

Why the push for same-sex 'marriage' in the British Overseas Territories is a cause for global concern

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This month, the government of the Cayman Islands won the right to appeal a Supreme Court judgment which would introduce gay 'marriage'. But the push for same-sex 'marriage' appears to be global. Carys Moseley comments on the threat it poses to traditional marriage and Christianity.

Last month, two women bringing up a girl together in the Cayman Islands won the right to be recognised as legally married to each other¹. In the Supreme Court of the Cayman Islands, Judge Anthony Smellie dismissed the argument of the Cayman Islands' government that the constitution only gives opposite-sex couples the right to marry and therefore prohibited same-sex 'marriage'. It is a fact that the Cayman Islands' constitution permits marriage to members of the opposite sex only²:

"Marriage 14.—(1) Government shall respect the right of every unmarried man and woman of marriageable age (as determined by law) freely to marry a person of the opposite sex and found a family."

The Cayman Islands are part of the British Overseas Territories. These are self-governing as regards domestic matters such as marriage law, but in other respects are overseen by the Foreign and Commonwealth Office.

Cayman Islands government appeals judgment

On 10 April, the Cayman Islands' government was given the right to delay implementation of the judgment in favour of same-sex 'marriage' because the Court of Appeal of the Cayman Islands granted it the right to appeal³. The appeal will be heard this August. Until the appeal is completed, no same-sex wedding ceremonies can be performed in the Cayman Islands. Representing the Attorney General, Reshma Sharma argued that the constitution defined marriage as between a man and a woman, and she will argue on appeal that Judge Anthony Smellie overstepped his powers in directly revising the law on marriage, thereby creating "a new species of marriage."

The lawyer who originally gave the couple advice wanted the Foreign and Commonwealth Office to step in on the grounds that it is responsible for good

government in the Cayman Islands. However, this would constitute a constitutional crisis given that the Cayman Islands⁴ are self-governing as regards domestic affairs. Cooper even complained to *The Telegraph* that "FCO lawyers should have been in court" arguing for the two women. No doubt mindful of the need to defuse a potential crisis, the Foreign Office merely announced that "the UK government...welcomes the judgment" and that it was "disappointed by the decision of the Cayman Islands Government to appeal."

Churches rally to defend marriage

On 13 April, over 2000 Christians rallied together to defend true marriage in the Cayman Islands⁵ on the steps of the legislative assembly in the capital, George Town. Helen Coley-Nicholson, the president of the Lawyers' Christian Fellowship in Jamaica, said that "the recent decision of same-sex marriage in this country is a grave and foundational assault on marriage, children, law and good order."

This is not the first time that Christians in the Cayman Islands or other British Overseas Territories have had to protest the redefinition of marriage. In 2006, the group 'People for a Referendum' was formed to call for a referendum on marriage, after the Dutch High Court ruled that Aruba had to recognise same-sex 'marriages' registered in the Netherlands. Aruba is a constituent country of the Kingdom of the Netherlands⁶ in the Caribbean. Christians in the Cayman Islands were concerned that this could influence the Foreign Office to require same-sex 'marriage' there.

In addition to government opinion, there is a worrying trend in Parliament for numerous MPs to push via the Foreign Affairs Committee of the House of Commons for the imposition of same-sex 'marriage' on both Northern Ireland and the British Overseas Territories in a way that smacks of overriding delicate constitutional arrangements.

Implication for other British Overseas Territories

It is clear from the Foreign Affairs Committee report on the future of the relationship between the UK and the British Overseas Territories, published in February this year, that the UK government is continuously pressurising their

governments to introduce same-sex 'marriage'. The report singles out five territories in the Caribbean for resisting. They were asked to state in writing whether or not they would introduce same-sex 'marriage'. The government of the British Virgin Islands responded saying that their constitution defines marriage as being between one man and one woman⁷. One brave Christian church, Cane Garden Bay Baptist Church, also wrote to the committee to defend marriage.⁸

The Committee report advocates that the UK intervene to force all British Overseas Territories to pass laws instituting same-sex 'marriage':

"It is time for all OTs to legalise same-sex marriage and for the UK Government to do more than simply support it in principle. It must be prepared to step in, as it did in 2001 when an Order in Council decriminalised homosexuality in OTs that had refused to do so. The Government should set a date by which it expects all OTs to have legalised same-sex marriage. If that deadline is not met, the Government should intervene through legislation or an Order in Council."

Its approach is more aggressive than that of the Foreign Office⁹, which told the Committee that "*encouraging legislative change continues to be a priority*" so that the territories meet "*international human rights obligations.*" The truth is that children would become hostages in an inverse Cold War against the traditional family. The meaning of my term 'inverse Cold War' will soon become apparent below. The way in which MPs with mostly 'progressive' views on same-sex 'marriage' are prepared to force it on jurisdictions that don't have it runs very much in parallel with their desire to interfere in other domestic matters, such as pushing for the legalisation of abortion in Northern Ireland, and to force UK legislation on financial matters in the British Overseas Territories and elsewhere.

