

YOU GOVERN NOTHING!

Ladies and Gentlemen

OPENING INTRO

Well thank you for coming tonight and, also, thank you for affording me the specific honour of giving this year's Raymond Falla memorial lecture.

I am well aware of the special place Raymond Falla holds in the history of the occupation of these islands and his legacy with respect to their post-war recovery; and equally well aware of the special place this lecture series holds in the affections of Guernsey folk. I am also highly mindful of the distinguished list of previous speakers in this series, and more than a little conscious of the need not to let standards slip!

With that in mind, the title of my pitch tonight is drawn from a somewhat hastily arranged conversation with one of my predecessors, Sir Fabian Malbon, when, rather unexpectedly and at very short notice, I discovered I had been offered the opportunity to become the 121st Sovereign's representative to the Bailiwick of Guernsey. Sir Fabian, probably equally surprised that one of his, previously errant, junior officers had been offered such a prestigious position, and possibly fearing, if not for the actual safety of his beloved islands, certainly their sanity, offered me words of advice that he, in turn, had received from his predecessor-but-one, the much-loved Sir John Coward.

Sir John, as many of you will know, had quite a way with words and, doubtless with a mischievous grin and glint in his eye, had told Sir Fabian, with perfect succinctness, **'just remember, as Lieutenant-Governor, you govern nothing. There is no 'job' to do, just a position to be filled.'** Those words have stayed with me ever since.

Sitting under Sir John's marvellous exposition, of course, is the best part of a thousand years of evolution of the subtle and nuanced relationship between the Bailiwick and the English (latterly British) Crown and, more recently, in fact much more recently, between the Bailiwick and Her Majesty's Government of the United Kingdom and Northern Ireland through the institution of the Sovereign.

The Lieutenant-Governor is, in many ways, the local personification of that complex relationship. This is, of course, reflected in my accountability - which is neither to the Government of the United Kingdom, nor the Government of Guernsey, but to the Sovereign Herself; albeit that Her instructions may (as it says in my Royal Warrant) *'from time to time'* be relayed to me through one of Her Principal Secretaries of State.

That is my formal accountability. I do however choose, on the wise advice of another of my previous military bosses and erstwhile Lieutenant-Governor of 'the other place', General Sir John McColl, to regard myself as being equally accountable to another, very important, caucus - and that is the people of Guernsey, Alderney, and Sark.

Highly laudable, you might say, but of course, that is where the fun and games start! Threading one's way through the multiple expectations of everyone in the Bailiwick, some of whom are completely unaware that the office even exists, through to others who seem to feel that, as residents in a Crown dependency, the Sovereign will personally intervene in their every minor grievance, can be quite a challenge.

In fact, if I ever needed to be reminded of the wide range of expectations that come with such a job description, I only need to look back at one young man (probably year 5, I think) who confronted me in his school corridor whilst I was visiting and, with a withering look of utter dismay on his face, loudly proclaimed 'You're not President Trump!' I don't know what he had been told about the visit, but clearly he is one young man who is going to continue to be highly disappointed in the performance of his current Lieutenant-Governor!

Although it does present an interesting thought as you cast your minds to the process of choosing my successor!

APPLYING FOR THE JOB/INITIAL IMPRESSIONS

Anyway, where to start? Maybe by explaining how I came to be the Lieutenant-Governor in the first place. Once again you can blame Jersey and Sir John.

It all started in December 2014, at a reception in the Chairman of the NATO Military Committee's residence in Brussels to mark the end of NATO's combat mission in Afghanistan. Sir John, as the mission's first Commander, was one of the guests of honour and proceeded to extol, at some length, the extensive virtues of the Channel Islands and the role of the Sovereign's representative.

Anyway, suitably intrigued, and knowing that my time in Brussels would, at some point, have to come to an end, I unashamedly applied for all three Lieutenant-Governor's positions; here, in Jersey, and in the Isle of Man, all of which were due to become vacant sometime during 2016.

Of course the Guernsey process was suddenly accelerated by the very sad and totally unexpected death of my predecessor, Air Marshal Peter Walker. So it was, somewhat earlier than expected, that I found myself in an interview room in the East India Club sitting opposite the then Bailiff Sir Richard Collas, the President of the States of Alderney, and the Speaker of Sark Chief Pleas.

