

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5 Senator F.H. Walker (The Chief Minister):

Today is a significant date for Jersey. In accordance with the objective set out in the States approved Strategic Plan for 2006 to 2011, the Secretary of State for Constitutional Affairs, Lord Falconer, and I have signed a document which sets out a framework for developing Jersey's international identity. It recognises quite clearly that Jersey has a unique identity separate from and different to the U.K. It also recognises that there will be times when our interests may differ and that while we will work together to resolve them, it is entirely justified for these differences to remain and to be recognised. The framework does not seek to change our constitutional relationship with the U.K. We agree that it works well and we are both committed to evolving methods to achieve our mutual interests. I think that the commitment to continue evolution is very healthy and very important. I am also pleased that we have agreed that Jersey and the U.K. will work together to promote a wider understanding and development of Jersey's international status and identity. I know this will provide a very strong foundation on which to enhance our standing in the international community which will benefit all Islanders. We have all been working hard for many years to counter the negative images that some would like to paint of Jersey. A clear statement by the U.K. endorsing Jersey as a responsible, stable and mature democracy sends a message to the international community that our detractors will find hard to repose. I envisage that this will not only be good for Jersey's business interests but it should be something that every Islander can be proud of. Therefore, in conclusion, let me say that I believe this is an historic and important agreement for Jersey. Both Lord Falconer and I are fully committed to maintaining the open and valued relationship between Jersey and the U.K. and to work together in partnership. It will help Jersey to move forward confidently in the international arena and to engage positively with other countries as a responsible, stable and mature democracy which meets accepted international standards and obligations. The full content of the framework document which has been circulated to all Members is as follows: "Following the Statement of Intent agreed on 11th January 2006, the Chief Minister of Jersey and the U.K. Secretary of State for Constitutional Affairs have agreed the following principles. They establish a framework for the development of the international identity of Jersey. The framework is intended to clarify the constitutional relationship between the U.K. and Jersey which works well and within which methods are evolving to help achieve the mutual interests of both the U.K. and Jersey. (1) The U.K. has no democratic accountability in and for Jersey which is governed by its own democratically elected Assembly. In the context of the U.K.'s responsibility for Jersey's international relations, it is understood that the U.K. will not act internationally on behalf of Jersey without prior consultation. The U.K. recognises that the interests of Jersey may differ from those of the U.K. and the U.K. will seek to represent any differing interests when acting in an international capacity. This is particularly evident in respect of the relationship with the European Union (E.U.) where the U.K. interests can be expected to be those of an E.U. Member State and the interests of Jersey can be expected to reflect the fact that the U.K.'s membership of the E.U. only extends to Jersey in certain circumstances as set out in protocol 3 of the U.K.'s Treaty of Accession; (2) Jersey has an intentional identity which is different from that of the U.K.; (3) The U.K. recognises that Jersey is a longstanding small democracy and supports the principle of Jersey further developing its international identity; (4) The U.K. has a role to play in assisting the development of Jersey's international identity. The role is one of support, not interference; (5) Jersey and the U.K. commit themselves to open, effective and meaningful dialogue with each other on any issue that may come to affect the constitutional relationship; (6) International identity is developed effectively through meeting international standards and obligations which are important components of Jersey's international identity; (7) The U.K. will clearly identify its priorities for delivery of its international obligations and agreements so that these are understood and can be taken into account by Jersey in developing its own position; (8) The activities of the U.K. in the international arena need to have regard to Jersey's international

relations, policies and responsibilities; (9) The U.K. and Jersey will work together to resolve or clarify any differences which may arise between their respective interests; (10) Jersey and the U.K. will work jointly to promote the legitimate status of Jersey as a responsible, stable and mature democracy with its own broad policy interests and which is willing to engage positively with the international community across a wide range of issues.

Deputy P.V.F. Le Claire:

On a point of order, Sir, may I, before you open the floor for potential questions to the Chief Minister, just ask the Chief Minister if **[Laughter]** or ask through the Chair, in reading the...

The Bailiff:

If it is a point of order, you are seeking a ruling from the Chair.

Deputy P.V.F. Le Claire:

Sorry, a ruling.

