"Ensuring adequate Parliamentary scrutiny of Commonwealth and foreign affairs"

It’s a pleasure to be speaking to you here in Colombo at this prestigious CPA meeting. I would particularly like to thank the CPA executive committee and this year’s president, Speaker Rajapaksa, for their excellent organisation and warm welcome. This is the second time I have had the privilege of addressing you: the first occasion was at the 56th annual conference in Kenya, when I was Jersey’s Social Security Minister. In October last year, I was elected Chief Minister – which might explain why I have acquired a few more grey hairs since we last met.

The CPA is a valuable forum for the exchange of ideas. I particularly value the great diversity that the Association offers and the fact that there are still many issues that are common to us all. One such issue is our shared commitment to democracy. And, as we all know, a key characteristic of a healthy democracy is a robust system of Parliamentary oversight and scrutiny.
The specific question I would like to consider today is how best to ensure that adequate Parliamentary scrutiny of foreign affairs takes place. This is, of course, a notoriously tricky area of government to scrutinise, given that so much diplomacy is conducted in a confidential environment and policy decisions must often be made quickly and reactively. Added to which is the difficulty of defining what exactly is meant by the phrase ‘Parliamentary scrutiny’.

Despite 800 years of autonomy in a wide range of areas, Jersey only recently acquired a greater degree of independence regarding its external relations when the States of Jersey Law was adopted in 2005. This makes us relative newcomers to the complexities of foreign affairs, and we are keen to discuss and learn from you on these issues.

Specifically, I would like to focus on three key questions concerning Parliamentary scrutiny of foreign affairs.

- What are the areas of foreign affairs that Parliaments would wish to scrutinise?

- Is there a way it can be done better?
• Is there a way to work more in parallel as issues and policies develop, as opposed to conducting retrospective inquests?

Certainly from our limited experience, and looking around at the experiences of other nations' governments, it seems that Parliaments' scrutiny of foreign affairs generally tend to concentrate on policy, administration and expenditure. These are the natural questions to ask of any government, in any sphere of its operation:

• Are you doing the right thing?

• Are you doing things right?

• And are you deploying the right resources?

Clearly, these can sometimes be difficult questions to answer – at least to the satisfaction of our scrutiny panels and select committees. Naturally (and forgive me for sounding a little partisan here) this is not because governments are failing to do the right things or to organise them properly and within budget. It is simply due to the fact that the nature of external
relations means that it does not always fit neatly into the scrutiny template. This can be for any number of reasons – perhaps it is an issue of timing or confidentiality, for example.

The problem that can result from this is that foreign affairs is often considered to be a matter dealt with by ministers without the involvement of Parliament. And this perceived lack of involvement could be said to be a failure by Parliament to fulfil one of its vital roles of scrutinising the actions of ministers and of holding government to account.

Added to which, as if Parliaments didn’t have it hard enough, the job of scrutinising foreign policy becomes tougher still when you factor in multinational organisation, which has become an increasingly common feature of our geo-political landscape. Who, for example, scrutinises the G20? This presents a particular challenge where governments have pooled their competence, such as in institutions like the European Union.

Perhaps these challenges might be more easily faced if we were to develop more inter-Parliamentary scrutiny of policy, drawing in members from different relevant Parliaments in cases where policy is being developed in a multinational context. For example, the UK Foreign Affairs Select
Committee is considering *The role and future of the Commonwealth*, but could policy set by the Commonwealth Heads of Government also be scrutinised by inter-Parliamentary groups?

As I have already mentioned, we are sufficiently diverse to bring different perspectives to the scrutiny of foreign policy, and yet we share a common set of values that give us a basis for helpful discussions.

Inter-Parliamentary dialogue and cooperation is not the only way of gaining an outside perspective on our domestic systems of Parliamentary scrutiny. It is worth remembering that we already have an effective framework against which we can judge whether or not Parliament is ensuring adequate scrutiny of foreign and Commonwealth affairs. The Inter-Parliamentary Union, for instance, provides us with a toolkit for self-assessment, including a whole section on Parliamentary involvement in foreign affairs. This poses a number of good and searching questions for all Parliamentarians to consider.

Each government will have its own particular ways of tackling this issue, and this is certainly true for Jersey. As I alluded to earlier on, Jersey delegates the responsibility for its external relations to the Chief Minister, which makes our own scrutiny system slightly unusual in this respect. However, the same
basic principles apply. In Jersey, just as elsewhere in the Commonwealth, the main forms of Parliamentary scrutiny are direct oversight from Parliament itself, in the form of questions from elected representatives and the ratification of international agreements, and the more structured scrutiny process conducted by panels and committees, such as the UK’s Foreign Affairs Select Committee or, in Jersey’s case, the Corporate Services scrutiny panel (whose Chairman is here with us today).

As I have mentioned, working in partnership may be one way to ensure that adequate scrutiny takes place, and we have begun to take our own small steps in this direction. Jersey and Guernsey have recently established the practice of arranging joint meetings between our respective governments’ ministers who deal with international relations. The main purpose of this is to work closely together but it has the added benefit of ensuring that our foreign policies are subject to another level of scrutiny while they are being developed. We see this as a useful addition to the more retrospective work that characterises the remit of select committees and scrutiny panels.

Of course, while this may be a useful form of scrutiny, it does raise the question of whether or not it constitutes adequate Parliamentary scrutiny? Similarly, independent bodies such as the OECD and the IMF also perform
an important function in the scrutiny of foreign and Commonwealth affairs. Again, this cannot be categorised as Parliamentary scrutiny; however, I would argue that it provides a rich source of objective material to our own elected representatives charged with the task of scrutinising how we set and put into practice our own foreign policies.

Something else that we all have in common is the increasing need to actively engage with other governments around the world as the process of economic globalisation continues. While the UK is still our most important economic partner, Jersey’s high degree of autonomy also allows us to develop relations, both political and commercial, with other countries. Many countries represented here will have a much broader and deeper programme of foreign engagement than we do, and I would be very interested to hear delegates’ views on the value of common scrutiny of foreign affairs.

I have touched on a number of issues today and I am sure that there will be as many views on how best they can be tackled as there are people in this room. That is, of course, the nature of this particular topic. However, I cannot overstate the importance of continuing this discussion within the forum of the CPA annual conference. I would go so far as to suggest an
annual debate on the opportunities for inter-Parliamentary scrutiny of foreign affairs.

It is a shared goal of all Commonwealth Members of Parliament to ensure that the Commonwealth remains a relevant global organisation in the years to come. I fully support proposals to reform the Commonwealth and I would like to conclude by reiterating the great value that Jersey attaches to its membership of the CPA. As is clear from what is turning out to be yet another successful and productive annual conference, the CPA continues to be a helpful and supportive environment in which to discuss some of the key issues that affect us all.