



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Sunday, 27th December 2020

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 9, No. 52

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2020*

Present:

R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

M. M. E. Pullum, Q.C. (H.M. Procureur);
R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

S. E. Aldwell	C. J. Le Tissier
C. P. A Blin	M. P. Leadbeater
A. H. Brouard	D. J. Mahoney
Y. Burford	A. D. S. Matthews
T. L. Bury	L. J. McKenna
A. Cameron	C. P. Meerveld
D. de G. de Lisle	N. G. Moakes
H. L. de Sausmarez	R. C. Murray
A. C. Dudley-Owen	V. S. Oliver
J. F. Dyke	C. N. K. Parkinson
S. P. Fairclough	R. G. Prow
S. J. Falla	L. C. Queripel
P. T. R. Ferbrache	P. J. Roffey
A. Gabriel	H. J. R. Soulsby
J. A. B. Gollop	G. A. St Pier
S. P. Haskins	A. W. Taylor
M. A. J. Helyar	L. S. Trott
N. R. Inder	S. P. J. Vermeulen
A. Kazantseva-Miller	

Representatives of the Island of Alderney

The Clerk to the States of Deliberation

S. Ross, Esq. (H.M. States' Greffier)

Absent at the Evocation

Deputy J. P. Le Tocq (*indisposé*);
Alderney Representatives S. Roberts and E. A. J. Snowdon (*absent d'Ile*)

Business transacted

Evocation	5
Convocation.....	5
Billet d'État XXIX.....	5
I. The Bailiwick's Participation in the UK–EU Trade and Cooperation Agreement – Propositions carried as amended	5
<i>The Assembly adjourned at 12.52 p.m.</i>	37

PAGE LEFT DELIBERATELY BLANK

States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

The States' Greffier: Billet d'État XXIX of 2020. To the Members of the States of the Island of Guernsey, I hereby give notice pursuant to the provisions of Rule 2(5) of the Rules of Procedure of the States of Deliberation and their Committees that a Meeting of the States of Deliberation will be held at the Royal Courthouse on Sunday, 27th December 2020, at 9.30 a.m. to consider the item listed in this Billet d'État which has been submitted for debate.

Billet d'État XXIX

POLICY & RESOURCES COMMITTEE

I. The Bailiwick's Participation in the UK–EU Trade and Cooperation Agreement – Propositions carried as amended

Article 1.

The States are asked:-

Whether, after consideration of the Policy Letter entitled "The Bailiwick's Participation in the UK-EU Trade and Cooperation Agreement" dated 24th December 2020 they are of the opinion:-

1. To approve the principles (set out in paragraphs 1.20 to 1.27 of the Policy Letter) governing the future relationship of the United Kingdom with the European Union consequent on the withdrawal of the United Kingdom from the European Union, insofar as they relate to Guernsey.

2. To authorise the Policy & Resources Committee, if the Committee is of the view that the terms and conditions of any agreement or treaty made between Her Majesty's Government and the European Union governing the future relationship of the United Kingdom with the European Union, insofar as that agreement or treaty relates to the Bailiwick, give satisfactory effect to the principles (set out in paragraphs 1.20 to 1.27 of the Policy Letter) to agree and signal approval of that agreement or treaty, on behalf of Guernsey and, subject to the necessary authorisations, on behalf of Alderney and Sark.

3. To agree that the States will endeavour to establish arrangements to cooperate with the European Union on the recovery of claims related to VAT, customs duties and excise duties within a reasonable time frame and to authorise the Policy & Resources Committee to negotiate and agree to enter into any protocol, agreement or other form of instrument giving effect in the Bailiwick to those arrangements, if the Committee is of the view that any such instrument gives effect satisfactorily to those arrangements.

4. To note that the extension of the UK's World Trade Organization ('WTO') membership to the Bailiwick will take effect at the end of the Brexit transition period and to agree that there shall be implemented such measures (including legislative measures) as the Policy & Resources Committee, in relation to Guernsey, the Policy and Finance Committee of the States of Alderney, in relation to Alderney, and the Policy and Finance Committee of the Chief Pleas of Sark, in relation to Sark, thinks fit for the purpose of ensuring that Guernsey, Alderney 2 and Sark may comply and remain in compliance with obligations that arise from the extension of the UK's WTO membership to the Bailiwick.

5. To note the inclusion of the Bailiwick in various free trade agreements (which have previously had effect in the Bailiwick by virtue of the Bailiwick's relationship with the EU, and the operation of which has been "rolled over" by the UK) and other agreements which will take effect at the end of the Brexit transition period and to agree that there shall be implemented such measures (including legislative measures) as the Policy & Resources Committee, in relation to Guernsey, the Policy and Finance Committee of the States of Alderney, in relation to Alderney, and the Policy and Finance Committee of the Chief Pleas of Sark, in relation to Sark, thinks fit for the purpose of ensuring that Guernsey, Alderney and Sark may comply and remain in compliance with obligations that arise from the inclusion of the Bailiwick in such agreements.

6. To note that the Customs Arrangement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Bailiwick signed on 26th November 2018 in London, will enter into effect from the end of the Brexit transition period following the exchange of letters between the UK and the Bailiwick. 7. To direct the preparation of such legislation as may be necessary to give effect to the above decisions..

The States' Greffier: Article I – Policy & Resources Committee – the Bailiwick's Participation in the UK–EU Trade and Cooperation Agreement.

10

The Bailiff: Without further ado, Members of the States, I invite the President of the Policy & Resources Committee, Deputy Ferbrache to open the debate,

Deputy Ferbrache: Thank you, sir.

15

Many thanks to you and to the staff of the States' Greffe for allowing this debate to be held at short notice. We are very grateful indeed, the Members of the Assembly. But this is an historic day and it is a great honour for me, as President of Policy & Resources, to be able to make the opening remarks. Because we have had a tumultuous and difficult year. Covid came upon us in the early part of the year and that has taken up much attention and much energy from our Civil Service and our society.

20

But lingering in the background always was Brexit because the UK decided in 2016, as a result of a referendum brought by Mr Cameron that they were going to leave the European Union. That meant that they actually did leave the European Union at 11 p.m. on 31st January of this year. The transitional arrangements end at 11 p.m. on 31st December of this year, so time is upon us.

25

So, this is an historic day for the Bailiwick. All three of the Assemblies of the Bailiwick are meeting today. That is why our good friends from Alderney are not here today because they are an important part of their own Assembly and will be making a contribution in that Assembly.

30

I would also like to say one or two other introductory things before I turn to the main subject of this very important debate. I am hopeful, I say now and I do not do it very often, one of my colleagues I know does request recorded votes on many issues but this is such an important issue

that it necessitates at the end of the debate a recorded vote and I would ask you for that now in case I forget later on.

35 But in relation to that, the person who would have presented these remarks, would have been our very able External Relations Minister Deputy Le Tocq. We all know that sadly he is not well at the moment, although the good news is he is making a recovery. I would like to pay personal gratitude and make a statement that I think should be recorded on *Hansard* about his contribution to this very important topic over the last four years.

40 He has immersed himself in the detail. He has given both my predecessor and the predecessor to this Committee as it is currently constituted wonderful advice, erudite, learned and well-researched. So we wish him well and we are sorry he is not here today. But I know that he has made some comments, because he circulated them and the Vice-President will deal with those in due course.

45 I would also like to say that the policy letter, in its size, the Bailiwick of Guernsey is a bantamweight. It is not even a featherweight, it is a bantamweight. But when it comes to its integrity and its capability it is a super-heavyweight and it has shown that in the way that it has dealt with the problems that it has had this year, both Covid and in its response to Brexit.

50 I would like to pay, I know I am going to mention it further in my speech, but I would like to pay now, because I think it is right that it is said, a debt of gratitude to the senior civil servants who have lived with this process over the past years, particularly over the past eight to 10 months and particularly over the last month. These civil servants have been working to 3.30 a.m. to 4 a.m. in the morning. They have given myself and my colleagues and others advice of the highest quality and I think we should thank them and I do thank them. (**Members:** Hear, hear.)

55 Now, because we have gone at an *expresso presso* pace, there are one or two typographical errors and I hasten to correct them now and they are in the executive summary at paragraphs 1.4. and 1.5. The last sentence of 1.4 should actually read:

The Committee firmly recommends that Guernsey and the wider Bailiwick accept the terms of the TCA and ask the UK Government and parliament to ratify it on our behalf with our consent.

I emphasise those words: 'with our consent.' Because they can only do so if we consent and I am hopeful at the end of this debate we will unanimously so consent. And paragraph 1.5, I will read the whole of that paragraph because it is just a short paragraph and it should read as follows:

Having worked closely on the negotiations, in particular over the intensive period in the last few weeks, the Committee is firmly of the view that the agreement on offer by the EU is the best the Bailiwick could have hoped for.

60 I emphasise that now and I will say it again in the course of my speech. The deal that is on offer is an excellent deal for the Bailiwick. It is better than realistically we could have hoped for. It is better than I thought a week ago, 10 days ago, that we would have ended up putting before the States of Deliberation today and our colleagues in Alderney and Sark be putting before their Assemblies also today.

65 So, let me just start, to say that it was only on the afternoon of 24th December, just three days ago, that the UK Government and the European Parliament announced that an agreement in principle had been reached on a future relationship with the EU, for trade, security and other co-operation. This agreement will be known as the Trade and Co-operation Agreement or the TCA.

70 Again, on Christmas Eve, and it has been circulated to all Members, I received a letter from the Right Honourable Robert Buckland, QC, MP, who is Lord Chancellor and Secretary of State for Justice and his letter begins, and it is a letter that again should be read in full so that it forms part of *Hansard* and shows just how valued our relationship is by the UK with us. And so it should be because we have been loyal servants of the Crown now for more than 800 years.

This letter is sent in connection with the Bailiwick of Guernsey's proposed participation in the negotiated agreement between the United Kingdom of Great Britain and Northern Ireland and the European Union (the "Agreement"). Successive Governments have made clear on a number of occasions since the UK's 2016 Brexit referendum, that the UK's

decision to leave the EU, and to enter a new trading relationship with the EU, does not alter or affect the constitutional relationships, through the Crown, between the UK and each of the Crown Dependencies. Neither does it affect Guernsey's participation in the Common Travel Area with the UK, Republic of Ireland and the other Crown Dependencies. I am pleased to reaffirm the UK Government's commitment to the much valued and long-standing constitutional relationship between the UK and Guernsey. I look forward to continuing to strengthen that relationship, in line with the Justice Select Committee Reports and Government responses of 2010-14; and the Framework for Developing the International Identity of Guernsey, signed in 2008.

The UK Government will continue to work closely with Guernsey, in positive collaboration and in the context of our existing constitutional relationship, as we implement the Agreement and develop new trading relationships with other countries. The UK Government continues to support Guernsey and the other Crown Dependencies seeking Letters of Entrustment in additional policy areas, where appropriate, recognising as it does the value to the Crown Dependencies of representing their own interests on the international stage.

As a Crown Dependency, Guernsey is self-governing in respect of its domestic affairs, including in relation to its territorial sea. The UK is responsible for the defence and international relations of the Crown Dependencies. The UK recognises and respects Guernsey's excellent track record of meeting its international obligations through its own domestic policies and legislation.

75 And I just pause from the reading of the letter to emphasise that sentence. This Bailiwick is held and should be held in high repute by the UK and others. We are a jurisdiction of integrity and ability. It continues after that:

The UK understands that you now have your own decision-making processes to go through to indicate your consent to inclusion in the Agreement. I note the article in the Agreement that would allow for termination of the arrangements applicable to Guernsey within 90 days of the Agreement's entry into force, were you to request this. Subject to your inclusion, while the UK will retain ultimate responsibility in international law for compliance with obligations created by the Agreement, it is for the Governments of the Bailiwick of Guernsey to determine, in consultation with the UK Government as may be appropriate, how the Agreement should be implemented and administratively enforced in the Bailiwick, and for the Bailiwick's competent authorities to undertake such implementation, as necessary. In particular, the UK Government recognises that it will be for the Bailiwick of Guernsey to license and manage fishing by EU vessels in its territorial seas under the Agreement.

Subject to the approval of its legislatures, the Governments of the Bailiwick have confirmed that they are committed to adopting such domestic policies, laws or practices as they consider necessary or expedient for the purpose of implementing the Agreement. In the unlikely event that there is any dispute with the EU, as to any of the islands in the Bailiwick's compliance with the Agreement, the UK Government will work closely with the Governments of the Bailiwick to ensure that their interests are fully represented and that the Governments are fully engaged in the conduct of any dispute resolution process.

In recognition of Guernsey's fiscal autonomy, and in line with constitutional arrangements, I am happy to record that Guernsey was fully consulted upon, and consented to, the declaration in respect of the Bailiwick of Guernsey and the Bailiwick of Jersey on cooperation with the European Union on the recovery of claims related to VAT, customs duties and excise duties. I anticipate and am supportive of the Bailiwicks of Guernsey and Jersey requesting entrustments to negotiate the arrangements referred to in the declaration directly with the EU in due course. Some provisions of the Agreement can be used to create new or modify existing obligations.