The Bailiff:

It is nothing to do with the Chief Minister.

Deputy P.V.F. Le Claire:

Right, Sir. In reading the statement of the Chief Minister, I believe he omitted the penultimate paragraph, Sir.

The Bailiff:

I understand the Chief Minister has slightly modified the statement and it was the modified statement that he read out to the Assembly.

Deputy P.V.F. Le Claire:

Yes, Sir.

The Bailiff:

And no doubt will be circulated to the Members in due course. Certainly, it was different from the text which I have in front of me, Deputy. You are quite right.

Senator F.H. Walker:

Could I please just clarify that. I did understand that the modified version had been distributed to Members and I apologise if it has not.

The Bailiff:

Chief Minister, the Greffier and I understand that the text has been modified perhaps on more than one occasion; the text of the statement, not the Statement of Intent but Members should have on their desks the final copy. If not, any Member who does not have the copy which the Chief Minister read out, I am sure they can obtain one from the Greffier.

5.1 The Connétable of St. Lawrence:

Well, Sir, I did not read the statement word for word as the Chief Minister was making it, so I could not say whether I had got the old version or the new one. But, anyway, I would like to congratulate the Chief Minister on this initiative and I think reading it through, I am very happy with the terms of it. I would, however, like his confirmation that you, Sir, and the Attorney General were both involved in discussions on this document before it was completed. Thank you, Sir.

Senator F.H. Walker:

Yes, Sir, I can give the Connétable and the House confirmation that that was the case.

5.2 Deputy P.V.F. Le Claire:

Obviously I have already spoken about this in my questions previously to the Chief Minister but what I wanted to put across and put aside was any veiled criticism. I used the words “stitched-up” and I should have said “stitched-in”. My concern - and it is a concern - relates to the framework itself that has been presented at the back of this statement.

The Bailiff:

Deputy, please be concise because a number of Members wish to ask questions and there will not be time.

Deputy P.V.F. Le Claire:

Right, Sir. Is this the actual written framework and does item 6 bind us or will the Chief Minister return to the Assembly for any formal binding agreement in the future?

Senator F.H. Walker:

Paragraph 6 does not bind us to any new specific international agreements or obligations and any such proposals would have to come to this House for approval.

5.3 Deputy J.B. Fox:

I think it is a very good document but I just wanted to know whether this has any financial commitments on the Island in addition to that which we already have. Thank you.

Senator F.H. Walker:

No, Sir.

5.4 Deputy P.J.D. Ryan:

First of all, I would like to absolutely heartily congratulate the Chief Minister and his team. I think they have done an absolutely superb job, Sir. We have been looking at it from afar as the Scrutiny Panel responsible. I would like to congratulate his team particularly on the highly skilled way and the subtlety that they have shown in negotiating this. I think it is absolutely excellent. That is the first point. The question, Sir, is twofold and I will be as concise as I can. This is probably a further small step on the road towards Jersey developing its own foreign policy. Slowly but inexorably that is the way we are going. Would the Chief Minister agree that in a non-party political system, it is going to be important for him to communicate perhaps a little bit more effectively than has been necessary in the past with other States Members? Would he be prepared to commit to that and perhaps through the Scrutiny Panel’s regular 6-monthly meeting, we could set a small period of time aside for general communication on this particular area of policy?

Senator F.H. Walker:

I thank the Deputy warmly for his congratulations and those too of the Constable of St. Lawrence. This is a very significant step forward in developing Jersey’s international identity and status and I am pleased that the Deputy recognises that. There is a need to communicate freely matters of such importance effectively and I know some Members are concerned that this agreement did not come to the House before being signed but the fact is that had it in effect been the matter of a public negotiation, then the Lord Chancellor simply would not have signed it because that is not the way that governments traditionally enter into such agreements. So I am more than happy to meet with the Deputy’s Corporate Affairs Scrutiny Panel to discuss international agreements, as I think he knows, and of course as we have done on a number of

occasions already. So I would just, for the record, like to confirm that the Corporate Affairs Scrutiny Panel were aware and did receive a copy of the framework some time ago.