It is worth making the point, for those of you who don't know, that, unlike years gone by, the process of choosing your Lieutenant-Governor these days, is almost exclusively in your own hands. The selection process is Bailiwick led and the interview panel comprises Bailiwick representatives, potentially supported by an HR expert from the UK Ministry of Justice, but with no 'voting' members, if I may put it that way, from the UK.

Yes, of course, your recommended candidate is forwarded to Her Majesty for approval, via the Lord Chancellor's office, a process that may include some discrete vetting (to be absolutely honest I don't know); but I think it highly unlikely going forward that circumstances would arise where any such recommendation by the Islands would be rejected.

This is a marked change from practice even a few decades ago when, originally, Lieutenant-Governors were nominated with hardly any consultation with the islands at all, and then, subsequently, by an interview process which was quite firmly UK-led, albeit with some island representation. So, without labouring the point – you only have yourselves to blame!

INSTALLATION

Anyway, given the sad circumstances of Peter's departure, once selected, there was some pressure to be installed as soon as possible the net result of which was a fairly surreal few months. It began with an almost immediate invitation to visit the island – just to check that we genuinely understood what we were letting ourselves in for! This was an amusingly clandestine operation as, of course, no one was allowed to know our names until Her Majesty had approved the appointment, but I have to say it was managed with deft efficiency – rather more so than recent visits by certain sporting celebrities if I might say so!

The 'surreality' continued as I sought to extract myself as quickly as I sensibly could from my military career and commitments, including preparations for what was probably the most important NATO summit since the end of the cold war, and even, for a while tried to run both posts in parallel.

Nonetheless, and after quite a scramble, it was with some excitement, and not a little trepidation, I presented myself for installation on 14th March 2016. It was a truly memorable day for both Kathryn and me and, of course, by now our infusion with the Bailiwick's rich cocktail of anglo-norman heritage and tradition was proceeding apace as we tried rapidly to get to grips with '*Monsieur le Bailli*', and Jurats, and Sheriffs, and the Royal Court, and Tocques, and '*Dieu Sauve la Reine*', and Royal Charters, and Seigneurs, and Conseillers and so on.....

But it was a magnificent day, carried off with great aplomb, and which made us feel extremely welcome to our new lives.

Not that it passed off entirely without a glitch. I'm sure he won't mind me spilling the beans now, but my youngest son Alexander had a certain 'unforeseen issue' to manage throughout the day. He was, as some of you may remember, dressed in full ceremonial uniform for his Regiment, The Rifles, which, in true army style, involved a very tight pair of trousers.

All was going well as we turned to process up the High Street on the way to the ceremony when he had an encounter with one of our famous drain covers - possibly the same one that caused HRH The Princess Royal a degree of discomfort a few years earlier. He did an impromptu cartwheel and recovered manfully, but not without a mildly catastrophic failure of one of the seams on the front of his trousers - what might be termed in Hollywood, a significant 'wardrobe malfunction' - further exacerbated by the fact that he had chosen to wear pink boxer shorts that day! I was blissfully unaware of all of this and only really noticed later in the day when I realised he was being incredibly attentive to the duty of pushing his grandfather around in his wheelchair!

Poor chap!

FIRST IMPRESSIONS

Anyway, what have I made of this extraordinary role and the opportunities it has given me, and of course Kathryn, to be part of this unique and very special place?

Perhaps, it sounds a little trite, but it has genuinely been an incredible honour and privilege to occupy this position. It is extremely rare in life that one gets an opportunity to have such unfettered and broad access to almost every aspect of the life of a jurisdiction and its communities, as one does as the Lieutenant-Governor.

We have been privileged to have visited just about every school, public facility, public service, care-home, sporting event, community show, concert, festival and commemoration across all three jurisdictions of the Bailiwick. Likewise, many of the Bailiwick's commercial companies have welcomed us to their premises and facilities and spent probably more time than they should trying to educate me in the complexities of their businesses.

I have had access to the inner workings of government at all levels and, of course, the genuine privilege of sitting in the meetings and debates of all three elected assemblies - the States of Guernsey, the States of Alderney, and Sark Chief Pleas. And finally, of course, we have had the very real delight of assisting where we can with the work of a substantial range of the Bailiwick's charitable, not-for-profit, and 3rd sector organisations.