Where any proposal is made to create or amend any obligation which could apply to Guernsey, the UK Government will engage fully with Guernsey prior to entering any negotiations concerning those obligations. I can confirm that the UK Government will involve Guernsey, as appropriate, in discussions about the formulation of the UK's policy position on such relevant matters. The UK Government recognises that the interests of Guernsey and the UK may be different in this context and will only extend any new or amended obligations arising under the Agreement to Guernsey in accordance with the established constitutional arrangements between the UK and Guernsey for consultation and consent.

I am very pleased to read that letter and I was very pleased to receive it and I think we can take great comfort from it because those words are sincerely meant.

80 Now, during these negotiations, the Policy & Resources Committee has worked clearly, decisively and robustly to represent the Bailiwick's interest, so that in turn the UK can seek an agreement with the EU on its behalf that meets its economic needs within the TCA. The Committee has worked closely with the States of Deliberation's Principal Committees, as well as our colleagues in Alderney and Sark.

85 The Committee is grateful for the candid and constructive discussions over these past weeks and they have been candid and they have been very constructive. Following the outcome of the negotiations, which are summarised in the policy letter, the Committee recommends, and it very firmly recommends, that the Bailiwick agrees to participation in the new UK-EU relationship, so far as it will apply to the Bailiwick. In particular, in respect to fisheries and the trade inputs.

90 As I have already said, it is a better agreement than was anticipated only very recently and it is sometimes said that life is not always like we would like it to be. You have to take life as it is. Those words in this context mean we have to deal with the situation in a realistic way. That has been achieved in this policy letter, as set out in this policy letter. The decision for Alderney and Sark, as I say, will be made by their Assemblies today and they are sitting today.

95 We unequivocally, all Members of Policy & Resources, because Deputy Soulsby will be referring to Deputy Le Tocq's email sent to all States' Members yesterday, all Members of Policy & Resources very much recommend the proposals to the States of Deliberation.

100 The Treaty text for this agreement, because everything has been moving on at such a fast pace, is still being finalised. However, in order to protect the constitutional relationship with the UK and provide a clear decision to the UK, it is necessary and is necessary today to make a decision on the principles of the Agreement. This will help inform the finalising of the Agreement and its subsequent ratification by the UK parliament.

105 In the meantime, the Committee will continue to work closely with the UK Government to ensure the technical Treaty text meets the Bailiwick's negotiating principles and suits this Bailiwick's needs. It is very important to understand that the UK and EU negotiations have now concluded and it is not possible, it is no longer possible to make any changes to the arrangement that is on offer. This means that the States of Deliberation is being asked to make an important decision, one that marks a milestone in our history. We have got a great history and if we adopt these principles, I think we have a great future.

110 This decision is very important for our future. Whilst it is an important decision, Members of the States must understand it is a binary decision. It is a simple yes or a simple no. The Committee firmly recommends that Guernsey and the wider Bailiwick accept the terms of the TCA and that we ask the UK Government and parliament to ratify it on our behalf, with our consent.

115 I should add that on Christmas Eve the Future Delivery Partnership Group met twice. Now, for those beyond this room, that means senior politicians from other leading Committees were also party to the discussion. We also met with our colleagues and representatives from Alderney and Sark.

120 I think it is fair to say, although they can say otherwise if they disagree, that the people around the table and on the screen via Teams were of the same view, i.e. that this is an arrangement that should be accepted. Intelligent and perceptive questions were asked by all. All the issues were thoroughly discussed.

125 The Committee also, and again I repeat and I make no apology for repeating it, takes the opportunity to mark its appreciation of the support, from the States of Deliberation, to the Bailiwick civil servants, as well as the officials from Task Force Europe at Number 10, the Cabinet Office and the Ministry of Justice. Again, I emphasise my personal gratitude because I have been on a learning process over the last two to three months from the senior civil servants. They have been first class.

130 This outcome, the outcome that we have come to, is the result of many years of work and an intensive 10 months of negotiations, with the additional challenges that we have all faced, the whole world has faced, from Covid-19. The arrangements outlined in this policy letter meet the Bailiwick's economic needs, replacing as far as possible Protocol 3 and providing the basis for a stable and predictable relationship on fishing, for both the Bailiwick's fishing industry and those in neighbouring regions.

135 If the States approve these Propositions, which I am confident they will, the Committee looks forward to developing a partnership with the UK and the EU, as the Bailiwick moves forward to embrace this new economic relationship. This is an important decision. No, that is an understatement. This is a very important decision for our future economic partnerships and our international identity and presence. But again, and I make no apology for repeating it, it is a simple yes or no.

I am grateful to all my colleagues, Members of the States of Deliberation, for prioritising this Meeting during the Christmas holiday. They have all got their family commitments, but it was critical

140 that we met today and again I am grateful, sir, to you for allowing this Meeting to take place today.
As I say, the transition period ends at 11 p.m. on 31st December.

The UK is due to ratify the Treaty before then and the Bailiwick's parliaments are being asked to make decisions on the principles of the UK-EU agreement as it would apply to the Bailiwick, rather than on the text of the agreement itself. The content and timing of this policy letter and the
145 corresponding parliamentary debates within the Bailiwick have been affected by the timing and nature of the decisions and actions by the UK Government, as well as by the EU.

As an agreement was only announced in principle just three days ago, the Treaty text for the UK-EU future relationship agreement has not been finalised as I stand here now. It might on the face of it seem prudent for the Bailiwick to wait until the Treaty text has been finalised. However,
150 we do not have the luxury of time.

Also, the UK Government is due to ratify the Agreement just in a few days' time and it has advised that when it recommends to the UK parliament that the Treaty be accepted and ratified, it needs to be sure that all parts of the British family, which are in the scope of the Treaty, have decided whether to consent to be bound by the relevant provisions and, if they have consented, can comply with the
155 obligations within that Treaty. Doing otherwise, they accept, will overstep the constitutional boundaries.

Furthermore, if the Bailiwick decided not to seek the extension of the Agreement, but the UK approved the text of the Agreement that included the Bailiwick in a territorial extent, this would be in breach of the constitutional boundaries. Avoiding such a situation, as can be seen from the very
160 helpful letter from the Lord Chancellor, is a priority for the UK Government and the Bailiwick generally and for this particularly and high profile matter.

But – there is a but – we have got an out clause if we need it. Because acknowledging that we are being asked to agree to deal in principle, without seeing the detailed legal text, gives rise to what is called a sunset clause. We all like these phrases, do we not? A sunset clause or a cooling-off
165 period, which can be activated at any stage in the first 90 days and will take effect thereafter within 30 days.

This can be enacted unilaterally by us or by the EU. There are also general provisions, which will allow by amendment by mutual consent of the UK and the EU. This would require the consent of the Bailiwick in respect of any changes that would affect the Bailiwick's interest in the TCA. So, be
170 assured, if there are unpleasant and unexpected surprises in the technical detail, we do not expect any but who knows, we can consider if they change our overall position or impact our overall interest.

There are three principles which the Bailiwick parliaments are being to make decisions about, as follows: the goods relationship; the fisheries relationship; and what is termed the side declarations.
175 In respect of the goods relationship, agreement of the States to the principles today will enable Guernsey to participate in the UK-EU Future Relationship Agreement, the TCA, to the extent necessary, to facilitate the trade in goods only on a chapter by chapter basis.

This will enable the Bailiwick to benefit from reciprocal market access with EU markets, with zero tariffs and zero quotas. Participation will also reduce potential disruption for the trade in goods
180 between the Bailiwick and the EU. The relevant chapters relate to trade in goods, customs, and rules of origin, are set out in paragraphs 1.20 and 1.21 in the executive summary of the policy letter on pages 7 and 8. They deal with the national treatment and market access for goods, including trade remedies, this facilitates trade in goods between the UK and the EU and to maintain liberalised trade in accordance with the provisions off the Agreement.

They deal with rules of origin, laying down the provisions for determining the origin of goods, for the purpose of the application of the preferential tariff treatment under the TCA. They deal with sanitary and phytosanitary or SPS measures. This sets out the measures that are required to ensure that human, animal and plant health is protected by the individual parties to the Agreement, while
185 facilitating the trade movement of agri-foods between them.

They deal with identifying and eliminating technical barriers to trade or TBTs. These are either relevant to current trade in goods or areas of potential future economic opportunity and industry
190

development. This chapter, again set out in the policy letter, includes annexes on medicinal products, which will assist our nascent healthcare sector.

195 And they deal with customs and trade facilitation. This is to ensure that that there is compatible and effective administrative and enforcement custom procedures in place to facilitate trade, while ensuring there is proper protection, safety and security processes in place to protect consumers and national prohibitions and restrictions and, of course, the financial interest of both the UK and the EU.

200 If the Bailiwick wishes to participate in the TCA in respect of goods, it must also make a commitment on fisheries. The terms of the agreement on fishing are set out in paragraph 1.22 of the policy letter and will cover the Bailiwick's fishing interests in terms of access to waters, landing in ports, management and licensing. The Agreement provides for Bailiwick vessels to be able to fish in the exclusive economic zones, or EEZ of the EU Member States on the same terms as UK vessels.

205 This includes the French EEZ, which is adjacent to our waters. Access to Bailiwick territorial waters for the EU vessels will be based on a pool of a fixed level of effort, for which EU vessels could seek licence to fish against. The level of effort is defined using a track record period of 10 days in any of the three 12-month periods, ending on 31st January or between 1st February 2017 and 31st January 2020.

210 Vessels landing fresh fishery products caught in the Bailiwick's territorial seas will need to have between a three and five-hour prior notification period for landings. There is also recognition of Bailiwick responsibility for the management of its territorial seas and for authorising vessels to fish in its waters, by way of licence or otherwise.

215 So, in summary, what does that mean for our fishing fleets? It means this: rights of Guernsey fishermen fishing in a French Exclusive Economic Zones, or EEZ, have been preserved. There is no additional licensing burden. The current framework remains in place. No new paperwork. Tariff-free access. This has been maintained from previous arrangements pre-2021, through negotiations. Access to landing in France and the UK and no additional costs and no new fees.

220 This will protect the rights of the Bailiwick's commercial fishing fleet, enabling us to balance the Bailiwick's rights over its territorial seas, with fairness and proportionate access for other jurisdictions' fishing fleets. I anticipate that my colleague, our colleague, Deputy Inder, President of the Committee for Economic Development, will speak further on this issue.

Because we are fortunate enough to live by the sea, we have the opportunity every day to smell and almost taste the sea air, fishing is in our DNA. It is important to this community well beyond its fiscal value.

225 Finally there are what is called side declarations in the TCA, which would also be agreed if we sign up to these proposals and these are set out in paragraphs 1.23 to 1.27 of the policy letter. The TCA includes a political commitment entitled:

A declaration in respect of the Bailiwick of Guernsey and the Bailiwick of Jersey on cooperation with the European Union on the recovery of claims related to VAT, customs duties and excise duties.

230 Essentially that seeks to create a relationship with the EU about tax information exchange and administrative assistance regarding certain indirect taxes and ensures that this arrangement is consistent with this Bailiwick's fiscal autonomy. Our fiscal autonomy is a red line. It always has been. This Declaration is on the right side of that line. We are already meeting international standards on tax information exchange and administrative assistance. Remember the recently written and recited words of the Lord Chancellor.

The UK and the EU have agreed a:

Joint Political Declaration on the Countering of Harmful Tax Regimes which includes a commitment that the Parties will encourage the application of its principles in the territories for which they have special responsibilities or taxation prerogatives.

235 The declaration is a non-legally binding political commitment for the UK. This jurisdiction, as we all know, already meets the Organisation for Economic Co-operation and Development, or OECD

and the EU Code of Conduct standards on fair taxation and tax co-operation, which are referred to, or in some cases, inferred in the political declaration.

240 Finally by way of clarification, the TCA does not cover the provision of services with the EU in respect of the Bailiwick. The Bailiwick has always operated, throughout the life of the EU, through our third country arrangements, with regard to trading services with the EU. The third country status does not depend on the UK's membership of the EU and will not be directly affected by the UK's departure from the EU.

245 Our Brussels office, shared with Jersey, has been actively building relationships with representatives of the EU Member States and institutions of the EU for almost a decade and doing a fantastic job. Also, there are many Members of this Assembly who have also maintained and developed those relationships over many years.

250 The Agreement does not generally cover the movement of people from the UK or the Bailiwick, the Common Travel Area predates the UK's membership of the EU and so is not directly affected by the UK's departure from the EU. The Bailiwick's future immigration policy, from 1st January 2021 has been agreed and is relevant to the needs of the Islands, both economic and otherwise. I anticipate our colleague Deputy Prow, President of Home Affairs, may well expand on those issues in due course.

255 We have a deal in front of us that we are being asked to support the principles of and in due course enter into. Considering the complexities of our geography, history, constitution and economy, it is a good deal on trade. It is a good deal on fisheries. And a set of political commitments that we can be confident that we can already meet because we already meet them.

