

Impact case study (REF3b)

<p>Institution: University of the West of England (UWE), Bristol</p>
<p>Unit of Assessment: 21 – Politics and International Studies</p>
<p>Title of case study: Small territories, governance, and development: securing their viability</p>
<p>1. Summary of the impact</p> <p>This case study reports three inter-related impacts from Peter Clegg’s research at UWE, Bristol. Firstly, his research has helped to shape the reform programme and the return to self-government in the Turks and Caicos Islands. Secondly, it has helped to frame the United Nations Decolonisation Committee’s views on how best to implement the Third International Decade for the Eradication of Colonialism. Thirdly, it has assisted the UK Overseas Territories governments to create an enabling environment for the protection and promotion of the human rights and dignity of People Living with HIV. It has done so by ensuring that these governments’ laws and policies facilitate HIV prevention, care, treatment and support for people living with HIV/AIDS.</p>
<p>2. Underpinning research</p> <p>The research underpinning this impact case study was conducted by Dr. Peter Clegg at UWE, Bristol, Senior Lecturer in Politics from 2005 to the present. It was initiated as a result of a grant awarded to Dr. Clegg and Dr. Emilio Pantojas-Garcia (University of Puerto Rico) by the British Academy’s UK–Latin America and Caribbean Link Programme in 2007 on the topic of ‘Governance in the non-independent Caribbean: Challenges and Opportunities’ [7]. The award funded two two-day seminars – one in Bristol and the other in San Juan, Puerto Rico – and resulted in an edited book (<i>Governance in the non-independent Caribbean: Challenges and Opportunities in the 21st Century</i> (co-editor with Emilio Pantojas-Garcia, University of Puerto Rico, 2009) which provided the foundation for Clegg’s subsequent research which specifically led to this impact.</p> <p>Clegg’s research comprised three inter-related strands:</p> <p>(i) Corruption and reform in the Turks and Caicos Islands (TCI). Building on his work in the Caribbean, Clegg’s research undertaken between October 2010 and January 2013 identified a number of deep-seated political, economic and social factors that have impacted negatively on standards of governance in the Turks and Caicos Islands. He found that many of the problems are generic, related to small size and the inadequate level of oversight provided by the UK. However, several other characteristics – such as the TCI’s limited constitutional and political history, its transient population, the inter-island parochialism, and the large number of disenfranchised residents – are quite particular and have heightened the risks of corruption and bad practice taking hold. Attempts have been made, led by different UK governments, to improve the state of public affairs in the TCI, but these attempts have lacked conviction. Clegg concluded that the reasons for this included an absence of political will in London, sensitivities in the UK about enforcing change in a semi-autonomous territory that is financially self-sufficient, and the loss of institutional memory in the Foreign and Commonwealth Office in particular. This piece of research underpins Clegg’s contribution to the report for Transparency International [1] and his article in <i>Social and Economic Studies</i> [2].</p> <p>(ii) Non-self-governing territories and their quest for decolonisation. The key concern of Clegg’s on-going research around governance in the UK Overseas Territories (OTs) (undertaken between January and March 2011, and updated between February and April 2013) was the extent to which further constitutional reform can be undertaken and greater autonomy be awarded in the OTs. Any such reform is problematic because of the UK’s reluctance to offer more concessions which would diminish its powers of oversight. Further, there is little consensus in the UK or the territories about how decolonisation can be achieved and how full self-determination can be exercised. The territories do not want independence, while the UK does not accept free association or integration. In other words, after the recent process of constitutional review, what more can be done to advance self-determination and the achievement of political</p>

equality? Clegg found that in order to make any progress in this Third International Decade for the Eradication of Colonialism, three separate but related issues must be addressed: (a) the possible (albeit likely moderate) changes in the territories' constitutions that would advance self-government, e.g. end the role of the Governor in chairing the local Cabinet or Executive Council of Ministers (in Bermuda the Governor does not act as Chair, but in the other territories he/she does); (b) the ways in which the territories can further develop and improve their systems of governance, e.g. strengthen the level of parliamentary oversight of the executives, for example via more powerful Public Accounts Committees; and (c) the ways in which the UK government can reform its own administrative structures to better facilitate the territories progress towards greater self-government, e.g. territory administration and governance should be developed as a distinct specialism and career path within Whitehall.

