

STATES OF JERSEY



JERSEY AND THE SLAVE TRADE (P.78/2020): COMMENTS

Presented to the States on 20th October 2020
by the Chief Minister

STATES GREFFE

COMMENTS

Overview

Whilst the Chief Minister cannot support the wording of [P.78/2020](#), he does support a greater understanding of the historic links between the Bailiwick of Jersey and the State of New Jersey and would welcome Deputy M. Tadier, as Assistant Minister with responsibility for culture, examining ways in which greater understanding of our shared history could be improved, as well as any lessons that Jersey could learn from New Jersey in this area. To that end, he would be happy for the Assistant Minister to ask officials within the External Relations directorate to support that work.

The Chief Minister reminds the Deputy that he is already empowered to work with his own Department and in collaboration with his Ministerial colleagues to find ways of delivering on some of the principles made within the Proposition.

Renaming of Trenton Square

Trenton Square is named to commemorate the twinning of St. Helier with the city of Trenton in New Jersey and was named to celebrate the close and longstanding ties we enjoy with that State.

Members will recall that the practice of twinning cities originated following the Second World War. The initiative facilitates an avenue to foster friendship between 2 communities, not as a prism through which to pass judgement on others or their history.

It would be inappropriate for us to rename Trenton Square and it would wrongly send a message to our friends in New Jersey that we are seeking to distance ourselves from them.

Instead, we ought to take pride in our close ties to New Jersey, as well as Bad Wurzach, Avranches and Funchal and be looking at how these links can be used to promote and encourage ways in which the Island can learn from others. As such, the suggestion of changing the name of the Square is not supported.

Commemoration of 23rd August as International Day for the Remembrance of the Slave Trade and its Abolition

It is unfortunate that the Haitian Revolution, as referred to in the Deputy's proposition, which is commemorated on the 23rd August, is often underrepresented in European history studies. The event had a huge impact, both on the Atlantic Slave trade and French imperialism and led to Haiti becoming the first post-colonial independent nation in Latin America.

The revolutionary leaders of Haiti: Toussaint L'Ouverture, Jean-Jacques Dessalines and Henri Christophe, are each notable for their political idealism, military exploits commitment to abolitionism and it is noticeable that this is not a frequently taught aspect of European history. Whilst they are still remembered today as Haiti's founding fathers, like our native George Carteret, the true stories of their lives are complicated and require a nuanced appreciation of history.

Their political idealism notwithstanding, L'Ouverture, Dessalines and Christophe each in-turn ruled Haiti as dictators with the latter 2 styling themselves as Emperor and King respectively. During their rules, they put down popular uprisings with force and resisted calls for political change.

Each of these figures, particularly L'Ouverture, led successful military campaigns against foreign armies, yet their campaigns were, even by the times of the eighteenth century, seen as being particularly violent and using terror against civilians.

Most unfortunate of all, despite all 3 men having been born in slavery and personally experienced the evils of that institution, Haiti, under their rule, was quick to reintroduce forced and unpaid labour on its interior plantations even after the revolution.

Despite these actions which, by modern standards would in no way be acceptable – these men still stand as symbols of liberty and abolitionism. Their impact on history cannot be ignored and to admire them for their idealism, military successes and, above all, for their abolitionism is not the same as condoning their dictatorships, their excessive violence or their use of slave-like labour each of which was undoubtedly a product of their time.

This particular amendment, therefore, whilst reflecting Deputy Tadier's historical knowledge, also shows the dangers of picking and choosing specific aspects of individuals' characters in such matters.

Equalities and Human Rights Commission

In the Employment and Discrimination Tribunal, Jersey currently has a judicial body which has powers to resolve discrimination claims. Under the [Discrimination \(Jersey\) Law 2013](#), the Tribunal has jurisdiction to decide allegations of discrimination in employment cases, by voluntary workers, in education settings, against the providers of goods, facilities and services, in providing access to public premises and in the management of clubs.

The establishment of an additional equalities and human rights body in Jersey with similar functions and powers to that of the Equalities and Human Rights Commission (EHRC) in the UK or the Haute Autorité de lutte contre les Discriminations et pour l'Égalité in France would have significant resource implications. The States of Guernsey considered setting up an equality and rights body but, under anti-discrimination legislation approved in July 2020, it has followed a similar model to that adopted by Jersey and other similar small jurisdictions, including the Isle of Man.

It is not clear that it is necessary to diverge from the existing tribunal model; however, if the Assembly is minded to adopt part (d) of the proposition, it should be noted that this work will need to displace existing 2021 social policy priorities. As it stands existing social policy priorities – for example, those related to the regulation of children's social work services, assisted dying and a number of family law matters – have already been significantly impacted by time spent on Covid-19 related projects. The Assembly might, therefore, determine that this work should not be undertaken at this point in time.

It is not possible to accurately project the costs associated with an Equalities and Human Rights Commission, however, for comparative purposes, it should be noted that the

Government plan provides £725k per year for the Children's Commissioner. The functions of an Equalities and Human Rights Commission could potentially extend beyond those of the Children's Commissioner and it is clearly the case that an Equalities and Human Rights Commission would provide for all people, not just children and young people. It is therefore likely that annual costs would be at least £1m.

Conclusion

The Chief Minister's view is that while he welcomes increased understanding of our past and ties with other places, he cannot support the picking and choosing of history that the Deputy does in his proposition and amendments. As the Deputy has the power, as he has had since June 2018 through his position in Government, to deliver on the aims of his proposition, he strongly advises the Deputy to work through and with his officials to deliver his policy ambitions, as he would in fact be asked to do should this Proposition be adopted.

In relation to the Equalities and Human Rights Commission, the Chief Minister highlights that this is of course a decision for the Assembly to make. He highlights again however that the cost of such a Commission would be large, and other small jurisdictions have not gone down this approach.

In conclusion, whilst the Chief Minister welcomes the clear passion the Deputy has in this area, he asks the Assembly not to support the proposition and amendments.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]:

These comments were submitted to the States Greffe after the noon 16th October 2020 deadline as set out in Standing Order 37A due to multiple work commitments by the presenting Department.