260 Let me reiterate to my colleagues, through you and the Assembly, the UK and EU negotiations have now concluded. It is no longer possible to make any changes to the arrangement that is on offer. So let us not, today, spend time discussing what changes would have been made. This is a binary decision and one which will inform and help shape our future, economic and constitutional relationships.

265 Again I emphasise, I make no apology referring again to the adverb, the Committee firmly recommends that Guernsey and the wider Bailiwick accept the terms of the TCA and ask the UK Parliament to ratify on our behalf, with our consent.

I could not end my speech without referring to the great Winston Churchill. Winston Churchill and I use his words and I say it to my colleagues, sir, through you, would say this to this Assembly: action this day. I say this and these are my words: the future is there and beckons. Let us grab it with both hands.

270 Thank you very much, sir.

The Bailiff: Members of the States, the Greffier has received a single amendment to the Proposition. Madam Procureur, is it your wish to move that amendment now?

[Amendment](#)

1. Immediately after Proposition 6 insert the following Proposition:-

"7. To note the contents of the letter dated 24 December 2020, relating to the Bailiwick's participation in the Agreement between the UK and the EU, sent by the Lord Chancellor & Secretary of State for Justice to the President of the States of Guernsey Policy & Resources Committee."

2. Renumber Proposition 7 as Proposition 8.

275 **The Procureur:** Sir, yes it is please. It is to be seconded by HM Comptroller and please may it be read?

The Bailiff: Can it be read by the Greffier, then, please?

The States' Greffier read out the amendment.

The Bailiff: Madam Procureur, is there anything you wish to add?

280

The Procureur: I would like to lay it. I have nothing to add ...

The Bailiff: And Mr Comptroller, you formally second it?

285

The Comptroller: I do sir.

The Bailiff: Nobody is rising to debate the amendment. I do not know whether you want to say anything on behalf of the Committee, Deputy Ferbrache?

290

Deputy Ferbrache: No sir, only to ask Members to agree it.

The Bailiff: I simply put Amendment 1, to insert a Proposition 7 and renumber Proposition 7 as Proposition 8 to you, *aux voix*. Those in favour; those against?

Members voted Pour.

295

The Bailiff: I declare the amendment duly carried
Deputy Inder.

Deputy Inder: Thank you, sir.

300

The Bailiff: Before you speak, can I just indicate that if Presidents stand, particularly for those who might be making their maiden speeches, effectively to speak on behalf of the Committees, as has been referred to by Deputy Ferbrache, I am likely to call them very early in the debate.

So, Deputy Inder, please.

305

Deputy Inder: Thank you, sir.

No industry speaks for the Bailiwick's heritage and identity more than fisheries. It may be a comparatively small sector in terms of economic output and employment but it is and will always remain an important part of our Island's culture, which we continue to strive hard to protect.

310

Indeed, as we think about the economy post-Brexit, post-Covid, post-recovery, the blue economy is an area of opportunity for us. Part of that must be a sustainable fisheries and marine stewardship and to do that we need an active fisheries fleet. This part of the world is complicated. The Bailiwick, with three distinct Crown Dependencies, the Bailiwick of Jersey, with whom we have not always seen eye-to-eye on fisheries, the UK, with whom we have not always seen eye-to-eye on fisheries and of course France, well you can fill in the rest.

315

Yet the establishment of our Fisheries Management Agreement and Sea Fish Licensing Regime gives us a framework within which to balance our interest and those of our fishermen with our international obligations post-Brexit. First of all, let me say, I will be referring to the Bailiwick. I cannot of course speak for Alderney or for Sark but I believe that on this matter, as so many, our interests are probably aligned but we are going to find out by the end of the day.

320

The Bailiwick's agreement to the application of the relevant provisions of the TCA means that it will need to adopt a future fisheries policy and it is that which I want to set out today in order to provide assurance to this Assembly, to our communities and most of importantly, our fishermen and the wider public.

325

This policy is based on balancing the rights and responsibilities of the Bailiwick's commercial fishing industry and the Bailiwick's rights over its territorial seas with fairness and proportionate access for other jurisdictions' fishing fleets. The new policy will be established from 1st January 2021, initially for a transition period of 19 days up to 31st March 2021. During that period, further work

will need to take place to establish a longer-term set of operational and licensing arrangements and we are certainly in new territory there.

330 The overall position for the Bailiwick fleet, from 1st January will be rights of Guernsey fishermen fishing in the French exclusive economic zones. They will have been preserved. No additional licensing burden. The current framework remains in place. No new paperwork. Tariff-free access. This has been maintained from the previous arrangements, pre-2021, through the negotiations. Access to landing in France and the UK at no additional cost and no new fees.

335 In respect of access to Bailiwick territorial seas, on 1st January 2021, the situation will be as follows. Bailiwick fishing vessels, no change. French fishing vessels will continue to have access by authorisation. This provision will continue on a temporary basis until March 31st and it will be replaced with a fully established fishing vessel licensing regime. There will be some work for this Committee to do in that interim period.

340 From 1st January 2021, access for French fishing vessels will be based on a list to be provided by the French authorities. And during 2021, any vessel from France, applying for either an authorisation or licence to fish within Bailiwick waters, would need to demonstrate an historical track record of fishing between 2017 and 2020, as explained in Deputy Ferbrache's opening speech. The new policy will give the Bailiwick greater control of French vessels in Bailiwick territorial seas. Our seas.

345 Since extending fishing vessel licensing in 2012 and extending the Bailiwick's territorial seas in 2019, we have increased the management control throughout the Bailiwick's 3-12-mile limit and we continue to make significant advances in managing our waters, together with Alderney and Sark, in a sustainable manner.

350 This means that we can continue to develop technical controls, in accordance with scientific advice. Enabling sustainable marine stewardship and supporting our future blue economy, which means our need to undertake a marine spatial plan is critical and I am fairly sure that will inform future work that our Committee conducts.

355 This increased control is a significant improvement of the previous position, where up to 4,000 boats from any coastal port from France could have accessed Bailiwick territorial seas under the London Fisheries Convention on an unrestricted basis other than in relation to species and areas previously specified. This could have included displaced effort, when an unlimited number of French vessels, which could no longer fish in other areas might have chosen to fish in Bailiwick territorial seas as an alternative.

360 Any foreign vessel fishing anywhere in Bailiwick territorial seas will be committing an offence. They cannot fish in our waters. The relationship with France is also critical, as it is with French vessels. France is our closest neighbour and we have long adopted the good neighbour principle, engaging with central and regional government and other authorities, including the port authorities in France, to maintain shared social, economic and cultural interests.

365 French vessels will only be able to fish in the 6-12 nautical mile zone. They will have no other track record in the 0-6. This is in accordance with previous treaty requirements and would require them to hold an interim permit for the first three months of 2021. If French vessels fish anywhere else in the Bailiwick territorial seas, they will be committing an offence.

370 As of 1st January 2021, Bailiwick fishing vessels will continue to have access, tariff-free, into France at Cherbourg and Carteret. This has not always been the case through negotiations. It was not heading that way for a while, but officers have secured the continuity of that tariff-free approach and that should not be sniffed at.

375 I will give you some examples of the way it could have gone. The potential tariff on lobster would have been 6%, scallops 7.5%; crab and common whelk 8%; bass 15%, demersal – your ray and your skate – 18%. Those tariffs would have been on top of any other landing duties, which would apply to fishermen when landing or exporting inter-fishery products into the EU. Those tariffs will not apply to the Bailiwick catch, aiding the competitiveness of the Bailiwick fishing fleet. That, by any measure, is a success.

380 This means Bailiwick fishing vessels can benefit from economic opportunity, access to EU
markets, with lighter touch border and customs processes at present. We are also actively seeking
to restore access to land fish in Diélette, working with our French counterparts and I am reminded
that Diélette is very important for Alderney because she has a smaller fleet, smaller in size, and the
navigation around Cap de La Hague can be quite dangerous and Alderney's preference would be,
where possible, to put in at Diélette.

385 Now, there is no guarantee there but once the spotlight is off the intensity of this week, there is
some comfortability that we may be able to have a similar deal that we have had in the past. But
there is no guarantee but every effort will be to see if we can effectively land in Diélette at some
point.

390 The notice period for landing into France will be three to five hours, to allow fishermen most
flexibility of being able to land in France. Under any other agreement, it could have been three to
five days. I mentioned that this is a transition period and over the next three months we will be
putting in place the steps to firmly establish the policy from 1st April 2021 onwards. This will be the
first time Guernsey will have licensing control of its seas.

395 We will be developing a fishing vessel licensing policy and introducing a full licensing scheme
for the French vessels, ahead of 1st April 2021. Any licence conditions granted to the French vessels
will be non-discriminatory, meaning that any technical controls applied to French vessels will apply
to vessels licensed to fish and I think that is fair and reasonable. We could not have a position where
Guernsey uses its licensing regime as a weapon against its partners. We either have partners in our
seas or we do not have partners in the seas and it is fair and right that we implement non-
discriminatory measures through that licensing regime.

400 In accordance with the TCA Agreement, the Bailiwick has a right to establish a pool of fishing
effort for French vessels within the Bailiwick seas. We will develop this pool of effort, which will be
based on fishing activity during a track record period provided by the French in due course. Now
calculation of this fishing effort is complex, there is no two ways about that, and there are varying
ways this can be done, such as managing the number of days that can be fished or by limiting the
total amount of vessel sizes and engine power permitted in Bailiwick seas.

405 This is likely to be based on the method of fishing, i.e. different considerations will apply,
depending on whether the fishing vessel trawls or pots. The committee will consider what the most
appropriate method of establishing this pool of effort, in consultation with the UK Government, in
due course. But we are not there yet.

410 Sir, Members of the Assembly and the general public, to conclude, we are part of a process that
is not of our making. We are neither in the UK nor the EU. Our waters lie between the two. It is
inevitable for reasons of geography and history that we will be drawn into their complex matters
and we have been.

415 But the situation we will find ourselves on 1st January, in respect of fisheries, is not a bad one
and indeed it has many things to commend it. To reiterate, rights of Guernsey fishermen fishing in
the French EEZ, they have been preserved. Outside the 12 miles, our local boats can basically fish in
French waters. No additional licensing burden. The current framework remains in place. No new
paperwork. Tariff-free access – this has been maintained from the previous arrangements, pre-2021,
through the negotiations. Access to landing in France and the UK – no additional costs, no new fees.

420 It will not be plain sailing but the waters will not be as troubled as we may have feared, sir, and
that concludes my, I was going to say speech, it sounds more like a statement.

Thank you sir.

The Bailiff: Deputy Roffey.

425

Deputy Roffey: Thank you, sir.

I do not know whether I should speak on behalf of either ESS or STSB, as far as I could tell on
Christmas Day on Boxing Day, I could not find anything in the draft that was of particular concern

430 but no doubt the detailed text will need to be studied over the weeks ahead. So, I am speaking personally, sir.

I agree with Deputy Ferbrache that the decision we are being asked to make today is a simple one and that the choice is binary and that the right answer is obvious. But I hope, sir, that given that the States of Deliberation is a parliament within the wider British family, you will allow me a little latitude to comment briefly on the circumstances, which have forced us to make this particular decision today.

435 Because, frankly, while I agree with Deputy Ferbrache that this is an historic occasion, I personally find it a deeply sad occasion. Of course, I know it is none of our business, but I am convinced that our much bigger cousins on the other side of the English Channel are making a tragic mistake of historic proportions and that, in 20 years' time, they will look back on Brexit as an extraordinary act of self-harm.

440 As a result, Britain is going to be poorer than it otherwise would be and not just economically. They and indeed we, because do not think the impact will not extend to Guernsey, will be poorer culturally, socially, scientifically, educationally and artistically. For me, this is a very sad occasion and the people who will lose out most will be the younger generations, who will lose their automatic right to live, study, work and play inside a bigger mansion and be instead confined to a few rooms.

445 I am sure workarounds and permits will eventually ensure that some of those freedoms remain in some form but, from next Thursday, at 11 p.m., those rights will no longer be automatic and given and, for what, as the UK sacrifices freedoms? Not only for their citizens but for ours in Guernsey too, or at least the vast majority of Guernsey citizens, for whom one of their grandparents was born somewhere in the EU or the UK. For a complete illusion of regulatory freedom.

450 Sir, as well as reading the past, relating to Guernsey's future relationship with the EU, which I do promise you I will focus exclusively on very shortly, I have been also reading the wider text. Mr Johnson has been trumpeting the fact that the UK will no longer have to follow EU rules and standards. And he is right of course but as soon as they choose to diverge from EU rules to any meaningful extent, this Trade Agreement that we are considering our relation to today allows the EU to impose tariffs on UK imports and that is a complete economic no-go area for the UK.

455 All of their big investors will be up in arms and threatening to relocate because they are in the UK not just to service the domestic market but also, mainly, to enjoy tariff-free and quota-free access to the European Single Market. The UK will be free to write their own rules, in theory, but will never be able to afford to actually use that freedom in any meaningful way. What a pyrrhic victory. What huge collateral damage to pay for it.

460 The very final thing I want to say on the wider context of our decision today is that I am convinced that Brexit will lead to a break-up of the UK. Maybe that is none of our concern as Guernsey, sir, has never been a part of the UK, but we have enjoyed a close relationship with it for centuries and I fear that could change, fundamentally, in nature, if it disintegrates, which now seems very likely.