5.5 Deputy K.C. Lewis:

While I welcome this signing of the agreement between the Secretary of State for Constitutional Affairs, Lord Falconer, my question is regarding our relationship with Guernsey who appear to be treading a slightly different path. There have been discussions of the possibility of changing from Crown Protectorate to Dominion status even. How does the Chief Minister see the development of our relationship with Guernsey? Thank you, Sir.

Senator F.H. Walker:

Can I firstly make it clear there was some reporting in both Jersey and Guernsey that almost smacks of me crowing that Guernsey were not in a position to sign a similar framework as we are. They are not but those reasons are for Guernsey and the U.K. to resolve and the comment certainly should not have been attributed to me but that is an issue for perhaps some other discussion. Sir, I am meeting for the first time, together with my Treasury and Resources Minister, with the Chief Minister and the Treasury and Resources Minister of Guernsey on Friday and I look forward very much to that meeting. I can say that all the preparation for that meeting has been conducted in a very amicable and positive way and I hope very much that the meeting will continue in that vein and our future relationship with Guernsey will continue in that vein because, as I have said on many previous occasions, it is of the greatest importance that it should.

5.6 The Deputy of Grouville:

First, other than signing an agreement, could the Chief Minister explain if the situation differs from what we have at present and, secondly, are we or the U.K. ever minded to develop a charter with the U.K. Government?

Senator F.H. Walker:

I think the differences from the previous position to where we are now following the signing of this framework are some very important indeed obligations and statements made by the U.K. Government. There is a formal commitment to consult Jersey on international matters which we did not have before and of course there is a statement that the U.K. has no U.K. democratic accountability for Jersey and we have not had that statement before but there are no specific new obligations for Jersey. As for a written constitution., I think I covered that point in my response to Deputy Le Claire's earlier question. There are pros and cons for any written protocol. There are pros and cons and if we were to try to negotiate such a formal statement, then some of it might work in our favour; some of it might work against. The general view at the moment - and I put this to the Assembly on a number of occasions in the past - is that the unwritten constitution agreement that we have is more flexible and gives us more opportunity to develop our own position in the future. So we are not currently pursuing any form of written protocol at this stage.

5.7 Deputy S.C. Ferguson of St. Brelade:

I would, firstly, congratulate the Chief Minister that perhaps Westminster will understand a little better the position of Jersey as a Crown peculiar. In paragraph one, it states that the U.K. has no democratic accountability in and for Jersey which is governed by its own democratically elected Assembly. Given the necessity for precise language in international agreements, does the Chief Minister agree that this reflects the true constitutional position?

Senator F.H. Walker:

First of all, I thank the Deputy for her congratulations as well and I do agree with her that this framework will - certainly I am very confident - result in a better understanding in Westminster of Jersey's true position. Yes, Sir, this would not have been included in the framework if it did not reflect the true agreement between us and the U.K. and the true democratic accountability position.

5.8 Deputy P.V.F. Le Claire:

I did ask before and I rise again to ask again, is this the actual framework? That is the first part of the question because it has not got any signatures on it and, secondly, what process will now follow in respect of Lord Falconer circulating that framework to the U.K. Government? How will it be put to them?

Senator F.H. Walker:

It is the true framework and it has, I can confirm, been duly signed. I do not know what Lord Falconer's plans are to circulate or communicate the framework to Members of the U.K. Government or Members of the Houses of Parliament. That is very much a matter for Lord Falconer and the U.K. Government.

5.9 Deputy J.A. Martin:

Yes, that follows on nicely, Sir. I should offer my congratulations that we have got this in writing. The U.K. commit to do very many different things in this understanding of agreement. Would the Minister undertake to keep us informed as to what they carry out to promote the Island and to commit themselves and what they are doing in, say, the next 12 months? Thank you, Sir.

Senator F.H. Walker:

Yes, Sir. I do not think the U.K. has committed to doing anything at a certain date or anything of that nature. This is more of a general position as and when the necessity arises but I will happily keep the Deputy and the House informed. In fact, I would suggest it probably is a very good idea if I report back to the House certainly within a year, and maybe at the end of 6 months, on how the relationship has developed and evolved on the back of the signing of this framework and I am more than happy to do so.

The Bailiff:

That concludes the period within which Members can question the Chief Minister.