

THE STRAW THAT BROKE DEMOCRACY'S BACK

Jack Straw, champion of human rights and open government, born in Buckhurst Hill, Essex, brought up on a council estate in Loughton, student firebrand, supporter of Blackburn Rovers and torch bearer for New Labour, the man who consciously adopted the name "Jack" rather than his given name "John" so as to identify with one of the leaders of the Peasants' Revolt of 1381, supports feudalism as a suitable form of government for the island of Sark. This is the strange state of affairs for which Mr Straw is personally responsible in the Channel Islands.

Until now, the great majority of the members of Sark's parliament, Chief Pleas, have been landowners; the owners of the 40 parcels of land that Sark was divided into when the island was re-settled by Royal Charter in 1565. Believing that this would change their society from a feudal fiefdom to a modern democracy, the people of Sark recently decided that their parliament, Chief Pleas, instead should be a fully elected assembly. So far so good.

The problem is that the birth of democracy on Sark has been overshadowed by the feudal lords doing their utmost to retain their powerful grip on this small community. Michael Beaumont, Seigneur of Sark, and Lt Col Reginald Guille, the Seneschal, would under the proposed new constitution still be unelected members of Chief Pleas. Although they would not be able to vote, they would still have the right to speak to the assembly. They would still be in charge of appointing most of the island's officials and administrators. The Seigneur would still have a limited veto over legislation. They would still be trustees of public assets. In other words, the proposed new constitution that Jack Straw so avidly supports is nothing else than feudalism in disguise, since the Seigneur and the Seneschal, Sark's feudal lords, would still have their fingers in every pie. It maintains centralised power in their hands.

Who, then, are these feudal lords?

The Seigneur of Sark was not elected, nor was he appointed by the Crown. No, his claim to the fiefdom and the title of Seigneur has rather more prosaic roots; he inherited it from his grandparents who obtained it when they foreclosed on an unpaid mortgage in 1846. The security for the mortgage happened to be the island of Sark. Until last year, the Seigneur claimed his feudal tax of a thirteenth of the purchase price on all property sales on the island. Not a penny of this has ever gone into the communal coffers. Despite the island's failing economy, declining tourism and years of lack of investment, it has now been proposed that since the Seigneur has "given" his feudal tax over to Chief Pleas, he should instead receive the sum of £28,000 annually in return for his undefined "civic duties". In addition, this sum, a considerable burden on the already stretched finances of the island, should be index-linked, for life, and passed on to his heir in perpetuity. Why on earth should the islanders, who have never received anything from him, now pay the Seigneur and his after-comers a generous annuity for life? Feudalism at its best!

The Seneschal is appointed by the Seigneur. He is both president and speaker of Chief Pleas, keeping tight control of the parliamentary agenda as well as the debates. This means Lt Col Reginald Guille has the power to stifle "undesirable" debate and orchestrate and manipulate what goes on to ensure that Chief Pleas bends to his will and makes the decisions he wants. As the Seigneur's side-kick, he controls who is appointed to the various administrative positions on the island. Since he is also in charge of property conveyancing and liquor licensing, amongst other things, people's livelihoods often depend on the Seneschal's say-so. This, of course, makes it very difficult for people to disagree with him publicly. To top it all, the Seneschal is Sark's only judge and magistrate, despite the fact that he has no formal legal qualifications. Sark's proposed new constitution, eagerly endorsed by Jack Straw, does not aim to limit the Seneschal's extensive power in any way. In fact, it

does quite the opposite by making it a job for life with no fixed retirement age. Democracy indeed, Mr Straw!

It was Jack Straw's administration which imposed the Human Rights Act on the British people. In supporting Sark's proposed new constitution, Mr Straw is promoting legislation that is in breach of European Convention on Human Rights which the Human Rights Act brought into British law. Can we take it that the human rights of the people of Sark are not as important as those of the people of Britain?

The Sark people have had to fight for their rights. Until recently, Sark's feudal laws dictated that only the eldest son could inherit property – primogeniture – and women had little legal protection. It is incomprehensible and outrageous that Mr Straw now recommends this half-baked “feudal democracy” to the Privy Council for Royal Assent. Although Jack Straw and the other Labour Ministers who meddle in Channel Islands affairs had threatened to do this for several months, it is still amazing that they have supported legislation which breaches the ECHR and which even they themselves admit is not consistent with a modern democracy.

Why does a champion of human rights, firebrand and Labour torchbearer support a regime where, in theory, you can be arrested by the Constable, who is approved by the Seigneur, and then judged in the Seigneur's Court of the Seneschal by the unqualified judge that the Seigneur himself appointed? Perhaps the high ranking meeting that took place in his office back in January holds the clue to this question. Is it possible that Mr Straw's better judgment was overcome by the combined glamour and power emanating from the Seigneur of Sark, Michael Beaumont, Lt Governor Sir Fabian Malbon, and the Bailiff and senior judge of the Bailiwick of Guernsey, Mr Geoffrey Rowland? Or, is it pertinent that the Bailiff, a high ranking freemason in the islands is a close friend of the Bailiwick's senior Law Officer, HM Procureur Nic van Leuven, who just happens to advise Mr Straw on matters relating to the Bailiwick and the island of Sark? One thing is for certain, this

group, consisting of not one person elected by the people of Sark to represent them, sat down to discuss the way forward for democracy on Sark and ended up enhancing the roles of the Seigneur and Seneschal.

Sark's proposed new constitution is strongly opposed by many of the islanders, who want to see the island led by a transparent and fully democratic government. These islanders have the support of Sir David & Sir Frederick Barclay, the owners of the neighbouring island of Brecqhou, who have successfully petitioned the Privy Council in the past. Therefore, proceedings have been issued by Sir David and Sir Frederick in the High Court in London against Jack Straw and the Privy Council, challenging the lawfulness of their decisions to recommend the legislation for Royal Assent. Our Ministers now face media ridicule and Sark's new constitution being quashed by the High Court, when it would have been so easy to bring in full democracy.

For the people of Sark and the island's future generations, let's hope this happens! Feudalism has no place in the 21st century, whatever the hidden agendas, whatever new label it is given and whoever endorses it. True democracy can never co-exist with feudalism. There is no such thing as a feudal democracy, Mr Straw.

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