

## Chief Minister of Jersey

Cyril Le Marquand House  
St Helier, Jersey, JE4 8QT  
Tel: +44 (0)1534 440400

8<sup>th</sup> April 2013

Senator S C Ferguson  
Chairman – Corporate Services Scrutiny Panel  
Scrutiny Office  
States Greffe  
Morier House  
St Helier  
JERSEY JE1 1DD

Dear Senator Ferguson

### **States of Jersey (Minister for External Relations) (Jersey) Regulations 201-**

Thank you for your letter of 4<sup>th</sup> March regarding your review of these draft Regulations. I regard the establishment of a Minister for External Relations as an important change which is necessary to improve our ability to represent the best interests of the Island overseas. This is the first time that a Chief Minister has sought to bring forward proposals to establish a new ministerial office under the provisions intended for this purpose within the States of Jersey Law 2005. This is an important step forward and I welcome your review and the opportunity to provide evidence in person.

Your letter requested a response to a number of specific questions, which I have addressed below.

#### **Q1. What alternatives, if any, have been considered by the Council of Ministers to the appointment of a Minister for External Relations?**

This matter was considered by the Council of Ministers in May 2011 and again in December 2012. On both occasions the Council endorsed the need to meet international norms by establishing an office of Minister for External Relations with responsibility for UK and international relations.

The international norm is for each jurisdiction around the world to have three positions in place in order to conduct external relations. These three positions are: Head of State (for us, Her Majesty the Queen), Head of Government (for us, the Chief Minister) and Minister for Foreign Affairs (not at present a ministerial post in Jersey and hence now proposed as Minister for External Relations). The United Nations Protocol and Liaison Service maintain an up-to-date reference list of Governments with official titles of the respective Heads of State and Heads of Government and Ministers for Foreign Affairs.

In western democracies the post of Minister for Foreign Affairs is held by a democratically elected representative of the people. The western democratic norm is for this post to be filled by a member of the Government who is part of the cabinet. There are a range of other diplomatic posts, such as Ambassador or Special Envoy, which are often filled by either civil servants or political appointments depending on the system of government, but this is not the western democratic norm for the post of Minister for Foreign Affairs. Therefore, the Council did not give any substantive consideration to following a path that would sit outside this norm given the likely reputational implications of doing so.

**Q2. What will the appointment of a Minister for External Relations achieve that cannot be achieved through the appointment of an Assistant Minister with specific responsibility for external relations?**

There is an expectation overseas that, along with a Head of Government (Chief Minister), finance minister (Minister for Treasury & Resources) and trade minister (Minister for Economic Development), the Government will include within its cabinet (Council of Ministers) the important role of Minister for Foreign Affairs. At present, this is a significant gap in our government and one which should be filled if we are to be able to engage with other governments around the world on equal terms.

Whilst the role of Assistant Chief Minister has proved valuable and much good work has been undertaken, this is not the same as being able to engage on equal terms with Ministers for Foreign Affairs from other countries and jurisdictions. A Minister for Foreign Affairs with cabinet status will inevitably carry more weight overseas, as well as being more easily understandable to those from other cultures around the world.

The creation of a Minister for External Relations would ensure that the Island filled this current gap within the Council of Ministers and is so able to meet the international norm for the conduct of foreign affairs. This is essential if Jersey is to achieve the best possible outcomes in protecting and promoting our interests overseas.

**Q3. How do you envisage the day to day responsibility for external relations would be shared between the Chief Minister, the Minister for External Relations and other Ministers including the Minister for Treasury and Resources and Minister for Economic Development?**

The conduct of the Island's external relations is already a shared responsibility in practice between the Chief Minister, Assistant Chief Minister, Minister for Treasury & Resources and Minister for Economic Development. The establishment of a Minister for External Relations in place of an Assistant Chief Minister does not change this established sharing of relevant responsibilities.

With regards to the respective roles of the Chief Minister and the Minister for External Relations, the formal responsibility is to be held concurrently, as detailed in the draft Regulations, and would in practice follow the international norms applied by other countries around the world with regards the respective roles of Head of Government and Minister for Foreign Affairs. The Minister for Treasury & Resources and the Minister for Economic Development are both portfolios where there is a responsibility to conduct important aspects of the Island's external relations and this would continue.

