

#### **4. Questions to Ministers Without Notice - The Minister for External Relations**

##### **The Bailiff:**

Very well. I am afraid Deputy Young's question has just run out of time but that brings questions on notice to an end. So we now come to Questions to Ministers Without Notice. The first period is to the Minister for External Relations. Yes, Deputy Le Hérissier.

##### **4.1 Deputy R.G. Le Hérissier:**

The Minister visited, with a highly esteemed colleague, Malta recently, where there is a 97 per cent turn out for elections. Could the Minister tell us whether he believes this experience could be positively translated to Jersey?

##### **Senator P.M. Bailhache (The Minister for External Relations):**

It is true that the voter turnout in Malta is extraordinarily high and Deputy Bryans and I did make some inquiries as to why that was so because it compares rather favourably with turnouts in our own Island. It seems clear that the reason why turnout is so high in Malta is that there are 2 political parties, long established, which have been in the Island for a long time and that the community is very much committed to supporting one or other of those political parties. That drives a very high voter turnout.

##### **4.2 Deputy M. Tadier:**

The Minister is in the unique position among Members and Ministers of being the only Minister who has also held a position in this Assembly as the Chair and Bailiff. When the Minister travels abroad, does he attract interest from other dignitaries and officials about this other role and if so, what do those questions tend to be and how does he explain that role?

##### **Senator P.M. Bailhache:**

I do not know that any diplomat or person whom I have met in the course of travels as Minister for External Relations has ever asked me about my former life as a Crown Officer and so I am afraid I am not able to shed any light on the matter for the benefit of the Deputy.

##### **4.3 Connétable D.W. Mezbourian of St. Lawrence:**

When meeting with countries recognised to be in breach of international human rights, how does the Minister broach the subject?

##### **Senator P.M. Bailhache:**

Jersey is aligned with the United Kingdom and the United States of America and many other countries in believing that progress on human rights in those countries where they are not accorded the respect that we think they ought to be accorded, are best dealt with through a process of constructive engagement. That is why we are not deterred from seeking to do business with China and countries in the Gulf area because we believe that constructive engagement in matters of trade and in matters of political engagement are beneficial, indirectly, by helping to ensure that other places and the people of other places understand the importance of the observance of human rights.

##### **4.3.1 The Connétable of St. Lawrence:**

Does the Minister have any knowledge of how our constructive engagement has affected such countries towards their breaches of human rights?

##### **Senator P.M. Bailhache:**

I think that is a very difficult question to answer. It is rather speculative and I do not think I can help the Constable on that question.

#### **4.4 Deputy S.Y. Mézec:**

Following on from that excellent question from the Connétable of St. Lawrence, is the Minister aware of the statement made by the American Secretary of State yesterday that Israel's attitude towards the peace process there risks it becoming an apartheid state? Some of us would say that it already is. Is he satisfied that the Council of Ministers and, in particular, his role as Minister, do enough to dissuade Jersey businesses when forging links with Israeli businesses to avoid businesses that are based in the illegal West Bank and East Jerusalem settlements. Does he feel that it is important for the Council of Ministers to make it known to Jersey businesses that it is unacceptable to indirectly assist in making that occupation profitable by giving it business?

[11:45]

#### **Senator P.M. Bailhache:**

There are a lot of questions in that question, if I may say so. The statement made in the United States yesterday is not a matter that Ministers have yet had a chance to consider. But answering the question very broadly, I am sure that Ministers would not wish to encourage Jersey businesses from engaging in any commercial activity that was illegal or contrary to any international agreement or contrary to the best interests of the Island. Subject to that, the policy of the Government is, as I have said in answer to the Connétable's questions, constructive engagement with these countries.

#### **4.5 Deputy G.P. Southern:**

Continuing in the same theme, what provision does the Minister have to ensure that when Ministers visit a country, such as Israel, that they do engage in constructive criticism of that country over the issue of human rights and in particular, did he ensure that such issues were addressed by the recent visit of the Minister for Economic Development to Israel?

#### **Senator P.M. Bailhache:**

I am afraid the Deputy must ask the Minister for Economic Development what he said or did while he was in Israel but I think I would repeat that the policy of the Island's Government is not to treat states whose human rights records may not be quite as we would wish as pariahs, but to engage with them to explain our own approach to human rights and to hope that by that process of constructive engagement, there will gradually be a difference of approach in the country concerned.

##### **4.5.1 Deputy G.P. Southern:**

Did the Minister then not attempt to ensure that the Minister for Economic Development did address constructively those particular issues? Did he take any action to prepare the Minister to address those issues?

#### **Senator P.M. Bailhache:**

I do not think it is for the Minister for External Relations to dictate to the Minister for Economic Development how he approaches trade missions when he goes abroad. There is a policy that has been lodged before this Assembly that sets out what the Government's policy is and constructive engagement is part of it.

