

The letter from Gavin St Pier to the UK Prime Minister

1st April 2019

Dear Prime Minister

BREXIT – DISORDERLY EXIT FROM THE EU NOT IN GUERNSEY’S INTERESTS

As you know, the Bailiwick of Guernsey comprises three jurisdictions, each of which are territories or dominions in Her Majesty’s realm, for which the government of the United Kingdom has no jurisdiction concerning their domestic affairs. The islands of the Bailiwick each have their own autonomous legislatures, executives and judiciaries. We have no representation in the UK’s Houses of Parliament and we do not seek to change that. However, due to our historic and special relationship with the Crown, the UK government does have responsibilities to represent the interests of the Bailiwick internationally, even where those interests differ from those of the UK. This means that we are directly affected by whatever decision is made by the UK Government or Parliament.

I know that your government takes seriously its responsibility to represent our interests on the international plane, in accordance with the international identity framework which exists between Guernsey and the UK, agreed more than 10 years ago. As the present phase of the Brexit process enters its final stages, I thought it would be helpful if I wrote again to reiterate Guernsey’s position to enable you to better discharge that responsibility to represent us. I appreciate your earlier reassurances that, throughout the process of leaving the EU, the UK will ensure that its actions are compatible with the existing constitutional relationship with the Bailiwick of Guernsey.

Further to my letter of 25 September 2018, I reaffirm that the position of the government of Guernsey remains that a UK exit from the EU without a withdrawal agreement would be disorderly and would not, therefore, be in our interests. Guernsey’s interests would be served best by an agreed position which would allow for an orderly exit for the UK, the EU and its Member States.

In the meantime, of necessity, the government of Guernsey will continue to plan for all possible outcomes of the Brexit process. Our planning will be assisted by the extension of the United Kingdom’s membership of the World Trade Organization (WTO) to Guernsey and we also continue to work towards that goal with the Department for International Trade. This will form an important part of our global trading relationships for a number of Bailiwick businesses that will need to adjust to the UK’s exit from the EU, particularly in the event of a no-deal scenario. We continue to work closely with the Cabinet Office and Ministry of Justice to ensure that our domestic contingency plans are aligned to the UK’s own planning.

In light of the ongoing public interest in this matter, I intend to publish this letter and your reply for the benefit of Guernsey’s community.

Yours sincerely

Deputy Gavin St Pier

Chief Minister of Guernsey/ *Le Prumier de Giernes*

cc: Robin Walker MP, Parliamentary Under Secretary of State, Department for Exiting the European Union
The Rt Hon the Lord Keen of Elie QC, Ministry of Justice
James Dent, Chairman, Policy & Finance Committee, Alderney
Conseiller Peter La Trobe-Bateman, Chairman, Policy & Finance Committee, Sark

The response from The Prime Minister

9th May 2019

Dear Chief Minister,

Thank you for your letter of 1st April.

I agree that leaving the EU with a deal is the best way to ensure an orderly Brexit that is in everyone's interests. I know that the Ministry of Justice has been working closely with your officials to ensure that the Bailiwick's interests are fully understood across Government as we continue responsible preparations for all possible outcomes. I also understand that the Secretary of State for International Trade, The Right Honourable Liam Fox MO, met you in February to discuss the steps and commitments that the Bailiwick of Guernsey needs to take in order to have the UK's independent membership of the World Trade Organisation (WTO) extended to the Bailiwick.

As you know, on 10th April, I agreed an extension to the Article 50 process to the end of October. This extension could be terminated earlier if the Withdrawal Agreement is ratified. I continue to believe we need to leave the EU with a deal as soon as possible. Parliament has expressed its opposition to leaving without a deal, yet the legal default is that we will leave the EU without a deal on 31st October 2019 unless MPs can agree an alternative way forward. Therefore, as you note in your letter, we must continue to prepare for this scenario as a contingency.

This Government has defended strongly the longstanding constitutional convention that Parliament does not legislate for the Crown Dependencies on their domestic matters without their consent, save in exceptional circumstances and as a last resort. As I noted in my letter to you of 22nd October 2018, the longstanding constitutional relationships between the UK and the Crown Dependencies will not change as a result of the UK's decision to leave the EU. The UK Government set this out in our July 2018 White Paper on the UK's Future Relationship with the EU, and I have also given assurances publicly to that effect.

I am grateful that you acknowledge the seriousness and good faith with which the UK takes the commitment made in the International Identity Framework Agreement of 11th December 2008 to seek to represent the interests of the Crown Dependencies internationally, even where those interests differ from those of the UK. This is particularly important as the UK works to depart from the European Union.

I am determined that we will achieve a future relationship which works for all, including the Crown Dependencies.

Yours sincerely,

Theresa May