This piece of research underpinned Clegg's contribution to the United Nations Caribbean regional seminar on decolonisation [3] and to the two articles in *Commonwealth and Comparative Politics* [4] and *Caribbean Journal of International Relations and Diplomacy* [5].

(iii) A sub-regional legislative review to consider the impact of stigma and discrimination in the UK overseas territories.

Clegg's research in the Winter of 2009/10 focused on the international treaty commitments of the six UK Caribbean Overseas Territories (OTs) (including Bermuda) and their potential role in safeguarding the rights of people living with HIV/AIDS (PLHIV). The research found that several international treaties, including the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, and European Convention on Human Rights and Fundamental Freedoms, contained a number of articles which were potentially very important in safeguarding the rights of PLHIV either directly or indirectly. The research also found that these provisions were not always acknowledged by the territory governments as being applicable to PLHIV, and greater efforts were needed by local territory governments and the UK government in applying the provisions in a universal way. This piece of research underpins Clegg's contribution to the report for the Department for International Development and Options [6].

3. References to the research

[1] Reviewer (noted as External reviewer (anonymous)) and contributor to: Transparency International, *National Integrity System Country Report: Turks and Caicos Islands, 2011* (http://archive.transparency.org/regional_pages/americas/nis_tci) (see section 2.i – Corruption and Reform in the TCI). [Available through UWE]

[2] Peter Clegg (2012) The Turks and Caicos Islands: Why does the cloud *still* hang? *Social and Economic Studies*, 61, 1, 23-47 (see section 2.i – Corruption and Reform in the TCI). [Available through UWE]

[3] Peter Clegg (2011) 'Decolonisation prospects for the Caribbean Non-Self-Governing Territories of the United Kingdom under the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples'.

Paper given at Caribbean regional seminar on the implementation of the Third International Decade for the-Eradication of Colonialism: goals and expected accomplishments, Kingstown, Saint Vincent and the Grenadines, 31 May to 2 June 2011

(<http://www.un.org/en/decolonization/regsem2011.shtml>). [Available through UWE]

[4] Peter Clegg & Peter Gold (2011) The UK Overseas Territories: A decade of progress and prosperity? *Commonwealth and Comparative Politics*, 49, 1, 115-135
[DOI:10.1080/14662043.2011.541117](https://doi.org/10.1080/14662043.2011.541117) (see section 2.ii – Non-self-governing territories and their quest for decolonisation).

[5] Parts of paper [3] were published in the Clegg & Gold article [4] and later in Peter Clegg (2013) 'The United Kingdom and its Caribbean Overseas Territories: Present relations and future

prospects', *Caribbean Journal of International Relations and Diplomacy*, 1, 2, 2013, 53-64
<http://journals.sta.uwi.edu/iir/index.asp> (see Section 2.ii). [Available through UWE]

[6] Contributor and reviewer of: *A sub-regional policy analysis and legislative review to consider the impact of stigma and discrimination in the UK overseas territories*, Department for International Development and Options, 2010 (the report is not publicly available) [Available through UWE]

[7] 'Governance in the non-independent Caribbean: Challenges and Opportunities', British Academy grant of £20,000 awarded to Dr Peter Clegg and Dr. Emilio Pantojas-Garcia (University of Puerto Rico) as part of the British Academy's UK–Latin America and Caribbean Link Programme (November 2007 to April 2008).

