

2.9 Deputy P.V.F. Le Claire of the Chief Minister regarding the Island's existing relationship with Her Majesty's Government:

Is the Chief Minister satisfied that the existing relationship with Her Majesty's Government meets the Island's current and future needs, or would the relationship be strengthened through a written constitution, a concordat or other formal understanding in the future, and if so, how?

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

I am satisfied that the existing relationship with Her Majesty's Government currently, and for the foreseeable future, meets Jersey's needs. The relationship is entirely positive and works well on both sides. Whether a written constitution or a concordat would strengthen Jersey's relationship with the U.K. depends entirely on the content of such a document. I am sure that there would be a variety of views, both in Jersey and in the U.K., on what that content should be. There is a strong argument that an unwritten constitutional relationship allows for more flexibility and for greater development in the future. With regard to the future I will later this morning be making a statement on the conclusion of a formal framework for developing the international identity of Jersey, which I have agreed with the U.K. Secretary of State for Constitutional Affairs. I am convinced that this framework will further strengthen Jersey's constitutional position by setting out the context of the U.K.'s responsibilities for Jersey's international relations, while recognising that Jersey is a responsible, stable and mature democracy with its own broad policy interests.

2.9.1 Deputy P.V.F. Le Claire:

That is very reassuring to hear and I thank the Chief Minister that he is satisfied that the current arrangements do meet our needs and our future needs, and I am sure that most Members will agree with me that that is a wonderful position to be in. But I would like to ask the Chief Minister in regard to the statement that he is going to make, and as he brings it up in his question today, given the content of his answer to me in that any concordat would have to be considered by a variety of people for their views on the content, as any detail of the content might be significant in a constitutional perspective, does then it not also fall if that is the case - if that is good for the goose it should be good for the gander - if it needs to be considered with a variety of views, i.e. the States Members, in respect of a concordat or a written constitution, that any such framework as has been signed, we are about to be told, by the Chief Minister should also return to the Assembly for ratification and their consideration in respect of writing-up the framework of any such agreements in the future, because writing-up the framework stitches us up; it stitches us up to a playing field and measures us in. The question is, does not the Chief Minister agree that if those considerations have validity in respect of a written constitution and a concordat then they should also have had had the approval of the States Assembly before they were drafted and signed by the Chief Minister?

Senator F.H. Walker:

There is a world of a difference between a concordat or a formal written constitution and the framework that I am presenting to the States today. The framework does not change Jersey's constitutional position, it is a statement which basically confirms the U.K.'s ratification of our constitutional position and strengthens our international position in a number of ways, and, it is entirely consistent with the decision of the States taken in the Strategic Plan when the States agreed that I should endeavour to agree a protocol with the Lord Chancellor, which will support further extension of the Island's international personality and independence of action. The way this has been handled is entirely consistent with the way that international agreements are normally handled, and entirely consistent with the way in which the States have previously agreed, and indeed set a precedent for in the signing of agreements with the E.U. on the Savings Tax Initiative.

Deputy P.V.F. Le Claire:

Perhaps we could draw in other Members' attention to the Chief Minister's capable answers when we do get to the statement in respect of these questions, but I...

The Bailiff:

Deputy, you have the opportunity to question the Chief Minister on his statement when he has made it.

2.9.2 Deputy P.V.F. Le Claire:

Yes, Sir. What I was going to say, was rather than pose a whole bunch of supplementary questions at this stage, I will, if I am allowed to ask the questions, reserve those for the time that we address the statement. But may I ask at this point, just as a gesture of politeness, I do have a question for the Chief Minister in this respect, which I will set aside for later, that has to do with defining, in particular, agreeing to meet international standards when those international standards may have an impact upon our fiscal position. How can the Chief Minister agree to meet international standards? Should it not have been "agree to consider meeting international standards"? Setting up the wording of a framework like this stitches us up in my opinion.

Senator F.H. Walker:

It does nothing of the kind, and for the Deputy to suggest it stitches Jersey up misses the point and misses the whole basis of what is being presented to the States today. This is good news for Jersey; this strengthens our position, and to suggest it does anything to contrary suggests to me clearly the Deputy has totally failed to understand what is before him now, and I regret that.

2.9.3 Deputy P.V.F. Le Claire:

The Island has always said that we will endeavour to meet, and that we will meet, international standards and we have prospered both culturally, economically and internationally as a result and we intend to continue to do so. Would the Minister not agree with me that in making the response that he has just made to me he fails to understand that I am applauding the work and the current and future relationship of the United Kingdom, which has been developed by the Chief Minister and his Council of Ministers? I am applauding that, but what I am saying is that it is difficult, if not impossible, for Members such as I to understand the impacts of agreements that have been negotiated without our involvement. If I have thoroughly failed to be able to be aware of these issues, then I am sure every other Member must be in that same boat too. I asked these questions prior to this information coming out. My questions were tabled prior to any of us knowing about these issues, and the consideration of these issues have been presented to us on the desk this morning, most Members have not read them and they have not turned to the framework of the understanding either. So, is it not really disappointing that the Chief Minister can rise to his feet to say that I am not on board; when the reality is nobody invited me?

Senator F.H. Walker:

I am intrigued by the Deputy's version of being supportive when he uses phrases like "stitches us up", it does not sound terribly supportive to me, so I am sure he will sympathise with my confusion. All international agreements which carry new obligations for Jersey are of course subject to the agreement of this House and have always come to this House, and will continue to come to this House. This is a framework statement of the international position in relation to the U.K., which does nothing other than strengthen Jersey's position, and I say again to the Deputy he should be warmly welcoming this as a significant move forward for Jersey and not damning it, I suppose I could say, with the faint praise that he seems to be doing in the phraseology of his questions.