465 Northern Ireland has already become semi-detached because on Friday morning it will be pushed to the other side of the customs arrangements between the UK and the EU. Add to that fact that most Northern Irish voters wanted to stay in the EU, plus the hugely diminished impact of the Catholic Church in setting the social and political agendas in the Republic of Ireland, and the idea of a united Ireland has suddenly become much more attractive to many in Northern Ireland and not just the Catholic community.

470 Maybe that is an historical inevitability and maybe not such a bad one, that has just been accelerated by Brexit. But, and I really am coming to Guernsey in just one second, the departure of Scotland from the UK was not inevitable but has been made much more likely. I always thought the sort of devo-max solution, in fact probably a variation of the Guernsey model, could satisfy all but the most strident parties to that long-running debate north of the border. But of course the one thing that model can never deliver is EU membership. Only complete secession from the UK would allow Scotland to apply for that.

475 So, for a myriad of reasons, I find this a deeply sad day.

480 But on to the simple decision we have to make. Is it outrageous, that the four parliaments of the Channel Islands have been put in a position where their Members have to make a decision of historic proportions on two days' notice? Particularly when the two days that Members have been given to study it have been Christmas Day and Boxing Day? Of course it is. It is utterly outrageous but that is not the fault of anybody in this Chamber or indeed anybody in these Islands.

485 I accept what Deputy Ferbrache said that the problem is mitigated somewhat by the three-month cooling off period, during which in theory we can change our minds. But in reality we are making an historic decision on two days' notice. So be it. Sadly, governments sometimes have to deal with reality as it is rather than as it should be and the reality is in a few days' time Protocol 3 will fall away. It has to. It is only a protocol and it will have nothing left to be a protocol to any more.

490 In some ways, I wish it were more than a protocol to the UK's Treaty of Accession and was a document in its own right. I say that because I believe our predecessors, way back before even I was in the States, did a superb job of negotiating Guernsey's limited relationship with the EU. But it is going and in a few days' time it will be gone and it will either be replaced by the deal we have before us today or it will be not replaced at all.

495 It really is a no-brainer that we have to say yes today. The deal is not as good as I would have liked. I know it has been very much bigged-up at the beginning but it is not quite as good as I would have liked but that is almost always the outcome of negotiations like these and it could have been a whole lot worse.

What I would say and stress, as a Member of the group of States' Members who were invited to advise P&R over this process, is that the UK negotiators have not ignored our distinct interests, even when they clashed with the UK's own interests. They have done a good and robust job on our behalf and I think they have got the best deal for us that they possibly could.

500 Mr Bailiff, I think we also had a bit of a strain in our relationship with the UK when they insisted on putting a permissive extent clause into their Fisheries Bill, against our express wishes. To be honest, I still feel rather miffed about that. But the way they have represented Bailiwick interests during these difficult negotiations should, I believe, go a long way towards restoring confidence in our longstanding and strong relationship.

510 We could focus today on what is not in this deal and what we would have liked to have seen, but that would be absolutely pointless. No amount of rumbling will change what is on offer, so I think we have to focus on the consequences of saying no. For a start, our fishermen – or to be politically correct – our fishermen and fisherwomen, would have to pay significant tariffs on any catches that they landed in France.

515 Not only that but they would be expected to give long periods of notice of their intentions to land those catches, not hours as will be the case, but days. And it is not just fish. All goods exported to the EU, whether it was butter sent by the Guernsey Dairy to help make ice cream in Holland, or clematis for sale in Germany or Italy. Any number of goods will be subject to both tariffs and additional paperwork.

520 This deal removes the tariffs and reduces, but unfortunately does not completely remove, the new extra paperwork. And if we say no the bureaucracy will not be limited to goods, which Guernsey exports to the EU. If we say no, anything we export to the UK will be subject to all sorts of red tape, to ensure that those goods are clearly identified as coming from Guernsey, in order to avoid them being re-exported from the UK to the EU tariff-free.

525 Actually, I think the importance of today's decision goes beyond the clauses that we are considering. I think there is a possible intangible damage created by having a poor relationship with the EU and in particular our French cousins if cease to have or decline to have any officially defined relationship. Now, in theory, it could all go swimmingly, but I think it runs the very real risk of breeding an atmosphere of mistrust, which could impact on other crucial areas outside this agreement such as Guernsey's Future Energy Policy.

530 So looked at in the round, we would be crazy not to vote in favour of this deal and I will indeed be voting Pour, but how I wish the question had never arisen! Because in my view something precious has been sacrificed this week on the altar of English nationalism.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you Mr Bailiff.

535 Could I first start, through you sir, thanking Deputy Ferbrache for his clear and well-delivered
opening statement. Sir, I make no apologies for in fact repeating some of the things he said and
indeed elaborating on them, when it comes to trade, customs and immigration. I also would like to
endorse his comments made about Deputy Le Tocq and I also wish him, through you sir, a speedy
a recovery. In the last term, on the Brexit Committee, which he led very well and indeed in this term
540 for all the work that he has done.

I rise to support all the now eight Propositions before us today at this special sitting of the States.
I do so, sir, in a spirit of optimism at the end of a very challenging year. This is a time where, now
that the United Kingdom, albeit at the 11th hour, have agreed a future relationship with the
European Union, that we, in this Bailiwick, if we choose to do so today, sir, can look forward to our
545 future with much more certainty.

Unlike Deputy Roffey I can be upbeat because I am absolutely certain Team Guernsey punched
above its weight in responding and navigating a very difficult arm's length negotiation, which carted
almost every which way it could. In my view, as reflected through all the Propositions before us, our
Islands can endorse the Treaty as it applies to us and which has been adapted to meet our needs.
550 We have maintained our fiscal autonomy and have, for example, in immigration policy, managed to
maintain our control over our own individual economic considerations, whilst remaining within the
Common Travel Area.

Sir, I must join with others in paying tribute to all those officers, often working into the night,
whose work has culminated in this policy letter. All credit to all of them, in Policy & Resources, Home
555 Affairs, Economic Development and across all committees. In my capacity as President of Home
Affairs, I must make special mention of the small team of subject experts in customs and
immigration. Members will see how highly technical this all is, from understanding World Trade
Organisation rules to complex customs arrangements and our legislation that controls the
movement of people. I would suggest that on New Year's Day we raise a glass to every one of them.

560 I cannot pretend everything is rosy for the Bailiwick and the challenges of the new relationship
with the UK and the EU will be onerous particularly the regulatory burdens, which will come into
play. With or without this Treaty, Protocol 3, which served us so well for many decades, fell away
upon the withdrawal in January this year and the effects will now bite. However, the terms and
conditions of the Treaty, as outlined in Propositions 2, 4 and 5, will ensure tariff-free trade with the
565 United Kingdom, the other Crown Dependencies and the European Union.

It is important to explain how this was achieved. The Committee *for* Home Affairs has embarked
upon a legislative programme, which is included in Appendix 8, which has been supported by this
Assembly and which has created a Customs Union with the UK, starting on 1st January next year.
This agreement can be found in Appendix 5, which is a formal exchange of letters with the United
570 Kingdom.

Sir, we are a small jurisdiction so it makes economic and strategic sense to align with the UK
trade policy. This is what the Customs Union with the UK does. In effect, we replace the Protocol 3
EU Customs Union with the UK Crown Dependents Customs Union.

575 Whilst tariffs are not taxes, for raising revenue, they are tools for trade policy, to promote
domestic, economic activity. Inward trade will benefit from the EU Agreement regardless, which is
good news because of the Customs Union with the UK, so no high tariffs on items like cars and
white goods. Export trade to the UK will be tariff-free. Furthermore, the Bailiwick can enjoy wider
WTO trade deals as and when the UK agrees them, with other countries outside of the EU zone. Sir,
the Customs Union arrangement with the UK now provides us with certainty going forward.

580 On immigration, as already alluded to, Home Affairs has already gained flexibility in a work
permit scheme, compared to the UK points-based system. This suits our economic needs, regardless
of the Treaty outcome. The Trade and Co-operation Agreement, the UK-EU deal, does not cover
immigration. That was settled within the Withdrawal Agreement and Settled Status Scheme.

585 It does cover mobility insofar as it applies to short-term business visitors and inter-corporate transferees. This will be in the services chapters, which do not directly apply. The end of Protocol 3 also brings with it the end of the Islander status in our locally issued passports, so we should all be treated the same as any other British nationals.

590 I must take this opportunity to endorse and promote our EU settled status scheme, which gives settlement rights to those eligible EU nationals who are resident here. For those who have not yet registered, please sign up without delay. I must again endorse how highly this Bailiwick values the contribution of all those EU nationals settled here.

595 So there will be change and new paperwork, rules of origin for goods, sanitary and phytosanitary measures and other new procedures. However, I must highlight that both the Customs and Immigration divisions of the Guernsey Border Agency have already announced workshops and briefings to trade and I know that their colleagues in Economic Development will also go the extra mile to assist business in providing the information they need if they are able to do so.

600 If the States support the Propositions, as I very much hope they do, then we should recognise that this is just the start of a process and much urgent discussion and work with the UK, on the next steps, which include the necessary border controls, as summarised in pages 7-8 and, as already referred to, sections 1.20 and 1.21 and they are also elaborated in more detail on sections 3.7 to 3.68.

This will enable and protect the Customs Union and the maintenance of secure borders with the Common Travel Area and adherence to visa requirements, which will be vital for 2021 and beyond. Sir, I urge this States to support all the Propositions before it.

605 Thank you sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

610 I have a few words to say and I will try and choose them carefully. I have been on this planet for as long as I have been on Guernsey and I have always found it incredulous that our French cousins, and Brouards did come from France or some of them did, seem to think that they have a right to fish in our garden, six to 12 miles, yet the return favour is non-existent.

615 Neighbours they were, neighbours they are, and neighbours they will be and it is best if we can get along. The Island is at last gaining control. We have now sovereignty over our waters. We have our territorial seas. My hope is we will now push to gain our sea bed and my wish is to see our own EEZ in due course.

620 The deal today, as our Chief Minister said, is a good deal at this time and I will support it. For me, the prize is that we are now in control of both the deal and our waters and we can choose, if we still wish, to be a part of this in 10 years, or 20 years, or 30 years' time.

625 I think Deputy Moakes said at the last Meeting, in a different context, and implored us to play nice, and I hope our cousins will also play nice, as there is an inequality of arms. My thanks to the staff and my fellow politicians for all the work they have done. There are bits I am having to swallow hard but overall, for Guernsey, I think we need to put Guernsey first. I believe we should accept the binary choice and join the Treaty.

630 But, sir, before I sit down, I did furnish in advance a question just for the record I would like to have on *Hansard* from the Law Officers, just to give unequivocal legal advice that, with this deal, there will be no access to Bailiwick waters for the French in our 3-6 nautical mile territorial waters and if I could just ask for the Law Officers just to confirm that sir? Thank you.

The Bailiff: Is one of you in a position to answer that question? Mr Comptroller.

635 **The Comptroller:** Sir, I am happy to deal with that question. I thank Deputy Brouard for giving some forewarning that he was going to raise this. What I will do is just reiterate what I think Deputy Inder indicated in his address to the Assembly, that French access to Bailiwick waters will be limited

to the 6-12-mile limit and that is because in heading 5 of the draft Agreement, which deals with fisheries, there is reference to access in accordance with any Treaty arrangements that existed on 31st January 2020. The only Treaty arrangements were under the London Fisheries Convention and under that agreement access was limited to the 6-12-mile limit, if that answers Deputy Brouard's question, sir.

Deputy Brouard: Thank you very much.

The Bailiff: Thank you very much. Deputy Queripel.

645

Deputy Queripel: Sir, thank you. It is absolutely vital we protect our territorial waters and I heard what Deputy Inder said when he spoke. However, it is one thing having rules and regulations in place but they are always toothless tigers unless they are enforced. So my question to the President is how will they be enforced?

650

I ask that because history has shown that on occasion, in the past, we are far too timid and we do not stand up for our rights when they are violated and that has always concerned me. When I ask how will they be enforced, will arrests be made if fishing boats from other jurisdictions are discovered fishing illegally in our waters? A mere caution is not a deterrent and any sentence surely has to be a lot more robust than that?

655

As an aside, sir, I would just like to ask the question – maybe I should know the answer, I am sorry I do not – do we know the current value of the fishing industry to the Island? I am concerned that there may be a certain amount of relaxation of the regulations that are in place regarding the Common Travel Area, regulations which allow convicted sex offenders to travel between certain jurisdictions. I am aware that when he spoke, the President said those regulations will not be affected, but I know how these things work. It is never as simple as that.

660

In closing, sir, my final question is, is the President prepared to thump the table at meetings in an attempt to stand up for our rights, if need be? Because that is what we need.

Thank you sir.

665

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you sir.

