

2.3 Deputy G.C.L. Baudains of St. Clement of the Chief Minister regarding the recent agreement with the U.K. being identical to that reached with another Crown Dependency:

Was the Chief Minister made aware before he made his announcement to Members that the historic agreement he recently agreed with the United Kingdom was identical to that reached with another Crown dependency and, if so, why was that fact not made clear?

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

I was well aware that the agreement with the U.K. (United Kingdom) on the development of Jersey's international identity is identical to that made with the Isle of Man. At no time have I said the agreement between Jersey and the U.K. is unique. But to be precise this particular agreement is not between the U.K. and the Crown dependencies collectively, our agreement is between the U.K. and Jersey alone. The fact that the U.K. has made the same agreement with the Island of Man is, I believe, of no particular significance for Jersey. I reject absolutely the comments from some quarters that the importance of the agreement has been diminished as a consequence. We should welcome the advance in the Jersey's international identity that this agreement marks, not seek to devalue its historic significance for the Island.

2.3.1 Deputy P.V.F. Le Claire of St. Helier:

Could I ask the Chief Minister if he is aware of any other Island that was offered this identical agreement? I have been informed that Guernsey was offered to sign this and did not. I just wondered if the Chief Minister had any knowledge as to any other Islands that were offered the same agreements. In particular, if Guernsey was offered it, does he know why they did not sign it?

Senator F.H. Walker:

This has been well publicised already. Guernsey were in their negotiations on the same agreement but because some issues have arisen between Guernsey and the D.C.A. (Department of Constitutional Affairs) it has not been possible for that agreement to be signed as yet but one has to assume it will be signed at some point.

2.3.2 Deputy S.C. Ferguson:

Would the Chief Minister explain whether the agreement has legal standing and what is its legal validity?

Senator F.H. Walker:

I do not believe it has legal standing but it is an agreement signed by the Lord Chancellor on behalf of the U.K. Government and we in Jersey would expect the U.K. Government to honour every aspect of it, as indeed they would expect us to do the same in any other such agreement.

2.3.3 Deputy S.C. Ferguson:

Does the Chief Minister mean, Sir, that we cannot force compliance with the terms of the agreement in a court of law?

Senator F.H. Walker:

I think that is more an issue for the Attorney General. That, I think, would depend on the U.K. Government in the unlikely event that they sought to break the clauses - and I do not believe they would - then I think that is a matter that we would need to consider at that juncture with the Attorney General, the Bailiff and other members of our legal team. But we should not be concerned with such matters at the moment. This is an agreement willingly entered into between the U.K. Government and Jersey which moves Jersey's international position forward. We do ourselves no good whatsoever by seeking to question - not as you are doing, Deputy, because I think the Deputy's question is valid - as some have done, whether or not this is indeed the significant historic agreement that it represents for Jersey. That does Jersey no favours whatsoever.

2.3.4 Deputy R.C. Duhamel of St. Saviour:

Would the Chief Minister outline to the House the extent to which his office, or indeed officers that he has direct responsibility for, undertook the work in drawing-up the individual clauses within this historic unique agreement?

Senator F.H.Walker:

I did not hear the Deputy terribly well. I think he is asking me what role my office has played in negotiating the agreement, in effect?

Deputy R.C. Duhamel:

In drawing up specific clauses within the document.

Senator F.H.Walker:

Some of the clauses in the agreement were indeed drafted within my own office. Some were drafted in the D.C.A. and some were drafted elsewhere but the majority were either drawn up by my own department or by the Department of Constitutional Affairs in the U.K.

2.3.5 Deputy P.V.F. Le Claire:

Could I ask the Chief Minister to confirm that indeed the agreement does strengthen Jersey's position internationally in many respects in a much stronger way than we have had before. In particular in respect of the question that was put to him by Deputy Ferguson that one of the clauses within the agreement that has been negotiated and signed does include the full consultation with United Kingdom Government of any proposed business changes for Jersey and any disregard of that consultation could then be used in a position, should we want to, in a court of law in the future. They cannot agree to consult and then ignore that consultation. So, in that respect there is that safeguard, would he agree that is the case?

Senator F.H. Walker:

Yes, Sir, and that is an achievement because we have never had such an agreement before. We have also never had a statement from the U.K. Government which confirms that the U.K. Government has no democratic accountability for Jersey's domestic affairs. These are big steps forward and why it should be of such concern to Members and apparently cause Members to devalue the agreement because another Crown dependency has had its own historic agreement along the same lines, frankly defeats me.

2.3.6 Deputy G.C.L. Baudains:

I just wanted to ask the Chief Minister, Sir, and nobody is doubting the relevance of his historic document but I think he must agree with me that when he told us of the nature of this document he gave the clear impression that it was unique to Jersey. Now that we learn that it is not, does the Chief Minister understand that some people have a feeling that they have been misled?

Senator F.H. Walker:

I do not believe that anyone has been misled in any shape or form whatsoever. Can I just, out of interest, make a point. I was in discussion about this agreement a number of days before it was signed, but when it was known it was going to be, with a journalist from the *Jersey Evening Post* and I mentioned to him, quite openly, that we were aware that the Isle of Man were in the same negotiations and he could have published that at any time. He chose not to do so because, like me, he did not see the strict relevance to Jersey.