmented when necessary by Bermuda representatives travelling abroad to those countries, or for that matter to any others with whom we had business to conduct.

From a protocol point of view Bermuda representation, in countries where it was desirable to have a presence, could be achieved by the appointment of Honorary Consuls – much the same as many countries have in Bermuda.

In that there exists towards Bermuda a considerable fund of good will it seems likely that the United Kingdom would continue to provide – albeit on a cost and charges basis – necessary visa and consular services. The possibility of the U.S.A. as our largest trading partner, or Canada as the closest major Commonwealth country, doing so, - as well as the United Kingdom – should also be explored.

Ideally Bermuda should negotiate with the U.K., the U.S.A. and Canada for an endorsement in a Bermuda passport, extending to Bermudians the same visa free travel privileges as citizens of those countries enjoy to other countries. Bermuda on its part would indemnify those countries against any costs involved; for instance in the repatriation of a citizen.

Failing this Bermuda would have to itself move to ensure that Bermuda passports received international

recognition and negotiate reciprocal visa abolition agreements, particularly with those countries whose citizens come in considerable numbers as visitors to Bermuda, and whose countries to which Bermudians in numbers travel.

The major thrust would be to preserve – and indeed to enhance – the freedom of personal mobility presently enjoyed by Bermudians, as well as to ensure convenient access to Bermuda for those visitors who make up the bulk of our tourist trade.

In any case the assumption by Bermuda of responsibility for those matters presently reserved for the United Kingdom Government would require the establishment of a Ministry of Foreign Affairs, although there would be some offsetting savings in the Deputy Governor's office which presently performs certain of the functions which would be performed by a Bermuda Foreign Affairs office. Also, it may be that, having regard to the limited scope of Bermuda's foreign affairs the ministerial responsibility could be absorbed into the Premier's or some other ministerial office.

With regard to the United Nations the Green Paper noted that "the benefits to be derived from full membership are not readily evident since it is possible to join selected U.N. specialised agencies without joining the U.N. itself." Indeed the sub-committee sees no need for an independent Bermuda to join the United Nations as yet another mini state caught up in the power struggle between the major powers. But Bermuda would probably wish to join the International Labour Organisation, Universal Postal Union, International Telecommunications Union, etc. where the membership fees are nominal, but the benefits are more tangible.

However, as noted earlier neither the sub-committee, nor the Party committee, has the authority to make the enquiries necessary to reach even any tentative conclusions with the U.K., Canada, or the U.S.A. – only the Government can do this.

### **Defence**

Paragraph 67 on page 19 of the Green Paper noted that "it might be possible to negotiate with NATO some association, short of full membership, in return for the use of Bermuda's facilities.

And as the White Paper stated "Bermuda as a small country would need to look for some cooperative arrangements. We are fortunate that we lie within the NATO area, and the U.S. (which is a leading member of NATO) has an important airfield and naval base here". Additionally the Canadian Armed Forces maintain an important "watch post" here and the U.K. has a small presence.

This enhances the possibility of negotiating an arrangement with NATO for the future defence of Bermuda in exchange for the continued use of facilities by the other NATO members already here. Or possibly on behalf of NATO the U.K. would continue to assume this responsibility – or the U.S.A. as the nearest and largest NATO partner – or Canada as the nearest Commonwealth country.

But the committee has neither the standing nor the authority to examine this – only the Bermuda Government with the assistance of Her Majesty's Government could explore this further.

### **Internal Security (And The Police)**

As the White Paper noted in the event of Independence it would "be necessary to strengthen both the Police...and the Bermuda Regiment". It went on to say "Government has in principle accepted the Gilbert Report..."

The civil disorders in December 1977 brought into high focus Bermuda's ability to maintain law

and order. Bermuda was subsequently left with the strong impression that in future a U.K. Government would be most reluctant to send in their armed forces to assist the civil powers, and in the (unlikely) event Bermuda would have to meet the costs – as we were finally obliged to for the 1977 assistance.

But the sub-committee notes that there have been important developments since then. Firstly the continued social progress made by an enlightened government has reduced the prospects of civil disorders: and secondly the very significant progress made within the Police and the Bermuda Regiment to enhance their ability to maintain law and order.

The police establishment has since 1977 been increased by 45 – from 404 to 449 – and their resources and communications, including a combined operations building, vastly improved. A dedicated Reserve Constabulary provides a further 100 officers in support.

Following the White Paper and in accordance with the Gilbert Report the strength of the Regiment was increased from 452 to its present 715 soldiers. The principal effect of this has been the creation of one Company dedicated to training first-year recruits permitting the other two Companies, comprising the more experienced soldiers, to concentrate on their primary internal security role. It is also encouraging to note that fully a third of the soldiers in the Regiment are serving voluntarily beyond their mandatory period of service.