670

I welcome the future trade Agreement that the UK and the EU have agreed in principle. I think we are in a much better position today than I feared we might be two weeks ago two weeks ago and I actually think that the new regime, Guernsey of course has always been a third country for EU purposes, but this proposed future trade Agreement largely preserves the benefits of Protocol 3 for us and, indeed, I think creates possibly some additional opportunity for us.

675

Mostly in the sense of removing benefits that the UK had in terms of competition against us for European business. For example, the UK leaving the Erasmus programme of the EU might create opportunities for a future international university on Guernsey, in that EU students would not have free education opportunities in the UK, where they might wish to go to learn English.

680

The UK, of course, joining Guernsey as a third country outside the EU also applies to the financial services world, our principal export industry. So the UK, in fact, is going to be treated as a third country, just as we always have been, and will not be in a better position to export financial services into the EU than we are. This of course could level the playing field for them.

685

Membership of the WTO is being extended to Guernsey, for the first time, and combined with the development of other free trade agreements between the UK and other countries around the world, which may or may not be extended to us, that could be positive for Guernsey, with those other countries that become part of the UK's FTA network.

685

On fisheries, clearly, this is an emotional subject and frankly far more political importance is attached to it than the industry represents economically but the interesting question for me, certainly we see that on day one, as it were, the rights of French fishermen to catch fish in Bailiwick

waters will not be extended. The UK appears to have agreed a transition period over which EU fishing in UK waters will reduce by 25% over five-and-a-half years.

690 I think the interesting question there for us is will that reduction also apply in Bailiwick waters. I am sure that is a subject that will be negotiated in detail.

I give way to Deputy Inder.

695 **Deputy Inder:** Sir, just to answer that question, no it will not be. I think it is a five-and-a-half year period they are looking to maintain relatively similar stocks but it is also worth mentioning that as the French vessels start moving out of UK waters there is a compensation scheme in place and we are maintaining, effectively for all intents and purposes, Guernsey is maintaining a static access to the waters. It will look no different from before the UK's Referendum.

700 **Deputy Parkinson:** I thank Deputy Inder for that clarification. So, we will not benefit, therefore, from the reduction in European fishing effort in British waters over the transition period. That, to me, is a bit of a shame. However, we will have increased control over Bailiwick waters and this could over time lead to the development of marine conservation areas in Bailiwick waters and enhance our prospects in the blue economy.

705 I think the main concern for me, with the UK leaving the EU, is the consequences for the UK's immigration regime, which of course effectively applies to Guernsey. We are much more dependent, I think, in a proportionate scale, than the UK is on imported European labour and it is very important that we continue to have access to the labour markets of Portugal and Madeira, Latvia and so on, to keep our service industries going. I fear that we may find ourselves bound up in ...

710 Oh, I give way to Deputy Prow.

Deputy Prow: I thank Deputy Parkinson for giving way. Perhaps if I can assist him. Although the Propositions before us today do not affect these, these are the policy arrangements that the Committee for Home Affairs, have already put in place. But just perhaps to give him some comfort, Kevin Foster MP, who is the Future Borders and Immigration Minister, has corresponded with the Chief Minister and I replied on behalf of the Chief Minister. Perhaps it might be helpful if I read the letter. It is fairly short. I wrote, it acknowledges the letter to the Chief Minister and it echoes his comments about our officials regularly engaging:

This engagement has been continuous as changes are being introduced to the border, while protecting the Common Travel Area and recognising the unique needs of individual jurisdictions. We are very happy working together with UK officers. Guernsey has been able to put in place an immigration policy that meets Guernsey's labour market needs –

– which is what Deputy Parkinson is referring to –

720

– whilst making sure that the immigration laws covering the Bailiwick are aligned and retain a consistent approach throughout the Common Travel Area. Deviating from the UK's work permit policy in this way has only been possible by combing Guernsey's domestic population management regime, with a need for applicants to secure a UK entry clearance. These are to cater for skill shortages. These arrangements will play a key role in the economic recovery of the Bailiwick from the Covid-19 pandemic as we seek to Revive and Thrive.

On 23rd December, I had a reply from Kevin Foster MP thanking us for the letter and for his continued co-operation and endorsing the Home Office team ...

... look forward to working with you and your officials further in the New Year.

I hope that helps. Thank you sir.

725

Deputy Parkinson: Well, it certainly helps a bit. Obviously, it remains to be seen how much flexibility Guernsey will be allowed in practice to, as it were, relax the UK immigration Rules to the extent we need them to be relaxed and I can only hope that these new arrangements will work out to Guernsey's advantage.

730 So I repeat, because I would otherwise be rambling on for a while that I welcome the free trade agreement and Guernsey's participation in it. I think it is vastly better than a no-deal Brexit, which could have happened, it seemed quite probably indeed, until a couple of weeks ago. I think the UK joining us outside the EU as a third country does potentially create some opportunities for Guernsey and I think we should approach the future with optimism.

735 Thank you sir.

The Bailiff: Deputy Kasantseva-Miller.

Deputy Kasantseva-Miller: Thank you, sir.

740 Brexit has been a bittersweet process for me. As an EU citizen who spent many years in the UK and more latterly in Guernsey, I find myself in this extraordinary position to help define the future of my adopted community, from a position of someone with legal experience across all the relevant geographies in question: Europe, the UK and Guernsey.

745 For the Bailiwick, Brexit is akin to a divorce process of two good friends of ours. An unexpected divorce of such friends, after we enjoyed the benefit of the EU via our relationship with the UK for more than 47 years, since 1973. This creates both challenges and opportunities. So we should not underestimate the monumental importance of this moment, as the final details of this divorce settlement are being debated today in the Bailiwick parliaments and in the UK later this week.

750 Through the external relations team and Policy & Resources leadership, Guernsey has fought for its interests and proportionate rights with determination and vigour and I want to place on record my gratitude for the amount of work gone into the negotiations.

755 Today, we are doing the easy bit of debating this policy letter. Our team has stood firm by our constitutional rights and interest as a self-governing Crown Dependency, which helped reach the position we are here to debate, relating to the provisions of the EU Trade and Co-operation Agreement to the Bailiwick of Guernsey. These include the preservation of our historic constitutional rights and our fishing industry, rights to govern our waters, our trade with the EU and our status as distinct from the UK.

760 We will continue to remain a Crown Dependency that is able to chart its own economic, constitutional waters, on beneficial and proportionate terms to us, to the UK and to our trading partner the EU. For these reasons I will fully be supporting the Propositions in this policy letter. Yet any divorce is a time for reflection and showing support to both sides where possible, but also resetting our own priorities.

765 The UK, our most important constitutional and trade partner has chosen a clear course of action with Brexit, to press the reset button on its relationship with the EU and assert and refresh its global position. Despite the very positive outcomes of the UK-EU Trade and Co-operation Agreement, we should not underestimate that the future course has been altered and draw our own conclusions as to the future strategic development options for the Bailiwick.

770 First of all, let us recognise that the disruption that the changes will bring to us, as citizens, travellers, businesses and governments, is no mean feat. Much work has been underway to provide information and communication about the changes to expect, yet we must now step up our efforts to inform and provide assistance to businesses and the community about the implications of the end of the Brexit transition period and new TCA.

775 Secondly, Brexit and Covid provide new lenses through which we should scrutinise policy development in light of what it may mean to our strategic resilience as a small Island jurisdiction and also be informed by some of the positions both sides have taken in Brexit negotiations, such as the permissive clause in the fisheries negotiation. Albeit, in any divorce, people may say things they may later regret.

780 I want to bring to the attention of the Assembly a few issues, which I consider, of strategic importance to us going forward. Energy dependence is one. We have an over-arching dependency on energy provision by the French electricity grid. While the development of the direct cable to France may be a prerequisite for our ambitions to generate local, renewable energy, Brexit has

provided us with more reasons to be bold and brave, as Deputy Trott would say, in developing an energy independence mindset.

785 It is not the first time that we have heard threats from our neighbours, linking access to electricity to access to our fish and I can bet it is not going to be the last. Let Brexit be the moment we can fully wake up to the strategic need and opportunity to invest in our own independent and green energy future.

790 Fish catch localisation is second. We export the vast majority of our fish catch via the French ports, while our supermarkets import foreign crab, lobsters, scallops, and even sea bass from Chile. While we always abide by international trade rules and provide a level playing field for any business, we can support our fishing industry to become less dependent on the export market.

795 Ideas such as establishing a fishing co-operative, buy local marketing campaigns, establishment of marine apprenticeship and training by Guernsey Institute come to mind. As another example, my Committee for Economic Development, will be shortly bringing to here a policy paper that is trying to stop unlicensed local sale of fish. Let us champion our fishing industry through local policy development, training, harbour development plans, marketing and blue economy initiatives.

800 Improving our food resilience is third. Yes, we will never be self-sufficient in food production, but we can do better than import the estimated 95% of our food. (**A Member:** Hear, hear.) We can support greater agricultural productivity locally. It would make sense for business, for the economy, for the environment and wellbeing of our wider community. There are many other benefits to more local food production that go well beyond increasing our food resilience.

805 They include more nutritious and tasty food, creation of an artisan growing industry, better soil biodiversity and other environmental outcomes, mental health benefits and community cohesion. Not only are we not doing much to promote more growing currently our current land management policies are actually actively preventing households from growing and farmstead priorities on agricultural priority areas, which are protected for commercial growing and dairy use.

810 These policies include restrictions on placing permanent structures like polytunnels, sheds that hold tools and machinery, as well as animal shelters. My early research into the appetite for more local community growing has been overwhelmingly positive and I would like to do something more about it.

Last but not least, I would like to highlight the area of tertiary, graduate and postgraduate education provision. We all understand the fundamental importance that skills and lifelong learning play in underpinning the long-term competitive advantage of any jurisdiction.

815 Our current model involves paying for hundreds of our students to study in the UK with no expectation of payback or, more importantly, the ability to incentivise them to come back to the Island. Some of those students would have also benefited from the exchange programmes with the EU universities through Erasmus, which will no longer be available under the new TCA. I believe a lack of a university and higher education provision is one of the reasons where we have seen a consistent reduction of young people in the 20-29 and 30-39 age category, which will feed into the ageing population and demographic bomb situation.

820 Our youth are leaving the Island but how many are coming back? I call for a very local approach with lifelong learning and skill strategy and I am encouraged to see the ambitions with Guernsey Institute and early plans to revamp Skills Guernsey.

825 While we say goodbye to our special friends, special relationship with Europe, let us take a moment to appreciate our close relationship with the Isle of Man, Republic of Ireland, Jersey and the UK via the Common Travel Area agreement that remains unaffected by Brexit and predates the EU.

830 At a time when travel and trade will no longer be as smooth with our continental friends, they will continue to remain so in the CTA zone. This presents an opportunity to naturally accelerate our efforts in this space, through more tourism links, air and sea connectivity, immigration, cultural diplomacy, environmental efforts and others. Through Covid, we have probably discovered we have more similarities with our CTA partner in the North Sea than the closest one in the bay of St Malo. Let us build on that.

835 So while the divorce is inevitably a dramatic experience for all the parties involved, life does not
end there. Brexit will certainly have direct implications for myself and my family in years to come.
However, I am delighted to see that the Bailiwick is choosing to seize the opportunities for trade
and co-operation with the EU in charting a new economic and political course for our community
and I am fully supportive of these efforts.

840 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

845 There has not been a lot of time to thoroughly examine the Bailiwick's participation in the UK-
EU Trade and Co-operation Agreement, the TCA. A new era certainly begins on 1st January 2021,
ending the relationship, which has existed between the UK and the EU for nearly 50 years.

We cannot change this particular Agreement. I find, though, comfort, with the goods
relationship, which will enable the Bailiwick to benefit from reciprocal market access with the EU
markets with zero tariffs and zero quotas and participation will also reduce potential disruption for
the trade in goods between the Bailiwick and the EU, which is also comforting.

850 On the fisheries relationship, more comfort. In fact, the UK Government recognises that the
Bailiwick license and manage fishing by EU vessels in its territorial seas under the agreement. A win
to license French vessels and technical controls in a non-discriminatory way. This ensures that the
waters are managed locally and fished sustainably, by applying conservation measures, through
technical controls. All things that we have had difficulty with in the past in dealing with fishing and
855 the French involvement.

Bailiwick vessels will be able to fish in the Exclusive Economic Zones of EU Member States, on
the same terms as the UK vessels and that is another advantage. Bailiwick vessels will be able to
land their catch in French ports with three to five-hour notification. This provides a more stable
fisheries relationship with France and reduces the risk of fisheries disputes, caused by France, which
860 has been experienced in the past.

So the arrangement meets a lot of difficulties of the past and replaces, as far as possible,
Protocol 3 relationship and provides a stable and predictable relationship on fishing. But it is also
worth remembering the Brexit deal is not just about trade. At the same time, as the name suggests,
it is a partnership agreement involving all sorts of other issues, such as road transport, aviation,
865 climate change, policy and security co-operation. The UK is introducing, also, a new immigration
system, which means that free movement of people to and through the EU comes to an end.

As a whole, the withdrawal of the UK from the EU becomes a different world for us, even in
Guernsey. We are to lose rights in Europe. The opportunity to gain employment in Europe. It does
not help young people, and I emphasise young people, applying their professional skills more
870 broadly across Europe. For young people, it closes opportunity. We have lost the right to live, work
and retire in Europe. Some did not have that right before but now, we are all denied. For generations
to come, it closes doors.