The Chief Minister's Department, Treasury & Resources and Economic Development Department, work in close partnership on external relations and have done so for a number of years. This arrangement has been strengthened in recent years by the creation of an informal group to assist coordination. The Council of Ministers established the External Relations Advisory Group (ERAG) in May 2011 to ensure effective coordination of international work. This group was then enhanced through the inclusion of financial services issues and the Council agreed in October 2012 to evolve ERAG into the Financial Services and External Relations Advisory Group (FERAG). FERAG meets monthly in order to ensure that the Chief Minister, Ministers and Assistant Ministers with significant financial services and/or external relations responsibilities can receive co-ordinated advice.

The current membership of FERAG is listed below.

Chief Minister (Chairman)  
Deputy Chief Minister  
Assistant Chief Ministers  
Minister for Treasury and Resources  
Minister for Economic Development  
Assistant Minister for Treasury and Resources  
Chief Executive  
Attorney General  
Director International Affairs  
International Affairs Advisor  
Treasurer of the States  
Chief Officer Economic Development  
Director Tax Policy  
Director Financial Services

Other relevant Ministers who are not permanent members, senior officials and law officers are also invited to attend as necessary.

**Q4. How would any disputes between the Chief Minister and Minister for External Relations be addressed?**

The Council of Ministers have agreed a Common Policy for External Relations, as reported to the States Assembly in November 2012 (R.140/2012). The conduct of external relations must therefore be undertaken in accordance with the policy agreed by the Council, whether this policy is being implemented by the Chief Minister or the Minister for External Relations.

If there was a policy dispute between the Chief Minister and the Minister for External Relations, for example regarding a proposed change of external relations policy, then the matter would be referred back to the Council to agree their common policy as required by the States of Jersey Law 2005. If there was a dispute between the Chief Minister and the Minister for External Relations with regards to the implementation of the agreed policy, for example regarding the relative prioritisation of resources, then they would first seek to resolve this matter within the Chief Minister's Department, drawing on advice from senior officials, failing which, the matter would be referred back to the Council.

**Q5. How would the proposed arrangements improve accountability for the undertaking of the Island's external relations?**

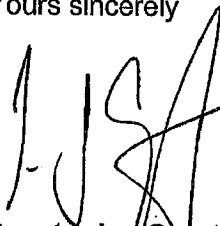
The creation of a Minister for External Relations to replace an Assistant Minister with these responsibilities would improve accountability in a number of ways. There would be enhanced accountability to the Council of Ministers as a Minister would be in attendance at each Council meeting to account for their actions in a way that is not necessarily the case with an Assistant Minister. There would be improved accountability to the States Assembly as a Minister would be voted into office by Members and would be required to regularly answer questions in the Assembly and appear before scrutiny as is the case with other Ministers. Most importantly, the creation of a Minister with these responsibilities would provide additional clarity for islanders in holding their Government to account in the increasingly important area of UK and international relations.

I trust that the Panel finds these answers helpful and look forward to meeting and discussing this further.

In conclusion, I believe that the creation of a Minister for External Relations is an essential change for the better. We would be taking the lead amongst the Crown Dependencies in this regard, but we would also be meeting the international norm applied by hundreds of countries around the world, whether large or small, sovereign or non sovereign. We have an opportunity to make a simple transition from a post of Assistant Minister to a post of Minister, which has no direct resource implications, but which would simply of itself ensure an immediate improvement to our ability to represent the best interest of the Island overseas.

I hope that the Panel are able to support this important proposal from the Council of Ministers.

Yours sincerely

A handwritten signature in black ink, appearing to be 'I. Gorst', written over a long horizontal line that extends across the page.

**Senator Ian Gorst**  
**Chief Minister of Jersey**

direct dial: +44 (0)1534 440585

email: [chiefminister@gov.je](mailto:chiefminister@gov.je)

[www.gov.je](http://www.gov.je)