There is always a possibility of fires during civil disorders with a need in the event for the Fire Services to be working in cooperation with the other security services. It is worth noting that what in 1977 was the Hamilton Fire Brigade under the authority of the Corporation of Hamilton with 51 full time firemen, is now the Bermuda Fire Service under the authority of Government, with 78 full time firemen, and reporting through the Ministry of Labour and Home Affairs which includes the office of Coordinator of Security Services.

It is apparent that the deficiencies identified in the White Paper have been largely eliminated and overall the internal security capabilities have been considerably enhanced, although in the event of Independence the matter of Bermuda's internal security arrangements would need to be carefully reviewed.

### **Constitutional Advance Short Of Independence**

In 1979 we explored the possibility of an Associated Statehood type of Constitution which, as the Green Paper indicated would leave the U.K. responsible for defence, external affairs, citizenship and certain other matters: but with Bermuda otherwise self-governing, with a Governor of our own choosing, and full control of our own internal security. Even so, it would not give us the authority to enhance our prospects in marine and air matters.

We had argued then that, notwithstanding their (the U.K.'s) unsatisfactory experience with some territories enjoying Associated Statehood, by comparison Bermuda had a long history of stability and responsibility.

Their position then was that an Associated Statehood Constitution could only be considered as a prelude to Independence. Although we have no reason to believe that their position has changed, in the years since 1977, there has been much more contact – at top levels – between the U.K. and the Bermuda Government, and as a consequence of this experience, probably a better understanding of our positions and concerns. Indeed this was recognized in the decision of the U.K. to delegate to Bermuda the negotiation of a tax treaty with the U.S.A. It is also worth noting that they have no Associated States left, and fewer Dependencies, and Hong Kong's future is now determined.

In the circumstances it is for consideration whether some further constitutional advance may be possible to provide for autonomy in respect of marine and air matters, and for Bermuda's attendance at

international conferences which might impact on our interests.

But here again only the Government can explore the possibility of Constitutional advance, short of Independence, and/or the possibility of some further autonomy in matters important to Bermuda.

### **COST**

It is self evident that any consideration of Independence has to acknowledge that, as a small, albeit unusually successful country, our money and manpower resources are limited. Any (other) constitutional arrangements contemplated would therefore need to take serious account of this fact which has been very much on the mind of the sub-committee in making suggestions as to how Bermuda might reasonably manage those responsibilities to which it would succeed in the event of independence.

But it is worth noting that Bermuda receives no financial aid whatsoever from the United Kingdom – or for that matter from anyone else. Indeed Bermuda has an enviable reputation for “paying its way” – paying for the cost of its prisons (and for any Bermudian prisoners placed abroad); for its police and judiciary; even for the Governor and Deputy Governor appointed by the United Kingdom.

### **GENERAL**

The sub-committee have considered briefly what Bermuda’s “negotiating stance” should be in any discussions to be held with the U.K., the U.S.A. and Canada. We are quite clear in our view that in so far as those facilities presently used by our friends, a consideration is not for income in the way of rent. Rather it is cooperation. Cooperation in the way of continuing to assist in the training of our Police and Regiment: assistance (as we previously mentioned) in facilitating the travel of Bermudians; access to graduate and post-graduate centres of learning; perhaps a limited quota enabling Bermudians, trained for jobs that may not exist here, to emigrate, or in the event any professions here became oversubscribed by Bermudians; perhaps the restoration of a U.S.A. Coast Guard unit to assist in search and rescue and a fight against illegal drugs, especially considering the offshore potential of Bermuda as a transit point for drugs into the U.S.A., etc., etc.

### **CONCLUSION**

Consideration of these matters has made one realise how difficult it is to advance the conclusions reached in the Green and White Papers since we are obliged to think in hypothetical terms; and since as a Party Committee (as distinct from Government) we have no authority to talk with the important principles (U.K., U.S.A. and Canada) which would become necessary to determine the extent of any cooperation which might be forthcoming from these sources.

We believe it is important that Government attempt to refine the matters raised herein, while acknowledging that the hypothetical position removes any cutting edge from what otherwise would be a negotiation. Rather it will be in the nature of a discussion as to what, having regard both to their interests and ours, the U.K., U.S.A. and Canada would do to secure Bermuda’s position in the event of Independence.

This, we repeat, is only an interim and preliminary report which has made suggestions which, if the Government so decides, it can follow up to determine their feasibility: since as we noted, it is the answers to some of these questions which will influence the answers and attitudes to others.

There are important matters raised in the Green and White Papers which we have not repeated here, or attempted at this point to carry beyond the last positions stated; but which the committee will, in due course, re-examine.

And finally, for the avoidance of doubt, it should be clearly understood that the committee was not asked to make any recommendation on the issue of Independence for Bermuda: just to examine the matters relating to it, with a view eventually to providing information for a more informed and rational discussion than has been possible to date.