So P&R asks that the Bailiwick accepts the terms of the TCA and asks that the UK Parliament
ratify it on our behalf. In all of that, sir, P&R have a duty of care to inform the population of the
875 negative and positive aspects of this agreement and the future effects that this will have on the
Bailiwick and its people.

Thank you, sir.

880 **The Bailiff:** I know you have been very patient, Deputy St Pier, but I am going to call Deputy
McKenna next, because Deputy McKenna, who is stood, will be making his maiden speech, Members
of the States. Deputy McKenna.

Deputy McKenna: Thank you, sir.

885 To stand before the Bailiff and His Excellency the Lieutenant Governor is indeed a privilege. To
be part of this multi-cultural and diverse Assembly, elected by the people of Guernsey, there is no

higher honour. I do not have the vocabulary or the eloquence or the rank to stand before my peers today, but I fully support Policy & Resources for all their great efforts in ensuring that the Bailiwick's involvement in an Agreement between the United Kingdom and the European Union respects, in its entirety, the Bailiwick's domestic autonomy.

890 Isaac Newton once said, in 1675:

If I have seen further it is because I am standing on the shoulders of giants.

On this historic day, we are standing on the shoulders of giants. The Chief Minister, Deputy Ferbrache, was very magnanimous in his kind words to Deputy Le Tocq, past Chief Minister Le Tocq, whose political efforts have resonated throughout the political world and Deputy Le Tocq, in all that is good in Guernsey, radiates from him and we wish him a full and speedy recovery.

895 We also have past Chief Minister Deputy Trott. Deputy Trott was the first person, as I walked through the door, to offer the hand of friendship and I gratefully accepted it. Deputy Trott is a financial and commercial and political giant and I hope to be standing on his shoulders throughout my term.

900 We have past Chief Minister Gavin St Pier and in March, during lockdown, every Friday at the Covid briefings at 1 p.m. I can remember tuning in and we all put our hearts on our thumbs and the great man would come on and say, 'We have got this.' I was frightened for my life. I was frightened for my wife Lorraine's life and my children, I have brought here today for you, Deputy St Pier, because as Chief Minister, for Rory, for Conor, for Orla and Erin, I did not want them to die and every Friday, with Deputy Soulsby and that angel sent from heaven, Dr Brink, you said, 'We have got this.'

I believed you and I remember seeing you and your lovely lady wife in July and I thanked you for saving our lives and as I thanked you and offered my hand there was a steady stream of people behind me wanting to offer you the same. Standing on the shoulders of giants, we are here in this Assembly and grateful for all your efforts that you will put and contribute in the next four years.

910 If I may, sir, mention our Chief Minister Deputy Ferbrache, a very humble man, who qualified as a lawyer at the age of 21 and for over 40 years has been the greatest litigating lawyer of our generation and the people of Guernsey should take great comfort that Deputy Ferbrache is fighting for the people of Guernsey. Not just for their financial future but just for the future of Guernsey. We have got the champion in our corner and I am very grateful, on behalf of my family, myself and no doubt for the Assembly that you, Chief Minister, are fighting for Guernsey from our corner.

915 We give a contribution for just over four years in this Assembly. There are 1,172 Guernseymen who gave total commitment 80 years ago and their names are carved forever at the memorial just 100 yards away. They paid the ultimate sacrifice for this Island, that they love, for their families, and for future generations, that they could live in peace, freedom and prosperity.

920 We have seen further, we are standing on their shoulders. We are standing on the shoulders of giants and they would support this proposal and we must stand shoulder to shoulder this day, fully supporting the proposals in this Agreement, the United Kingdom and the European Union respecting the Bailiwick's domestic autonomy in its entirety, preserving our historic and constitutional rights. We can no longer be known as the Divided States of Guernsey, we must be the United States of Guernsey and through this political darkness a brighter day will come. May god bless the people of Guernsey and may god bless all here. *(Applause)*

930 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I would have much rather preceded than followed that speech!

The Bailiff: I imagine you would have done!

935 **Deputy St Pier:** Nonetheless, I can and will be brief. I would like to congratulate the Policy & Resources Committee and their team in producing this policy letter at very short notice. Having also benefited from the advice of the external relations team, under the political leadership of our absent friend, Deputy Jonathan Le Tocq, for the last four-and-a-half years, I would like to repeat but hopefully not tediously some of Deputy Ferbrache's comments.

940 This team has once again exceeded itself. The small team have had an extraordinary range of issues to grapple with and understand, with very little time to do so. The pressures and deadlines have been exceptional and frequently totally unreasonable and they never, not once, have complained or buckled. More importantly they have never dropped a ball. The whole Bailiwick, I think, should applaud this team today and thank them for their professionalism and commitment for frequently going above and beyond what could be reasonably expected from them individually or as a team.

945 Once again, for a community of 65,000, the Bailiwick has, to coin a phrase, which has been used I think, by both Deputies Ferbrache and Prow, punched well above its weight. In particular, by comparison to other territories with larger populations, we have had access at both official and political levels, ensuring our interests have been both well-represented and not overlooked. I think this is very well reflected in the exchange of correspondence at the most senior level with the UK Government, which is well summarised in Appendix 1 of the policy letter.

950 Deputy Ferbrache read the Lord Chancellor's letter and rightly placed emphasis upon it, including the reference to the UK recognising and respecting 'Guernsey's excellent track record of meeting its international obligations through its own domestic polices and legislation'. I think this rightful acknowledgement makes the inclusion of the permitted extent clause in the UK Fisheries Act so egregious.

955 It seems very likely that that provision was included at the insistence of DEFRA in spite of the advice of the Ministry of Justice and I do think it is regrettable that the Prime Minister did not side with the Lord Chancellor on that occasion. Nonetheless I think it is hoped that this settlement with the EU means that there will never be a reason for that offensive clause to ever be used without our consent.

960 I think the provision for a sunset clause, the 90-day cooling-off period, is clearly welcome, to allow a consideration of the detailed provisions, which we have not yet seen. My one word of caution, as I said at the briefing yesterday and I would welcome Deputy Ferbrache's comments on this when he sums up, is in relation to the so-called non-legally binding political commitments being given in the VAT and tax protocols.

965 We have of course given these before in relation to harmful tax practices and beneficial ownership of companies. Whilst those were, of course, given, at a time when the UK was sitting around the European Council of Ministers, which obviously they will no longer be doing, we should not presume that the commitment is any less real.

970 The VAT protocol is creeping into territory, the collection of other's indirect taxation, in which we have not previously been dragged. The scope and extent is not entirely clear and there is some irony that we are committing to putting arrangements in relation to consumption taxes when we have no such taxes in our own tax system.

975 The tax protocol is somewhat easier to understand and accept, given that we are, in essence, of course, already compliant with the code of conduct on harmful tax practices, because of the work undertaken over the last five years or more. But, given the European Union's parliament's position adopted in June, which is set out in the policy letter, the inclusion of this provision does seem a political nod, or sop, perhaps, in their direction. In that context, I think it does make perfect sense. But my central point remains. These political commitments are largely undefined. But they do remain, a very real commitment has been given by the States of Guernsey today if the Propositions pass.

980 This deal, for Guernsey and indeed the whole Bailiwick, so far as I can tell in the limited time available to us, is as good as we could reasonably have expected, as Deputy Ferbrache said in his introduction. Remembering that we found ourselves in a position not of our own making, as a result

of the UK's public vote in the Referendum on 23rd June 2016, with no levers and limited influence during a period of significant political turmoil and change in the UK, this is a very good outcome that we hoped for but could not be assured of.

990 For that, I think the last States of Deliberation also deserves credit and recognition for setting out the Bailiwick's ambitions and expectations so quickly, on 29th June 2016, less than a week after the Referendum, remember, and holding to them consistently, clearly and with resolution, throughout the ensuing period that followed, which is again well summarised in the policy letter, providing I think much needed stability at a time when everyone around us seemed to be losing
995 their heads. I have no doubt that that has stood us in good stead in the last four years.

I would also like to echo Deputies Roffey and Prow in acknowledging and thanking those EU citizens who are living and contributing to our community. They were welcome before this agreement and they will remain very welcome after it. The package does achieve our objectives agreed in January this year of being relevant, proportionate – which is critical – and practical and
1000 on that basis I will be very pleased to support all of the Propositions.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, this is truly an historic day for the Bailiwick. For nearly half a century we
1005 have been governed by Protocol 3 to the UK's Act of Accession. Today we are entering a new chapter in our relationship with our European neighbours and that chapter is set out in this deal. It is a good deal. Importantly, it is a fair deal.

We have tariff-free trade opportunities. We can manage our own waters. We are happy to work with the EU in respect of VAT information exchange and collection and have absolutely no problem
1010 in agreeing a statement on harmful tax practices, which we conform to already. The change brings opportunity and I believe this deal will bring opportunity.

I am a glass half-full kind of person and I do see this change being an opportunity. Indeed, Deputy Kasantseva-Miller has alluded to some of those opportunities already. I would like to add to the words of the Chief Minister and others and thank all the staff behind the scenes, who have
1015 worked relentlessly for us. This year we have shown how a small group of islands can lead by example in more ways than one. That we have specialists who are as good as if not better than any other jurisdiction, large or small. Small is indeed beautiful.

These have not been easy negotiations, least not because we were not sat at the main negotiating table. But I am thankful to our team and to those working on our behalf, for getting us
1020 where we are today. I am a European. My ancestors have come from various parts of what is now the European Union. As such, I too, like Deputy Roffey, struggle with the UK's decision to leave the EU. But a democratic decision was made and it has always been important that whatever our personal views, we do not look to the past but to the future.

That is a view shared by someone who I know wants to be here today, Deputy Jonathan Le Tocq. I agree 100% with him when he said that we should be voting unashamedly Pour all Propositions.
1025 To quote him from his email to us all yesterday:

Whilst not perfect, this agreement, and more importantly our discreet part in it as a Bailiwick of Guernsey, is I believe as good as it gets in terms of (a) preserving our historic constitutional rights in relation to the Crown and the UK particularly; (b) our existing trading and customs arrangements; (c) our fishing industry and territorial seas governance; (d) our potential future economic interests; and (e) our status as distinct from the UK and, in certain respects, other Crown Dependencies.

This is an Agreement we can be proud to have been involved in shaping for future generations, especially given the cards we were dealt. This is not the end of the road, of course, either for future work with the EU or France, but it creates a better environment and platform for existing and new
1030 business we need to press on with in the months and years ahead.

Sir, two weeks ago we were heading for a no-deal for the Bailiwick. We could not accept what was put in front of us. If that had been the result I am sure we would have made the best of it but

1035 it would have been a longer and more winding road. I am therefore truly delighted that, with the proposals put in front of us today, we are now able to continue to have a positive working relationship with our European neighbours.

There is still more work to do. A lot of time and effort will be required to put the meat on the bones, but we are not working in a vacuum. We have the basis for a new working relationship. For me, working together beats working apart, and for that reason I ask all Members to support these Propositions.

1040 **The Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1045 I think for the Members of P&R, the External Relations team and those of us that are sat on the Future Partnership Development Group, it has been more sunset clause than Santa Claus this Christmas and it is quite a relief to be where we are today with the deal that is on the table. Because, as many people have pointed out, it was looking extremely dodgy even just a couple of weeks ago.

1050 Obviously, I am happy with the fisheries deal but when this was first floated, the static access, with us having control over EU vessels' effort in our waters, I raised a concern then, which I still have now, and I just want to put this on record. If we start to squeeze the effort of the EU fleet in our 6-12, but do not squeeze the effort of our own fleet in our 6-12, I just fear there could be repercussions. I do not know if they would squeeze our effort in the EEZ. Is that possible? I am unsure if that is possible or not. I would like somebody to answer that if they could. Or would they place limits on the amount of fish that we could land in France?

1055 I give way to Deputy Inder.

1060 **Deputy Inder:** I hate to mislead the Assembly by accident, but I have got a very distant memory that we are going to set the effort at whatever that 100% is and we will determine that within the next three or four years. We know that there are going to be shades of grey as it moves over the next five or six years, because you will not get them down to the last kilo or the last fish or the last cage.

1065 If the question is, and I think it was, that we started to squeeze the French side of that deal, we just will not do it because we are in a non-discriminatory deal. The implication of the question is that this Island would then pick one portion of the whole and decide, based on nationality, size of fleet or politics, and we would squeeze that fleet out of our waters. We are not in a position to do that and if we did do that I think it would then affect the goods agreement. I think that is the best answer I can give. I can see the Law Officers are nodding their heads, so I think I managed to answer that one.

1070 **Deputy Leadbeater:** I thank Deputy Inder for that and that has given me some piece of mind. Thank you.

The Bailiff: Deputy Falla.

1075 **Deputy Falla:** Thank you, sir.

