

The Letter from Gavin St Pier to the UK Prime Minister

17th February 2017

Dear Prime Minister

I welcomed the commitment made in your letter of 26th July 2016 to engage with the government of Guernsey following the Referendum on the UK's Membership of the EU. Since that time, the effort put in by your government, in particular Robin Walker MP, Parliamentary Under Secretary of State at the Department for Exiting the EU, must be recognised and commended. This engagement has been moved forward by officials concentrating on our priority areas of interest, to ensure that the UK Government understands and is cognisant of the impact of the UK's exit on Guernsey. The challenge will be maintaining this level of engagement when the negotiations commence.

At this stage in the process, before the UK Government formally notifies the European Council of its intention to leave the EU, the government of Guernsey would like to ensure that this formal process respects the constitutional relationship it has with the Crown and the UK. The act of leaving the EU will have an impact upon our own relationship with the EU and our domestic law, including individual rights insofar as Protocol 3 to the UK's Act of Accession applies.

Given the unique constitutional relationship with the Crown deriving from our Royal Charters, in contrast to the devolved administrations, it is essential that the island's parliamentary assembly, the States of Deliberation, takes its own steps to ensure that these changes are recognised, just as it did at the time of the UK's accession to the EU. Consequently, the States of Deliberation will soon be considering a proposition to acknowledge the UK's decision in respect of the notification under Article 50 of the Treaty on European Union. This motion is not only constitutionally appropriate, but it also respects and highlights the international identity of the islands, which is an identity the UK is responsible for representing, even where these interests diverge.

In 1971, when the UK was preparing to join the EU, it provided a formal assurance that it had no *"intention of seeking in any way to impose upon the Bailiwick [of Guernsey] a change in its constitutional relationship with the Crown or unilaterally to abrogate any of the rights and privileges enjoyed by its inhabitants"*. In this regard, it is worth noting that an effective customs union and common travel area between the UK and Guernsey long pre-date the EU and are among the rights and privileges enjoyed by the inhabitants of the islands as a result of the ancient constitutional relationship with the Crown. It is therefore important this commitment stands equally as the UK leaves the EU and your confirmation in this regard would be greatly appreciated.

The UK Government's recent White Paper entitled *"The United Kingdom's exit from and new partnership with the European Union"* demonstrates that the UK's objectives are aligned to Guernsey's in the key areas of: access to markets; maintaining the Common Travel Area; controlling immigration; and seeking to respect the rights of EU nationals resident in these islands. These objectives align with our own and provide a solid basis on which we can, in

the language of the White Paper, “*strengthen the bonds between us as we forge a new relationship with the EU and look outward into the world*”. Sharing access to markets for financial services, forging new customs arrangements for goods and aligning our status in respect of the WTO will all be an important part of this process. We believe that these objectives can be met while respecting our interests.

Continued close engagement during the exit process will be vital to ensure that the UK does not unintentionally act contrary to Guernsey’s interests. I look forward to working with your Government as the negotiations commence after you notify the European Council of its intention to leave the EU, an act which will apply to Guernsey in respect of Protocol 3 of the UK Act of Accession, and an act which will have been acknowledged by Guernsey’s parliamentary assembly.

Accordingly, I would be grateful if you would formally confirm that the language of the notification under Article 50 will be fully compatible with the constitutional relationship between the United Kingdom and the Bailiwick of Guernsey.

Yours sincerely,

Deputy Gavin A St Pier
Chief Minister of Guernsey/*Le Prumier de Giernesi*

Cc. Rt Hon Sir Oliver Heald QC MP
Robin Walker MP

The letter from the Prime Minister to Deputy St Pier states:

22 March 2017

Dear Deputy St Pier

Thank you for your letter of 17 February about engagement with Guernsey during the UK’s negotiations on leaving the European Union (EU).