The dishonest use of anti-corruption legislation to promote LGBT rights

In the case of the Overseas Territories, a substantial minority of MPs, led by Dame Margaret Hodge (Labour) and Andrew Mitchell (Conservative), successfully tabled an amendment to the Sanctions and Anti-Money Laundering Bill last year to force them to adopt registers of beneficial ownership for the ostensible purpose of combatting money-laundering. The occasion for this amendment was the poisoning of Russian spies Sergei and

Yulia Skripal in Salisbury in March 2018. The reason given was that far more Russian dirty money that could negatively affect the UK is hidden in the British Overseas Territories than in the UK itself.¹⁰ The Cayman Islands and the British Virgin Islands plan a legal challenge to the demands¹¹ on constitutional grounds.

Mitchell, Hodge and many of their supporters in Parliament are also mostly on record as supporting same-sex 'marriage' and parenting. This is highly relevant. For support for same-sex 'marriage' and parenting and public registers of beneficial ownership go very much together in the mind of the man who came up with the idea for Magnitsky legislation, not only in the UK but also in the USA, where it all started. That man is Bill Browder, a hedge fund manager and grandson of Earl Browder, head of the American Communist Party during the 1930s and 1940s.

What is Magnitsky legislation?

The recent raft of anti-corruption legislation contains 'Magnitsky clauses'¹², named after Sergei Magnitsky, a Russian lawyer who uncovered large-scale tax fraud by Russian public officials whilst working for Browder's London-based firm, Hermitage Capital. Officials had diverted tax payments by the company into their own pockets. Magnitsky was arrested and, after suffering abuse, died in prison in 2009. Browder campaigned for the imposition of sanctions on the Russian officials, so that they would be banned from either visiting the USA or using its financial system. The US Congress passed the Magnitsky Act naming these officials in 2012, extending it to be the Global Magnitsky Act in 2016. Thus, it would apply to individual global human rights abusers everywhere. Countries around the world have been under pressure to adopt similar legislation.

Why did a campaign to bring these Russian officials to justice become a campaign against 'gross abuse of human rights'? Specifically, it is unclear why legislation against money-laundering should have become a vehicle for tackling such abuse. The argument was repeatedly made in Parliament that the UK already has powers to deal with people who are guilty of serious abuse of human rights.

Arguments for the UK to have Magnitsky clauses eventually won the day. In 2017, the Criminal Finances Act¹³ amended the Proceeds of Crime Act¹⁴ 2002, so that 'unlawful conduct' was redefined to include 'gross human rights abuse or violation'. Likewise, the Sanctions and Anti-Money

Laundering Act 2018¹⁵ makes 'gross human rights violation' a ground for the imposition of sanctions on a person or entity. Those receiving financial sanctions are publicly named, whereas those receiving visa bans are not.

Has Magnitsky legislation become a vehicle for spreading LGBT parenting?

Despite all the campaign focus on financial crime, it turns out that Bill Browder has come to see 'persecution of the LGBT community' by the Russian government as the biggest reason for adopting Magnitsky legislation¹⁶ in the European Union. What did he mean by 'persecution'? Browder initially supported the imposition of sanctions on the Chechen leader, Ramzan Kadyrov¹⁷, for the torture and murder of gay people, a clear example of persecution. However, this clear example of persecution was also compared to and lumped together with issues surrounding same-sex parenting.

In April 2013, as France was about to legalise same-sex 'marriage' and adoption, a Russian politician suggested that Russia should amend its adoption agreement with France. The aim was to prevent Russian children from being adopted by same-sex couples in France. The BBC reported this to be in line with the Russian president's view¹⁸ that Russia should change its adoption agreements with countries that have already legalised same-sex 'marriage'.

Browder criticised Russia¹⁹ for warning the Republic of Ireland the previous month that it could stop the adoption of Russian children by couples in Ireland should it pass a Magnitsky Act. Browder called this "a spectacular attack on Irish democracy." But Ireland had not passed a law permitting same-sex 'marriage' or adoption at that time. Was this a pre-emptive move by Russia against the possible legalisation of same-sex 'marriage' and adoption by the Republic of Ireland?

This raises a serious question: to what extent is Magnitsky legislation being turned into a vehicle for spreading LGBT supremacism worldwide? Is there a move here to adopt a similar approach to those found in Counter-Extremism measures – namely that there is a 'conveyor belt' from 'non-violent extremism' (upholding the traditional definition of marriage as being between one man and one woman) to 'violent extremism' (torture and murder of LGBT people)? Attention also needs to be given to the use of key terms here. The term 'gross abuse of human rights' is favoured by big international LGBT campaign groups to

further their ends.²⁰ The term 'human rights defenders' is used by the UN²¹ of LGBT activists, amongst others.

Moreover, the UK government lists Russia as a 'country of concern' regarding LGBT rights because it passed a law prohibiting 'non-traditional sexuality' among minors²². Meanwhile, over here people are losing their jobs for defending traditional marriage and expressing profound concerns about LGBT indoctrination in primary schools²³. Perhaps it is time to ask whether some in positions of power and influence do not see such people as 'the enemy within' on a continuum with those guilty of torture.