1080 I suggest that today's debate should not be regarded as representing the end of something. We are where we are and for the Bailiwick of Guernsey we must regard it as positively, the beginning of something new. Guernsey people had no part in the Brexit Referendum but the result introduced elements of uncertainty for the Island and its people. The outcome for Guernsey and its future relationship with the UK and the EU could have been so much worse than what we are discussing today.

I would like to join others in recognising the impressive efforts of Guernsey civil servants and politicians past and present over the past four years in ensuring that the Bailiwick's interests were properly and robustly represented throughout the negotiations. As a result, we are in a place where

1085 we can continue to relate to and deal with the outside world in a way which honours Guernsey's
distinct characteristics and respects our long-held and highly valued autonomy. It is now time to
look forward and put all our energy into ensuring that we have the very best of new beginnings.

The Bailiff: Deputy Gollop.

1090

Deputy Gollop: Thank you very much.

We have certainly had a number of speeches that have ranged a bit more widely than the topic.
Turning to what Deputy Kasantseva-Miller and Deputy Roffey said about the sad day and it is a
divorce on a number of levels, it is not necessarily really a divorce between ... well, hopefully it is a
1095 divorce between nations who are friendly; but on another level, although I would have voted against
Brexit, I could see that when you have got half of the population very much against a continuing
union then you have a problem. England, or Britain, or parts of the United Kingdom had a problem
for many years of people not wanting to stay in the relationship.

So I think where we are today is the best we can hope for in the circumstances and we have to
1100 work with that. I am going to vote for all the Propositions and I think it was useful, the amendment
that HM Procureur and Comptroller brought, because it is for the most part a very positive letter
and helpful to us. Not just on this issue but on many others.

It does mention the Common Travel Area, that Deputy Lester Queripel and others have alluded
to. Of course there is a degree of not confusion exactly, but Deputy Parkinson's position and Deputy
1105 Prow's position are of course different in terms of nuance and I hope Deputy Prow is right in saying
that the UK points system and perhaps the initial harshness of it to European Union citizens will not
necessarily apply to Guernsey and, as other Members, Deputy Roffey and others, will see the
migration we need. But that actually goes beyond today's debate, really.

The UK Government will continue to work closely with Guernsey. We have had those assurances
1110 and the point about the letters of entrustment are useful too. There are a few, I would not say weasel
words, but some points we have to continue to be extremely vigilant on though, because we have:

Subject to your inclusion, while the UK will retain ultimate responsibility in international law for compliance with
obligations created by the Agreement, it is for the Governments of the Bailiwick of Guernsey to determine, in consultation
with the UK Government as may be appropriate, how the Agreement should be implemented and administratively
enforced in the Bailiwick, and for the Bailiwick's competent authorities to undertake such implementation, as necessary.

That could be used in different ways with different meanings. We are given assurances the UK
1115 Government will work closely with the Governments of the Bailiwick to ensure that their interests
are fully represented and that the Governments are fully engaged in the conduct of any dispute
resolution process. But then I have heard sometimes from members of the public and even
Members of this Chamber, they say, 'I want to be consulted. I want to engage. Nobody is listening
to me.' I feel like that sometimes! But actually people are listening they are just not agreeing and
1120 sometimes these interests are different and so that will be a challenge, moving forward.

Because in the last paragraph, you have:

Where any proposal is made to create or amend any obligation which could apply to Guernsey, the UK Government will
engage fully with Guernsey prior to entering any negotiations concerning those obligations.

That is positive; very positive. To:

I can confirm that the UK Government will involve Guernsey, as appropriate, in discussions about the formulation of the
UK's policy position on such relevant matters.

1125 Actually, for the record, Mr Robert Buckland QC is a Member of Parliament for South Swindon
not that far away, within possibly in the diocese of Salisbury.

The UK Government recognises that the interests of Guernsey and the UK may be different in this context and will only extend any new or amended obligations arising under the Agreement to Guernsey in accordance with the established constitutional arrangements ...

1130 Now, that is the crucial point. Because, although we are given a guarantee of being involved, the UK Government recognises that from time to time the interests of Guernsey and the UK may be different. We have to bear that in mind. I think Deputy Kasantseva-Miller made a particularly useful point about energy because that has not come up that much

1135 I have not been aware too much of threatening points from France, maybe I have not been in the loop to that. But it is an issue that our energy needs, which are so vital to our economy and society, are very much tied in not with our relationship with England or the United Kingdom, but to France, and the European mainland. We have to bear that in mind in all of our future policy and desire for energy independence.

1140 We talked a lot about fish, I am not an expert on fish, which is interesting and there have been some side points on how major fish is to our economy. Well actually it is a very important part of our economy and society and is too for Alderney and Sark, and for Jersey too. But what is not at times clear is where fish stands in our political ecology, because clearly the hard work, the excellent work done on our behalf, has been driven, really, by Policy & Resources and their legal and official team.

1145 The fishery relationship has clearly had significant international and constitutional ramifications but actually it also comes within two other Committee mandates. Deputy Inder is very knowledgeable on fish and talks to people who have worked in the sector, but it comes within our Blue Book of Committee constitutions. Actually Economic Development have the mandate to safeguard living marine resources and the sustainable exploitation of those resources. That is in black and white. Now you could define marine resources as energy, actually, but particularly fish.

1150 Yet you turn to another part of our book, to Environment & Infrastructure and you have their mission is to protect the environment. Point four is protection and conservation of our natural environment. Well what is the fish in the sea if it is not part of our natural environment? Point 12 is biodiversity and that is developed in point 13 about animal life. Well is a fish an animal? That is a biological question, perhaps.

1155 The point I am making is that we do have a little bit of a spray across the political *piste* here of where fish come in. One voice that I have not heard so much in this debate, I think there have been a few voices that have said they would have liked an even better deal for the fishing community and others who have said this is the best deal we could have hoped for, especially where we were in our place perhaps two weeks ago. But we have not really heard what is the sustainability of the blue economy and the fish?

1160 Because what we would not want to see is over-fishing by anybody, although I would prefer to see over-fishing by the Guernsey and Bailiwick ...

I will give way.

1165 **Deputy Inder:** I think, Sir, Members, Deputy Gollop does have a point. We may know the value of the effort, eventually, but we do not actually know the value of the resource and I do not think we ever have. Part of the licensing regime may include a process where new licensed vessels in our waters may have to tell us what they are taking out of our waters and log it. But you do make a point, I do not think this Island has ever understood the value of a resource and I will say to anyone who would listen it is not just about our boats landing in French ports, it is about the value of that resource to the French economy as well.

1175 **Deputy Gollop:** I entirely agree with Deputy Inder. I think it was Deputy Le Tocq and others who pointed out that our relationship with Normandy and France as a whole is all part of this bigger picture. I hope, too, Economic Development work stronger, when we get back to normal, on passenger and freight links to France as well, by sea.

1180 I know you can always quote figures out of context and I will do just that but going back to one of our Guernsey facts and figures documents, one saw in 2014, just six years ago, two years before Brexit, there were 878 tonnes of edible crab – I did not eat them all! – and 128 tonnes of edible lobster. But by 2017 it was not such a good year because 878 of crab had dropped to 674 and lobster had gone down from 128 to 95. There are variations from year to year but the point I am making, there have even been shortages of mackerel, I know from attending the Rocquaine Regatta over the years, mackerel became less plentiful after the middle of the decade.

1185 So fish conservation, as well as sustainability of our own rights and economy is vital. But where Deputy Inder also hinted at a wider point, it is not just the marine, the blue economy, the fish economy that is important in this, not many Members today, although we had an excellent presentation last night and I had a discussion with Deputy Inder about this anyway, have mentioned the massive export sector Guernsey has, which is non-fish related – £45 million, possibly larger than Jersey and the Isle of Man. Everything from light industry, manufacturing, possibly other foods, pharmaceutical products and many others.

1190 That is a much bigger part of our economy and the work is being done, I believe, freeing us from restrictions and tariffs and unnecessary bureaucracy in this and that is actually perhaps an even greater achievement than the work done for the denizens of the deep. We need very much to be focussed on that because our economy has evolved away from being purely a fishing and agricultural sector to much broader than that and, as has been said, there is potential for more exports along those lines.

1195 We do not know everything about the service economy and I am not 100% clear on where foodstuffs come into this that are non-fish related like, I do not know, Guernsey Cream Liqueurs, or Guernsey ice cream should maybe be exported. Some of them might be covered by reframing of Protocol 3. But I think they are details that we need to give further depth to really.

1200 But, as far as it goes, given the fact that it allows the Guernsey fishing industry to continue to work to France, given the fact that it does restrict other fishing vessels within the six-mile limits and it does give us more independence, that is useful. I think the whole tone of it is recognising with greater clarity, and this builds actually on the good work of Deputy Parkinson and Deputy St Pier and Deputy Trott, particularly, in building our reputation for excellent compliance with international codes.

1205 But it does, this particular document, really perhaps for the first time, gives us an international identity that we can, from time to time, move out of the United Kingdom or English umbrella and strengthen our own relationship. It also, usefully, separates us from Jersey and the Isle of Man to a certain extent, recognising our own unique identity and independence.

1210 So, despite perhaps a few reservations about not having had the opportunity to understand everything in depth and understanding exactly what it will mean for certain activities, I think we have to support this today and vote for it.

1215 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1220 Speaking generally, I welcome the Agreement between the UK and the EU, which if ratified by the relevant parties, will form a sound basis for trade and ongoing co-operation, which in turn will have a positive, knock-on effect for the Bailiwick of Guernsey, certainly compared with the alternative.

Both parties have, for example, written into the TCA a commitment to high labour, environmental and climate standards and include non-regression agreements on labour, social and environmental policy, which in short means that neither party will row back or dilute existing standards in this area, which is something I was very reassured to see.

1225 Reading the UK summary of the TCA, the energy provisions support and strengthen the UK and the EU's respective energy and climate ambitions and I welcome the focus and their agreement on facilitating sustainable development, renewable energy and clean technology. With so many of our

key relationships and supply chains inter-twined with the UK in particular, this is encouraging for our own aspirations in similar respects. With reference to the parts of the TCA that specifically concern us as a Bailiwick, this is, as has been said by many others, I think the best deal we could realistically have hoped for.

I just want to pick up on a few aspects that pertain to the remit of the Committee *for the Environment & Infrastructure*. To start on a fairly mundane level, with respect to motor vehicles, Members will be aware that in 2018 we agreed the extension of the Vienna Convention to the Bailiwick, which was a necessary by-product of Brexit. We are still working on some issues. We are still working through them. Such as mutual recognition of driving licences and tests in some European countries such as Italy, which affects people relocating there. But I will take this opportunity to remind Islanders that anyone travelling with a vehicle should have an international driving permit, and IDP, if they are planning to drive in Europe or beyond.

Sanitary and phytosanitary measures that relate to plants, animals and products of animal origin. These are ultimately about maintaining biosecurity and protecting human health. So they are not going to light up this debate but they are important. In time we may need to improve our own standards in some respects, such as labelling, but these measures will be proportionate to the low volumes of trade in agri-feeds.

Fishing has an historic and cultural significant that goes far beyond its contribution to our economy. It is, as Deputy Ferbrache put it in his opening speech, in our DNA. So our autonomy over our territorial seas is a really important component of our participation in this Agreement. As Deputy Inder has already made clear, a marine spatial plan will be a critical piece of work with respect to a longer-term, sustainable fisheries policy, as it will form a key evidence base in managing our territorial seas.

A marine spatial plan, delivered through the Strategy for Nature, has already been identified as a priority for the Committee *for the Environment & Infrastructure* and the support of the Committee *for Economic Development* is very much appreciated, recognising as they do the key role that a marine spatial plan will also play in the development of marine-based renewable energy and other aspects of the blue economy and this also speaks to the point that Deputy Gollop raised in his speech just before mine and the response by Deputy Inder about the value of that resource.

Again the Strategy for Nature, the work that goes into that, and the data collected, will give us much better data about the value of that resource and not just in monetary terms.

So a good relationship with both the French national government and the regional government of Normandy is important in the development of submarine electricity cables and therefore our Energy Policy. So fishing affects a sector of our community but the provision, affordability and security of electricity affects just about everyone.

The cable project relies on co-operation with state-owned entities such as EDF and RTE, and so requires political, governance support at national level, and it also needs permissions to be granted at regional level, for example around surveying and planning. So, as the policy letter makes clear, a positive regional relationship, particularly on fisheries matters, will be essential to help ensure support for the project and alleviate concerns.

I endorse many of the comments that Deputy Kasantseva-Miller made with respect to opportunities to strengthen environmental protections, biodiversity and renewable energy. She is right that the second inter-connector is an important facilitator for the development of our own renewable energy aspirations and I should take the opportunity to stress that greater energy independence, which is a principle enshrined in our energy policy is not a simple, quick or inexpensive thing to achieve. Energy affordability is an important part of the energy trilemma and our current and ... *(Interjection)* Sorry? And our current and future cable links to the European grid are absolutely essential in ensuring that energy transition is well-managed and well-supported,

But generally speaking, I am of course happy to support the Propositions in full and I hope they will be supported unanimously.

The Bailiff: Deputy Trott.

1280 **Deputy Trott:** Thank you, sir.