#### **4.6 Deputy S. Power:**

The Minister in his previous role as Crown Officer had indeed an excellent track record in establishing strong relationships with the Conseil Général de la Manche and the Conseil Général des Yvelines. His work in establishing Maison de Jersey at the time, the establishment and work on the Commission Amicale and so on. Does he feel that the States as a collective body does not continue to carry on this work and that we do not reciprocate enough with the Conseil Général de la Manche and the Conseil Général des Yvelines and that there are those of us in the Assembly who would wish to be used at times to strengthen our relationships with our closest neighbours in France?

**Senator P.M. Bailhache:**

I hope that the Members of the Assembly do feel able to participate in discussions with the Conseil Général de la Manche and the Conseil Général des Yvelines and indeed the regional governments of Brittany and Lower Normandy. There are working groups that are established under the aegis of the friendly relations, which we have particularly with the Conseil Général de la Manche and those meetings to enable not just Ministers but others to participate in such discussions. If the Deputy has further ideas that he thinks could be shared with my ministry as to how these relationships could be developed, I would be very happy to receive them.

**4.6.1 Deputy S. Power:**

My supplementary question, as a suggestion, would be that there are those of us who are on the Assemblée Parlementaire de la Francophonie who can be used at times to represent the Island in Brittany and Normandy and at times in the past 3 or 4 years, there have been opportunities missed when, for whatever reason, an invitation has come from one of the 2 Conseils Généraux or one of the 2 Conseils Régionaux and Jersey has not responded to the invitation. I find that, in those particular cases, I feel that we do not reciprocate. Do you think the Minister would agree that Members of A.P.F. could be used if the Minister or the Chief Minister cannot attend these functions?

**Senator P.M. Bailhache:**

I am sure that the A.P.F. is a very useful resource that could be used in many different ways in our relationships with our French neighbours. I suppose that in some circumstances, where discussions are taking place on different ways in which the Government itself could be engaging in trade or commercial relationships, that it is necessary for those discussions to take place through the responsible department in that particular area. Certainly in a social sense and in a broader political sense, I entirely agree with the Deputy that any Member who is Francophone, and particularly if he is Francophile, could be of very great assistance to developing our relationship with our closest neighbour.

**4.7 Deputy J.H. Young:**

One of the most key questions, I think, that came out in the recent debate between the leader of the United Kingdom Independence Party and the Deputy Prime Minister was about the proportion of our legislation, which is generated through the E.U. (European Union.) I think figures of around 7 per cent of primary legislation were quoted. Has he been able in his new role to formally review the extent that our legislation is now generated from the E.U.?

**Senator P.M. Bailhache:**

I am not familiar with the details, so I hope the Deputy will forgive me, but I know that a very comprehensive answer was given to a question put by Senator Ferguson in connection with the amount of legislation that had a European connection. Our relationship with Europe, as Members will know, is governed by Protocol 3. We are not part of the European Union,

except for the purpose of trade in goods and I am not sure that a significant proportion of our legislation does in fact have a European connection.

**4.8 Deputy M.R. Higgins:**

Just following up on some of the earlier questions about human rights. Can the Minister tell us whether the Council of Ministers has discussed human rights at all and the objectives that they wish the Minister for External Relations to pursue. Equally, has the Council of Ministers set out a series of objectives that they wish you to pursue because, unlike other ministries, which have operational functions in the Island, the Minister's covers the whole of the Island's external relations. So what I would like to know is, what discussions were taken on in the Council of Ministers on human rights or other objectives for the Minister for External Relations that he is to pursue for the Island, or is he making it up on the hoof?

**Senator P.M. Bailhache:**

As the Deputy and Members will know, we are party to the European Convention on Human Rights and we have enacted a law that requires the Island to comply with that human rights convention. As a matter of practice, every time a Minister presents a law or a piece of legislation to the States for debate, the Minister will sign a certificate saying that the law in question complies with our requirements under the European Convention on Human Rights. I am not clear whether the Deputy is considering that the Government should, as it were, proselytise in relation to the observance of human rights and should engage a more active role with other countries, because if he is, I think that is quite a difficult proposition. We are a small nation of 100,000 people and the notion that Jersey is going to have any significant impact upon China, for example, with more than a billion people, by banging on the table and lecturing the Chinese about human rights seems to me to be unrealistic. I am sure that the Deputy is right, that the Council of Ministers should keep the question of human rights under review and it is certainly a matter that will be considered the next time the matter comes before the Council of Ministers.

**Deputy M.R. Higgins:**

Supplementary, Sir?

**The Bailiff:**

I am sorry, Deputy. We have run out of time.