I am pleased to hear the positive feedback on the UK Government’s engagement with the Governments of the Crown Dependencies since the Referendum, in particular your engagement with Parliamentary Under-Secretary of State, Robin Walker. As I set out in my letter of 26 July, it is right that the Crown Dependencies are kept informed as we prepare to leave the EU, and that they are offered the opportunity to contribute where it is appropriate to do so.

The constitutional relationship between the United Kingdom and the Crown Dependencies is a valued, historical and special one, and I want to take this opportunity to assure you that the Referendum result will not change this relationship.

I would also like to assure you that throughout the process of leaving the EU we will ensure that our actions are compatible with the constitutional relationship.

Our White Paper, published on 2 February, confirms the commitment that our governments share to maintaining the Common Travel Area (CTA). These arrangements long pre-date that UK's accession to the EU and we want to ensure they are preserved. As the White Paper makes clear, we will work with the Crown Dependencies, alongside the Northern Ireland Executive and Irish Government, to deliver a practical solution that allows for the maintenance of the CTA, while protecting the integrity of the UK's immigration system.

The White Paper also confirms our continued commitment to respecting the interests of the Crown Dependencies, strengthening the bonds between us as we forge a new relationship with the EU and with the wider world.

Thank you for writing to update me on the work of the States of Deliberation in relation to recognising the UK's plans to trigger Article 50. We recognise that our exit from the EU will have implications for the Crown Dependencies and fully acknowledge your desire to ensure that these changes are recognised by your Parliamentary Assembly.

I look forward to building on the positive working relationships between the Crown Dependencies and the UK as we move into the next phase of this process, including discussions on customs and trade, immigration, agriculture and fisheries, financial services, and a range of other issues. We remain committed to engaging with Guernsey to ensure that your interests are properly taken into account.

Yours sincerely

Theresa May

The response from Deputy St Pier

Rt Hon Theresa May MP
Prime Minister
10 Downing Street
London
SW1A 2AA

28th March 2017

Dear Prime Minister

Thank you for your letter dated 22 March 2017 and for your reassurances that the Bailiwick of Guernsey will continue to be kept informed and engaged in the process as the UK prepares to leave the EU. I am grateful too for your reaffirmation of the UK's commitment to the preservation of the Common Travel Area, your confirmation that our unique constitutional position will be respected and the rights of islanders will not be abrogated without consent.

I also wanted to take this opportunity to provide an update in relation to the debate in our parliament that took place on 8 March and to which I referred to in my letter on 17 February, regarding the triggering of Article 50. Guernsey's parliament unanimously approved the propositions subject to two amendments. The first amendment is in recognition of the wide reaching resource implications on Guernsey's government. The second amendment, which it was requested should be formally brought to the UK Government's attention, is self-explanatory in relation to the rights of EU nationals resident in Guernsey, namely that:

"... the rights of EU nationals resident and economically active in Guernsey should be a priority area in any negotiations with Her Majesty's Government and to direct that [the Guernsey government] impress on all relevant representatives of the Government, the States' wish to see those rights assured as soon as possible and not delayed as part of any extended negotiation process over the terms of the British exit from the EU."

I have also read with interest the recent Brexit reports in respect of the Crown Dependencies from the European Union Committee of the House of Lords and the Justice Committee of the House of Commons. We welcome both reports, which reiterate our objectives and the importance of respecting the interests of the Crown Dependencies. Further the reports recommend that there should be no change to the current constitutional relationships between Guernsey and the UK. We look forward to the UK Government's response to these reports in due course and hope that their recommendations can be fully endorsed.

Finally, as the process of exiting the EU is formally initiated by you this week, I wish you every success with the negotiations which are about to begin. I look forward to our governments working together as part of the British family to achieve the objectives which both have set out.

Yours sincerely,

Deputy Gavin St Pier
Chief Minister of Guernsey/*Le Prumier de Giernes*

Cc. Rt Hon Sir Oliver Heald QC MP
Robin Walker MP