

Sir Richard Gozney KCMG
Governor
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Bermuda

1. I have the honour to refer to the review of the external affairs matters that are delegated to the Government of Bermuda. This letter revises and replaces the letters of 12 September 1968 and 27 July 2005, which previously addressed this subject.
2. The Government of the United Kingdom must continue to be responsible for the external relations of Bermuda. In carrying out their general responsibility, however, the Government of the United Kingdom will, whenever practicable, seek the fullest consultation with the Government of Bermuda and will at all times have special regard to the interests of Bermuda. In addition, subject to the stipulations set out in paragraphs 3 to 8 of this letter, the Government of the United Kingdom hereby grant general authority to the Government of Bermuda to commence formal negotiations and to conclude agreements, whether bilateral or multilateral, in the following areas of external affairs:
 - (a) trade agreements with other countries relating to the treatment of goods and services;
 - (b) agreements with other countries relating to tourism as it affects Bermuda;
 - (c) agreements for technical assistance or of a cultural or scientific nature with any independent member or members of the Commonwealth or the United States of America or such other authorities as the Government of Bermuda may request and the Government of the United Kingdom may approve;
 - (d) agreements with other countries relating to emigration from Bermuda to those countries and to emigrant labour schemes.

Authority is also delegated to the Government of Bermuda to arrange visits for trade or commercial purposes by representatives or residents of Bermuda to any other country, and by representatives or residents of any other country to Bermuda. But questions relating to the establishment of permanent or temporary representation of other countries in Bermuda and of Bermuda in other countries, whether for consular or other purposes, will be determined by the United Kingdom after consultation with the Government of Bermuda.

3. The Government of the United Kingdom will look carefully at each proposal by the Government of Bermuda to conclude an agreement or arrange a visit under the general authority granted in paragraph 2, and will give sympathetic consideration to any request by the Government of Bermuda for authority to take action on individual questions of external relations not covered by this letter. However, there may be occasions where a proposal conflicts with the

UK's international policies or obligations and, therefore, the Government of Bermuda should not assume that the United Kingdom will agree with every proposal to conclude an agreement or otherwise to act in the field of external affairs – authority will not be automatic.

4. Nothing contained in this letter authorises the commencement of the negotiation or conclusion of any agreement relating to civil aviation, shipping, defence, or internal security, including aviation and maritime security, affecting Bermuda without prior approval from the Government of the United Kingdom. Where the Government of the United Kingdom engages in any discussion relating to these matters as they affect Bermuda, they will, whenever practicable, engage the Government of Bermuda in full consultation. The United Kingdom will also consider the inclusion of a representative of the Government of Bermuda, where that would be practicable, either as an adviser or as an observer or in some similar capacity, in any United Kingdom delegation attending international discussions about civil aviation, shipping or finance in which the interests of Bermuda are materially involved.
5. Nothing contained in this letter authorises the Government of Bermuda to negotiate or conclude any agreement that would give rise to any financial commitment or obligation for the Government of the United Kingdom. All financial obligations and commitments arising from any agreement concluded by the Government of Bermuda will be the sole responsibility of the Government of Bermuda, unless agreed otherwise with the Government of the United Kingdom.
6. In view of the general responsibility of the Government of the United Kingdom for the external affairs of Bermuda, the Government of Bermuda will inform the Government of the United Kingdom, through the Governor, prior to the commencement of any formal negotiations delegated to the Government of Bermuda by paragraph 2 of this letter and, thereafter, will keep them informed of the progress of any such negotiations, and will consult the Government of the United Kingdom on the text of any proposed agreement or other instrument in good time before the agreement or other instrument is to be concluded. The Government of the United Kingdom will inform the Government of Bermuda if it should appear that the actions or proposals of the Government of Bermuda conflict with, or are likely to lead to conflict with the international commitments or obligations, the responsibilities or any policies of the Government of the United Kingdom. In that event the Government of the United Kingdom will advise the Bermuda Government as regards those commitments, obligations or policies and, so far as possible, further advise how best the intentions and proposals of the Government of Bermuda might be carried into effect. But it will be necessary for the

Government of Bermuda to abide by the decision of the Government of the United Kingdom.

7. In addition to the requirements of paragraph 6, the Government of Bermuda will: (1) provide annually a written report to the Government of the United Kingdom through the Governor summarising the activities which have taken place under the terms of this entrustment during the preceding year; and (2) make the Government of the United Kingdom aware, through the Governor, of any arrangement, memorandum of understanding or other similar instrument that they are negotiating with other countries or with institutions, whether relating to the subject areas covered by paragraph 2 of this entrustment letter or not, and should forward a copy of the text thereof for consideration and comment by the Government of the United Kingdom in good time before signature.
8. The Government of Bermuda will supply to the Government of the United Kingdom a certified copy of any agreement it concludes under the terms of this letter of entrustment for the purpose of United Kingdom treaty registration.
9. I should be grateful if you would acknowledge receipt of this letter and confirm that the Government of Bermuda accept the authority delegated in paragraph 2 above, subject to the understandings and stipulations set out in paragraphs 3 to 8 in relation to such delegation, which will come into effect on the date of your letter confirming acceptance thereof or on 1 December 2009, whichever is sooner. The delegations of authority in the letters of 12 September 1968 and 27 July 2005 will cease to have effect on the date that the delegation in this letter comes into effect.