

6. Questions to Ministers Without Notice - The Minister for External Relations

6.1 Deputy S. Power of St. Brelade:

Colleagues will be aware of the well documented removal of Jersey from the black list that the Government of France recently re-modified. Can the Minister for External Relations confirm to the Assembly whether the former Mayor of Cherbourg, Bernard Cazeneuve, who is now a *ministre adjoint*, I think, within the Department of Foreign Relations in Paris, had a say initially in the blocking of Jersey and latterly in the unblocking of Jersey?

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

Monsieur Bernard Cazeneuve is the Minister for the Budget in Paris and it is in the public domain that I met with him and with officials in early December at which time it was indicated that Jersey would be removed from the black list.

6.2 Deputy M. Tadier:

Will the Minister give an update of any progress that has been made and any involvement with regard to Romanian driving licences being accepted here in the Island to facilitate those who would benefit from it and similarly could he give an update, and would he share my opinion, that it is not particularly helpful when we have Eastern Europeans who are quite legally allowed to work in the Island whose licences would be recognised in the U.K. and which can be exchanged in the U.K. but cannot be recognised in Jersey. Does he think that is a problem?

Senator P.M. Bailhache:

I agree with the Deputy entirely in relation to the issue of driving licences for Romanian members of the community. I took the opportunity of meeting with a number of representatives of that community not many days ago and it was one of the issues that was raised by them and my understanding from officials is that the negotiations which are required to put in place an appropriate agreement for the mutual recognition of driving licences is close to fruition.

6.3 Senator S.C. Ferguson:

Given that such areas such as fishing quotas are decided by the North East Atlantic Fisheries Commission, the United Nations Committee chaired by Norway and of which the E.U. is merely a member, and given that the Faroe Islands in a position not dissimilar to ourselves, a dependency of Denmark and they have an independent agreement with the Commission regarding fishing quotas, will the Minister explain what moves he will be making to improve the arrangements for local fishermen with regard to our relationship with the N.E.A.F.C. and fishing quotas?

Senator P.M. Bailhache:

The relationship between the Faroes and the European Union is very different from the relationship between Jersey and the European Union and it is not possible to have a read across in relation to fisheries arrangements as between Jersey and the Faroes. I agree with the Senator, as a matter of fact, that the constitutional relationship with the Faroes, both with Denmark and with the European Union, is of interest and my department will be carrying out inquiries to find out a little bit more about this to see whether things can be learned from that relationship.

6.4 Deputy R.G. Le Hérissier:

Would the Minister for External Affairs comment on the existence of Protocol 3 which, despite the heroic efforts of his population colleague, allows for mass immigration, mass immigration which can often depress labour rates to such an extent as to make it very difficult for local people seeking work? Does he preach a gospel of despair when it comes to trying to change Protocol 3 or has he got some innovative ideas?

Senator P.M. Bailhache:

The Minister for External Relations never preaches a gospel of despair. [Aside] [Laughter] He is one of life's optimists and is always looking to see whether there are better ways of doing things and introducing reform, as the Deputy will know. So far as the position of population is concerned, as I believe the Chief Minister answered in questions this morning, the provisions of Protocol 3 which defines what a Channel Islander is for the purposes of the protocol would be impossible to refine without having a substantial renegotiation of the terms of that protocol. It is open to us to seek such a renegotiation but it does not seem to me that that would be in the interests of the Island.

6.5 Deputy M.R. Higgins:

Going back to the French black list, will the Minister tell us the essential element as to why we were on that black list and will he also explain to Members what undertakings or changes we have had to make to get off it?

Senator P.M. Bailhache:

One of the first things that I did on learning that the Island had been placed on the black list by the Government of France was to commission a report from officials in the Treasury so as to understand very clearly what had been taking place in the discussions between the competent authorities in Paris and in Jersey following the introduction of the Tax Information Exchange Agreement. A study of those papers made it clear that there was, what I think I can best be described as, a mismatch of expectation between the Jersey side and the French side and that mismatch of expectation had led to a belief on the part of the French that Jersey was not co-operative in terms of the exchange of tax information. That belief was misguided and it took a great deal of discussion and of hard work by officials not only in my department but also in the Treasury to persuade the French that they had misunderstood what was taking place. That work was completed and by the beginning of December, the advice to French Ministers was unequivocal in that Jersey was a co-operative jurisdiction doing its best to exchange information in accordance with the agreement and that was why the French Government, in accordance with its own law, took the decision to remove Jersey from the black list.