I shall speak briefly and in one regard repeat something that has been said earlier. That is the important and salient points that are included in the Lord Chancellor and Secretary of State for Justice's letter to our Chief Minister, that he referred to extensively from, dated Christmas Eve.

The three points I want to draw on are the sentences:

The UK recognises and respects Guernsey's excellent track record of meeting its international obligations through its own domestic policies and legislation.

1285 That:

The UK Government continues to support Guernsey and the other Crown Dependencies seeking Letters of Entrustment in additional policy areas, where appropriate, recognising as it does the value to the Crown Dependencies of representing their own interests on the international stage.

Lastly that he anticipates and he is ...

... supportive of the Bailiwicks of Guernsey and Jersey requesting entrustments to negotiate the arrangements referred to in the declaration directly with the EU in due course.

1290 Those are particularly relevant and salient comments and I think point directly to the foresight of those who decided upon the pan-Channel Island initiative, the Channel Islands Brussels Office because it will continue, I think, to serve us proudly in the years ahead. It also shows the importance of not only recruiting but also being able to retain some of our top advisers and some of those advisers of course are in this Assembly today.

1295 I now want to move to paragraph 1.5. I was afforded the opportunity last night, through the Chief Minister, to ask our senior leadership team directly whether they shared the view of the Policy & Resources Committee, this policy letter is after all a political document, whether they shared the view that they were firmly of the view that the Agreement on offer was the best we could have hoped for.

1300 And they did and that is extremely comforting to me. Because politicians come and go, we have got a senior leadership team who have been at the coalface of this for years, know what a good deal looks like and, not for that reason alone, but that is certainly a very important piece of information that will enable me to support all of the Propositions.

1305 I now want to move to paragraph, 1.25 and 1.24, and in that order with regards to side declarations. Because paragraph 1.25, others have referred to it, they are really very important amendments undertaking, as the Chief Minister explained, in fairly recent times, the last few weeks in particular.

Paragraph 1.25 says the declaration ...

... is a non-legally binding political commitment for the UK. Guernsey already meets the Organisation for Economic Co-operation and Development ('OECD') and EU Code of Conduct standards on fair taxation and tax cooperation which are referred to or implied in the political declaration.

1310 Then arguably even more importantly, the paragraph before, 1.24. which says:

The UK and the EU have agreed a 'Joint Political Declaration on the Countering of Harmful Tax Regimes which includes a commitment that the Parties will encourage the application of its principles in the territories for which they have special responsibilities or taxation prerogatives'.

1315 That, of course, includes the Channel Islands and the words, and I think the Chief Minister may have emphasised the word 'encourage' in his speech earlier, is particularly relevant. You may recall, Mr Bailiff, before you rose to the high office that you hold today, you and I attended a conference in Brussels on unharmful taxation and particularly on tax harmonisation. It was the view of the most dominant Member State, Germany, back then, it remains the view of the most dominant EU state today, Germany, that having a uniform tax rate across the EU is a desirable objective.

1320 Now, the UK were never of that view and could have vetoed that. The UK is no longer there. So the idea that the UK would somehow or other be pressured by the EU into having some sort of uniform tax rate that coincided or conformed to the EU is virtually unthinkable. As a consequence, their ability to be able legitimately encourage us to conform in a way that the EU may have wished is increasingly unlikely.

1325 That should be very comforting to our international financial services community who know that, whilst we would not have a particular issue conforming, if the playing field was level, the playing field can never be level until such time, and there are others – Deputy Parkinson and Deputy St Pier in particular – whose understanding of this issue because they are chartered tax advisors and barristers, is greater than mine, we all know that without a network of international tax treaties that ensure that the platform remains neutral, we could never move in that way to that type of tax regime without having a very significant, a mountain to climb in terms of providing any form of competitive tax environment. So these issues are particularly important.

1330 The other issue I want to raise, finally sir, is around the issues to do with fishing. Deputy Helyar, for comedic, I think, effect, mentioned that he had possibly measured my crabs behind Herm. Of course he did not do that because, during his time as a sea fisheries officer, I did not fish for crab. I fished for wet fish. He may well have gauged my sole, but he certainly did not measure my crabs. *(Laughter.)*

1335 Had he been a sea fisheries officer back in 1978, when I was a 14-year-old boy, he may well have done, because I was lucky enough to have a job as a fishing hand on a boat, two boats in fact, both of whom fished down at the Roches-Douvres. Now Guernsey's crab fleet did well out of the Roches-Douvres, but it was effectively forced out of that area through what I think was coined at the time as almost state-sponsored terrorism, because the French authorities sat back as large French trawlers repeatedly trawled through the static gear, making the losses greater than the rewards for the catch, they were forced away.

1340 Now why is that history important? It is important because in the late 1990's, Jersey agreed to something called the Bay of Granville Agreement and in agreeing to the Bay of Granville Agreement, they used a reference period from the late 1990's, which did not in any way reflect Guernsey's historical fishing effort in that area.

1345 Now, I wrote to all Members of the Jersey States in 2002. I was a back bencher and I was Vice-President of the Sea Fisheries Committee. I wrote to them a few days before they debated the Bay of Granville Agreement and I said to them this is not good neighbourly for Guernsey, this is something that will come back to haunt you, mark my words. This is unfair, this is discriminatory, do not do it.

1350 They did do it and it is now the issue that differentiates Guernsey's attitude and behaviours towards the UK's negotiated agreement and Jersey's. It creates enormous problems for Jersey, because of course, as Deputy Brouard referred to earlier, the French can fish in Jersey's 3-6-mile zone, potentially up to the beaches, which will make conservation and other issues extremely difficult.

1355 So I do support these Propositions in their entirety. I thank, as others have, the Civil Service and indeed our political successors, for all the hard work that they have put in, and I am going to end by saying it is not always a joy to be part of a debate in this Assembly. Occasionally they can go a little awry, notwithstanding your ethics and presiding skills, but this morning it has been a genuine pleasure to listen to the quality and, as Deputy Roffey said earlier, the diversity of matters covered in this debate. It has made me proud to be a Member of the States, as it did my friend Deputy McKenna, sir.

Thank you.

1365 **The Bailiff:** If no one else wishes to speak in debate, I will turn to the President, Deputy Ferbrache, to reply to the debate.

Deputy Ferbrache: Sir, I would like to echo the comments made by Deputy Trott. It has been a privilege, this debate has been a privilege. There have been lots of comments. There have been a few concerns but they have all been expressed in a balanced and proactive manner, so I am very grateful for the comments that have been made.

I would like to take up a theme, I think, made by Deputy Trott and by Deputy St Pier, about taxation matters. I think Deputy Trott has hit the nail on the head in relation to paragraphs 1.25 and 1.24. My view is that by us being in the arrangements that will hopefully follow in the next few days, it is actually going to make it more difficult for the EU to enforce tax rules, regulations and concerns on us than it has been up to now.

Because the UK are going to be one step away. One of the reasons that the UK moved away, I believe, from the EU was because not only the English nationalism that Deputy Roffey referred to – I do not know if that existed at all or not and that is not my concern, I am not an Englishman – but in relation to that the point that was made was that they were concerned about tax harmonisation going too far.

Now Deputy Trott, as I say, has made that point. Deputy St Pier also makes a valid point and it is really dealt with in the paragraph, I think, that precedes it in the policy letter, paragraph 1.23, but he is absolutely right. I think he was saying *sotto voce* is keep your eye on this. I think that is what he was saying and he is absolutely right.

At one time in the discussions that we had, we thought that the red line in relation to taxation matters, if I can use that in the minor sense, was going to be a red line, we were not going to be able to cross that, we were not going to be able to meet and we would be sat in here today or whatever day when we were sat in here saying, 'Look, Members of the States, we do not recommend that Guernsey signs up to any of these arrangements.'

We have moved on from that. But be vigilant, is I think what the soft, unsaid, words that Deputy St Pier was saying and I agree with him. We must do that going forward. A non-binding declaration, we must not give it any more gravitas that it has but we must deal with matters in a balanced way.

Deputy Queripel said would I bang the table. Well, I do not think I have ever banged a table in my life but I think I have made my points over the last 40 or so years in the various forms of context quite strongly. But politicians, as Deputy Trott said, are transient. We come and we go. The point is whoever does this job, now or in the future, must ensure, with his or her colleagues, that it is dealt with in the best interests of the Bailiwick of Guernsey and it is dealt with in a constructive way.

Compromise means nobody is entirely satisfied, because you have got to give things that you do not want to give and you have got to accept things that you do not want to accept. But on balance you have got to look at whether you have achieved something. Deputy Queripel also said what is the value of our fishing industries, let me deal with that. I think it is £5 million to £6 million per annum, I am grateful to Deputy Inder for passing a note of fishing product, if I can use that, are landed on French shores and it is about 0.5, perhaps a bit less of our GDP, or GBA, whatever phrase we use. In relation to that, that is about commensurate with the UK, we could draw an analogy with the UK.

But it is an important industry. As I have said and Deputy de Sausmarez reiterated that point, it is in our DNA. It is also more important than just the financial bits because we are an island, we are an island; we are a group of islands in the Bailiwick. We have established, through the good work of our predecessors and the diligence of many people, our civil servants etc. we have increased our territorial waters from three nautical miles to 12 nautical miles. We now have control over that and post 31st December, we will have a regime in force. It will take a time to implement, etc., that we have not been able to do so before.

Now, of course, overall in relation to these arrangements and Deputy Queripel was also worried about people with bad records coming into our shores, etc. Deputy Prow dealt with that. We have got an immigration policy, we have got a Population Management Law, we can control that as best we can.

As to enforcing the rules and regulations, yes, we have got courts, we have got one sea protection vessel but we have got weapons in our armoury. So we will do our best and I am sure that we will enforce the regulations as best and as practical as they can be.

1420 What we did, what those that wrote the policy letter did, at page 36 onwards, over a few pages, they set out, it is at table one, it said 'comparing the Bailiwick's objectives with the outcome of negotiations'.

1425 I would ask the Members to reflect on the whole of that table and the third column is 'UK-EU Agreement Bailiwick inclusion' and then it deals with where we have come with the outcome of negotiations. The first paragraph talks about UK trade in goods:

Any requirements will be relevant, proportionate and practical.

1430 Those words follow in relation to all the various categories that have been negotiated. The phrase that appears, that resonates, and I would ask that it resonates with Members of the States and beyond this Assembly, is that the results achieved are 'relevant, proportionate and practical'. They are never ideal, they never will be ideal. This Treaty will hopefully last, as I say we have got the sunset clause if we do not like it, but hopefully it will endure for a long time.

1435 Now, we have had some really good speeches made by people who have expressed their views in relation to the matter. Deputy Roffey talked about whether the British public made a terrible decision in voting to come out of the EU in 2016. That is not a jot, that is nothing to do with us. We are the Bailiwick of Guernsey. We are not part of the United Kingdom in a wider sense. We have to deal with the cards as they are given to us. We have to deal with the situation as it is. We have to deal with history and the opportunities that they presented as they are.

1440 As I said earlier, life is not always as you want it to be but you have got to deal with it as it is. I believe, and I genuinely believe, that we will be entering a different world on 1st January and it is a world of great opportunity for the Bailiwick of Guernsey. It really is an opportunity. We are going to go out and we are going to have a different relationship, a wider relationship, we should grab it with both hands. I commend the Resolutions to the Assembly.

The Bailiff: Thank you very much.

1445 There are eight Propositions, Members of the States, there has been a request for a recorded vote. Can I put all eight Propositions as a package to you, with a single vote or does anyone want any put individually? In that case, Greffier, we will have one recorded vote on all eight Propositions, bearing in mind the amendment that was successful earlier.

There was a recorded vote.

Carried – Pour 37, Contre 0, Ne vote pas 0, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Leadbeater	None	None	Alderney Rep. Roberts
Deputy Mahoney			Alderney Rep. Snowdon
Deputy Matthews			Deputy Le Tocq
Deputy McKenna			
Deputy Meerveld			
Deputy Moakes			
Deputy Murray			
Deputy Oliver			
Deputy Parkinson			
Deputy Prow			
Deputy Queripel			
Deputy Roffey			
Deputy Soulsby			
Deputy St Pier			
Deputy Taylor			
Deputy Trott			

Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kasantseva-Miller
Deputy Le Tissier

1450 **The Bailiff:** Members of the States, in respect of the eight Propositions that have been placed before you, as you will have heard, there voted Pour all 37 Members present, with three absentees, and therefore all Propositions are carried.

Members of the States, I am sure you are all desperate to get away as much as I am and therefore I will simply hope that next Christmas you do not get the same sort of present from the States' Greffier of a policy letter and an urgent debate!

1455 I am now going to go and pick up the free conference bag that I got when I went to Brussels in 2009, with Deputy Trott, which is still just about doing good service and hope, in the nicest possible way, that I do not see any of you in this room for the rest of this year! Have a good 2020 and a good 2021. You are all welcome to come along and have a drink at the reception on Friday morning, so I hope to see as many of you as are able to get up there at that time.

With that I invite the Greffier to close the Meeting.

The Assembly adjourned at 12.52 p.m.