4. Details of the impact

(i) **Corruption and reform in the Turks and Caicos Islands.**

As Clegg was undertaking research on the UKOTs in 2007/2008, a significant corruption scandal was revealed in the Turks and Caicos islands involving the prime minister, several of his ministerial colleagues, and a number of other private individuals. Local government was suspended by the UK and direct rule from London was imposed. Subsequently a process of constitutional, political and economic reform was undertaken to address the poor governance in the TCI. Being such an important development, Clegg's research focused on why significant problems in governance had developed and what could be done to address them. His research became known in the Foreign and Commonwealth Office [2] and Transparency International [1], and he was asked to contribute to various review processes. These included presenting a paper to the Overseas Territories Forum at the FCO on 8 December 2009; contributing to the Transparency International Report published in 2011; supplying on demand several of his publications on the TCI to FCO officials (see Clegg 2012, Clegg & Gold 2011, and Clegg & Pantojas-Garcia 2009); and participating in an FCO-sponsored meeting on the TCI on 27 January 2012. Through these avenues he has worked closely with FCO officials to ensure balanced debate and helped to develop a better understanding of some of the underlying issues relating to the Territories, e.g. why the TCI is particularly prone to sub-standard governance. His work is also recommended to those diplomats being posted to the Territories in order to provide them with an insight into the political and economic issues facing the Territories.

(ii) **Non-self-governing territories and their quest for decolonisation.**

As a result of Clegg's research, he was invited to attend a United Nations Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: Goals and Expected Accomplishments, Kingstown, St Vincent and the Grenadines, 31 May-2 June 2011. (An invitation was made to attend the subsequent Caribbean regional seminar in Quito, Ecuador in May 2013.) Such meetings, involving UN members and policy experts, are organised to further the process of decolonisation in seventeen so-called non-self-governing territories. He had a further separate meeting with UN officials in New York in August 2011 [3]. His interventions have contributed to the decolonisation debate and influenced discussion at the regional seminars. For example, Clegg suggested "holding of formal and/or informal regular meetings involving the Territories, the Administering Powers and the UN", and this provided a measure of support to sustained communication and convening efforts made in that regard. Such engagement helps to deepen the understanding of the decolonisation process and makes progress on this very difficult and intractable issue more likely. Clegg's recommendation was taken on board and incorporated into the Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2011 [4].

(iii) **A sub-regional legislative review to consider the impact of stigma and discrimination in the UK overseas territories.**

As a consequence of Clegg's research and related publications, he was asked by the health and social policy consultancy firm Options (www.options.co.uk) (acting on behalf of the Department for International Development) to undertake a review of international treaty commitments of the six Caribbean Overseas Territories (including Bermuda) and their potential role in safeguarding the

rights of people living with HIV/AIDS (PLHIV). Clegg's work contributed a significant part of the report published in 2010 entitled 'A sub-regional policy analysis and legislative review to consider the impact of stigma and discrimination in the UK overseas territories' [5]. The report and the related programme then provided support to the National AIDS Programmes in the OTs. Inspired by Clegg's contribution to this report, Options, along with its Caribbean partners, Associates for International Development (AIDInc), worked closely with the National AIDS Programmes in all project countries, with the goal of reducing STI and HIV infection rates and improving the quality of life of those already infected with HIV [6]. Project interventions focused on several key strategic areas, including developing national legislation/policies addressing HIV related stigma and discrimination, which was related directly to Clegg's research on international treaty commitments.

5. Sources to corroborate the impact

- All files available through UWE -

1. **Corruption and reform in the Turks and Caicos Islands.**

- 1.1. Testimonial: Programme Director, Americas Department, Transparency International [1 on REF System]
- 1.2. Testimonial: Overseas Territories Division, Foreign and Commonwealth Office [2]

2. **Non-self-governing territories and their quest for decolonisation.**

- 2.1. Testimonial: Chief, United Nations Decolonisation Unit, Department of Political Affairs [3]
- 2.2. Report of the United Nations Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2011, General Assembly Official Records, Sixty-sixth Session, Supplement No. 23 (http://www.un.org/ga/search/view_doc.asp?symbol=A/66/23).

3. **A sub-regional legislative review to consider the impact of stigma and discrimination in the UK overseas territories.**

- 3.1. 'A sub-regional policy analysis and legislative review to consider the impact of stigma and discrimination in the UK overseas territories' (available from UWE)
- 3.2. Corroborating Contact: Director of Programme, Options [4]