6.5.1 Deputy M.R. Higgins:

Can the Minister just confirm though that we had to make no further undertakings to them or make no changes to the procedures or anything else?

Senator P.M. Bailhache:

As the Deputy and Members of the Assembly will know, the law which implements the various tax information exchange agreements that the Island has entered into with foreign countries was amended to change the procedures in relation to requests for information and the most important change that was approved by this Assembly was the limitation of rights of appeal so as to achieve a better balance between the right of taxpayers to confidentiality of their information and the right of foreign countries to obtain information about their own taxpayers in accordance with agreements that had been entered with the Government of Jersey.

6.6 Deputy M. Tadier:

Back to the issue of the stamp in the passport, would the Minister agree that while it might not be feasible or even productive to revisit and renegotiate Protocol 3, that it might be feasible to establish a modest fund to assist any Islanders who may want to work abroad, work in Europe but who do not necessarily have the funds to travel to London, for example, to obtain Schengen visas and deal with other bureaucracy which entails from the stamp on the passport? Could that be one way forward?

Senator P.M. Bailhache:

It may be that assistance could be given by one department or another of the Island's Government to those who have difficulties in this respect. I must say that my understanding of the problem was that it was far more psychological than practical that people did not like to have a stamp in their passport which seemed to differentiate them from those who did not have a stamp. There are members of my family who have stamps in their passport. As a matter of fact, I do not but I understand those feelings but I have never learned that there had been any practical difficulties for those who are Channel Islanders in terms of the protocol in seeking a work permit from whichever European country in which they seek to work.

6.7 Deputy R.G. Le Hérissier:

Will the Minister be pursuing the idea floated in the Justice Committee Report that we emulate the Isle of Man and that the Governor be the person who basically sanctions legislation once it has been passed by this House?

Senator P.M. Bailhache:

That is an interesting question and I read the report of the Justice Select Committee with the Chief Minister and others. Consideration will certainly be given to that possibility. It has a superficial attraction in the sense that one might think that the process of obtaining Royal Assent might be quicker if one were to submit the draft Bill to the Lieutenant Governor rather than sending it to the Privy Council but the reality is that the United Kingdom Government, acting on behalf of the Crown, has to approve any primary legislation passed by this Assembly and whether or not that approval is given to the Privy Council or to the Lieutenant Governor may not make a great deal of difference in terms of time. The concern about placing the Lieutenant Governor in the position of granting Royal Assent to certain categories of law to my mind, here I express a personal view, which I have not discussed with the Chief Minister, but my personal view is that one should be very careful not to compromise the independent position of Her Majesty's personal representative in the Island. The Lieutenant Governor is beholden to no one. He is not beholden to the United Kingdom Government. He is not beholden to the Government of Jersey and it would be a pity, I think, to place the Governor in the position when he was acting on the advice of the United Kingdom Government in giving assent to our legislation.

[14:45]

6.8 The Connétable of St. John:

Would the Minister agree that since the advent of the ministerial system, that the close working relationship that had existed under the old committee system of government had fallen away and that ministerial systems have moved further north and deal with our French neighbours in general through a French Ambassador to the U.K. instead of, as historically happened, Jersey went directly and spoke to our colleagues in the Assembly in Paris or the Senate in Paris? That being the case, can the Minister tell us what he is putting in place to

repair those bridges, given I know his great love of working with the French and if that is not possible, how will he deal with it in the future?

Senator P.M. Bailhache:

I am not sure that any bridges need to be restored in relation to the procedures that existed in the past for communications between Members of this Assembly and members of the regional government in Normandy or indeed the departmental government in La Manche. In fact, I was told not many days ago that plans are afoot for a visit by members of the Groupe d'étude composed of Members of the Assembly to the National Assembly in Paris in order to have general discussions on Jersey's constitutional position. I do not believe that the discussions which now take place between the Ministry of External Relations in Jersey and Ambassadors in London, in particular the French Ambassador, really detracts from the existing relationship but rather fortifies it.