The inverse Cold War against traditional marriage and Christianity

Edward Lucas is known as the UK's foremost expert on Russia today. In his book *The New Cold War: Putin's Threat to Russia*²⁴ and the West, first published in 2008, he addresses anti-Western sentiment among contemporary Russians, who, for example, criticise the rampant individualism of Western countries. He argues that Western countries must take a look at themselves and the criticisms made in this respect if they are to confront threats and challenges from Russia against the West. He is careful however never to mention the issues of the attack on marriage, the family and the right to life in his analysis of how Western countries should respond. This is a serious problem and may be connected to his praise for Bill Browder as a human rights activist promoting Magnitsky legislation in a subsequent book *Deception: Spies, Lies and How Russia Dupes the West*²⁵.

Not once in his writings does Lucas, who happens to be an Anglican²⁶, discuss the possibility that Magnitsky legislation – which he himself supports – is being used to undermine the culture of rights and the rule of law and democracy that he so prizes as hallmarks of western countries in the name of LGBT supremacism. Edward Lucas' theory that there is a 'new Cold War' instigated by Russia against the western world is arguably one-sided.

There is, at the same time, what I called above an 'inverse Cold War' within the West to undermine traditional marriage and therefore the nuclear family, the right to life, religious freedom and freedom of speech. It is nothing but the old 'culture war' waged by people armed with assorted ideas including Marxist and libertarian ones in an attack on the Christian faith and its role in underpinning

western civilization. The dispute over marriage in the British Overseas Territories, and the arrogance of both the Foreign Affairs Committee and the Foreign and Commonwealth Office, is only its latest instance.

A 21st century moral challenge

The way in which so-called Magnitsky legislation against financial corruption appears to now be used as a vehicle for some of the more questionable aspects of LGBT rights is a serious moral problem. It is difficult to deny that there is an attack on marriage, the family and children's rights, not to mention religious freedom and free speech worldwide on a hitherto unprecedented scale. Christians everywhere in the British Overseas Territories and around the world must be continuously aware of it and resist it at all costs.

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- ² https://www.constitutionalcommission.ky/upimages/educationdoc/THECAYMANISLANDSCONSTITUTIONORDER2009_1488291352_1488291352.PDF
- ³ <https://www.caymancompass.com/2019/04/10/breaking-court-of-appeal-grants-stay-on-same-sex-marriage/>
- ⁴ <https://www.telegraph.co.uk/news/2019/04/11/government-says-disappointed-cayman-islands-rejects-gay-marriage/>
- ⁵ <https://www.caymancompass.com/2019/04/14/churches-hold-anti-gay-marriage-rally/>
- ⁶ https://en.wikipedia.org/wiki/Same-sex_marriage_in_the_Cayman_Islands
- ⁷ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/the-future-of-the-uk-overseas-territories/written/94703.pdf>
- ⁸ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/the-future-of-the-uk-overseas-territories/written/89895.pdf>
- ⁹ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/the-future-of-the-uk-overseas-territories/written/90142.html>
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- ¹² <https://researchbriefings.files.parliament.uk/documents/CBP-8374/CBP-8374.pdf>
- ¹³ <https://www.legislation.gov.uk/ukpga/2017/22/contents>
- ¹⁴ <https://www.legislation.gov.uk/ukpga/2002/29/contents>
- ¹⁵ <https://www.legislation.gov.uk/ukpga/2018/13/contents>
- ¹⁶ <https://www.russian-untouchables.com/eng/2013/09/the-power-of-the-magnitsky-act/>
- ¹⁷ <https://www.humanrightsfirst.org/press-release/magnitsky-sanctions-hold-chechen-human-rights-abusers-accountable>
- ¹⁸ <https://www.bbc.co.uk/news/world-europe-22310890>
- ¹⁹ <https://www.irishtimes.com/news/health/spectacular-attack-on-oireachtas-committee-over-plan-to-sanction-russian-officials-1.1370210>
- ²⁰ <https://www.hrc.org/news/hrc-applauds-lawmakers-for-ensuring-magnitsky-act-includes-lgbtq-people>
- ²¹ <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>
- ²² <https://www.gov.uk/government/publications/russia-country-of-concern/russia-country-of-concern#lgbt-rights>
- ²³ <https://christianconcern.com/news/christian-fired-for-raising-sex-education-concerns/>
- ²⁴ https://www.amazon.com/The-New-Cold-War-Putins/dp/1137280034/ref=sr_1_2?ie=UTF8&qid=1404751758&sr=8-2&keywords=the+new+cold+war
- ²⁵ https://www.amazon.co.uk/Deception-Spies-Lies-Russia-Dupes/dp/1408802848/ref=sr_1_2?ie=UTF8&qid=1328395365&sr=8-2
- ²⁶ <http://edwardlucas.blogspot.com/2006/04/newly-published-why-i-am-still.html>