

## JACK STRAW DOES IT AGAIN

### **This is a very familiar scenario!**

In a surprise move, and quite contrary to our expectations, the independence debate seems to have died a sudden death on Guernsey. Without consulting the electorate, contrary to agreed policy and without mandate, Chief Minister Trott has signed an agreement with Jack Straw and the UK government which, according to the Guernsey Press, will “*substantially weaken Guernsey’s autonomy*”. How? Alarming, this agreement would, if ratified, give the UK power to act for Guernsey, internationally, without the island’s prior consent, so long as there is “consultation”. Does that sound familiar?

Firstly, this is exactly what Gordon Brown did when he signed the Treaty of Lisbon without, as promised, consulting the UK electorate. This Treaty widens the EU power to act and legislate for the UK without further consent.

Secondly, it is exactly what Guernsey continuously seeks to do in relation to Sark. A steady stream of legislation with “opt-out” (not opt in) clauses are presented for the acceptance of Chief Pleas by Guernsey. Such legislation empowers Guernsey to further legislate for Sark without even having to first consult Chief Pleas.

The responsibility for the Crown Dependencies, i.e Guernsey, has in turn lain with the Home Office, the Department for Constitutional Affairs and now finally the Ministry of Justice, Jack Straw’s department. The Guernsey Law Officers still maintain that the UK cannot impose anything on the island – after the dotted line is signed. Does that ring any bells?

Earlier this year, Jack Straw exerted much pressure on Chief Pleas to ensure that his preferred version of Sark’s Reform Law, Option A, was accepted forthwith and presented to the Privy Council for Royal Consent without further ado. Nothing else would do if Sark were to have a “proper” democracy. But, lo and behold, during the subsequent Judicial Review that sought to challenge this Reform Law due to its obvious flaws, the UK Court decided that UK Human Rights legislation had no application to UK institutions and that it did not therefore come under that court’s jurisdiction to rule in the matter. In other words, after Chief Pleas had signed the dotted line, the UK judiciary was happy to wash its hands of the affair.

(It still remains to be explained, of course, why, if that was the case, it was it any of Jack Straw's business, in the name of democracy, to dictate to Sark the terms of the island's law reform in the first place.)

**When it comes down to ratifying Chief Minister Trott's signed agreement, the members of the States of Guernsey will do as they will. One thing is for certain: The situation makes it glaringly obvious that it is absolutely imperative for Sark to actively safeguard and cultivate the autonomy and independence it still has – or suffer the consequences and effectively become a puppet of Guernsey and part of the European Union by default. Guernsey itself must wake up and smell the constitutional coffee rather than sleep-walk into oblivion.**

S. Oliver  
Editor, Sark News