And hasn't it been a fascinating slice of history in which to be in post for? It seems almost unreal to remember that in autumn 2015, when I was filling out my application for the job, David Cameron had recently won a stable majority and looked set for a strong 2nd term, BREXIT was being derided as an absurd fantasy by Westminster and Brussels elites, President Obama was making equally dismissive after dinner remarks about Donald Trump's electoral chances, nobody had heard of the Skripals or Greta Thunberg, and pandemics were still firmly the purview of Hollywood disaster movies.

Oh, how things have changed! And how our small island community has had to adjust its hopes and ambitions, and even its very way of life, to meet the challenges that this uncertain world has thrown its way since.

DETAILED REFLECTIONS

But now let me turn to the question of what, on a day to day basis, does the Lieutenant-Governor actually do – how does he (or she?) fill their time. Well, when trying to explain the role to a number of people who have expressed an interest in taking it on, I broadly break it down into three main areas:

- The Lieutenant-Governor's executive functions which, although limited, are not entirely trivial,
- His role in civic and community leadership, arguably the aspect of the position that is most widely visible, and, finally,
- The constitutional role as the Crown's representative and, most notably, supporting the Sovereign in the discharge of Her Majesty's responsibility to ensure the 'Good Government' of the Bailiwick.

EXECUTIVE

Let me take each in turn and begin with the executive elements. These are an eclectic range of responsibilities that usually have their origins in historic issues, often of a slightly 'pan-Bailiwick' nature, that have caused problems or disputes in the past; and which, when all else seems to have failed, have eventually been resolved by drawing on islanders' implicit confidence in the genuine impartiality and independence of the Office of the Lieutenant-Governor.

Responsibilities range across such random matters as the 'decider' function in deportation applications and certain other immigration matters, through approving stamp and coin designs, to acting as the licensing authority for intra-Bailiwick shipping services, primarily to preserve the commercial viability of life-line shipping to Sark; and there are a number of others – united only by the fact that, generally, they have absolutely nothing in common!

By and large I have found these matters relatively straight forward to deal with, albeit they have, on more than one occasion, taken me well outside my comfort zone. I'm not sure if it counts as a genuine 'executive function' but presiding over the formal appointment of the Royal Show 'cattle' judges was certainly something that nothing in my previous professional portfolio had prepared me for! You will of course be re-assured to know though that my finely tuned 'diplomatic' instincts recognised immediately that, in light of the iconic 'Guernsey' breed, this was something that needed to be done with appropriate 'due diligence'.

I therefore immediately decided to get 'fully briefed' only to find that after three hours locked in my office with a certain renowned authority on the subject (you can probably guess who!), I had learnt an awful lot more about bull semen export controls than I had ever wished to know!

On a more serious note though, finding myself subject to a judicial review on my first deportation judgement, less than three months into my term, was also not something I had anticipated, but it was certainly a sound introduction to some of my more substantial (and largely unpublicised) responsibilities as well as to some of the wider societal challenges here in the Bailiwick, and to the authorities and institutions whom I would be dealing with over the coming years.

It is probably worth an aside at this point to say that one thing you will invariably get if you continue to choose a retired military officer to fill this role is someone with a wealth of practical experience in managing large organisations and in complex personnel related casework.

And it is also worth dwelling, just a little, on the point I hinted at earlier, which is that it is the very independence of the post of Lieutenant-Governor that makes it so suitable to play such roles. The preservation of such a perception of impartiality and neutrality over the day-to-day affairs of the Bailiwick, whilst remaining properly interested and informed, has weighed heavily on the manner in which I have attempted to conduct my business.

CIVIC and CEREMONIAL

Moving on to the ceremonial and civic elements of the job. In many ways, of course, this is the most visible face of the role and, in equally many ways, the most personally rewarding.

Between us, Kathryn and I, serve as patrons to around 80 island organisations and associations, predominately related to charitable or volunteer activity, and it has been an enduring highlight of our time in Guernsey to see first-hand, and be involved in, the inspiring work of such a range of outstanding and caring groups fuelled by the simple kindness and boundless enthusiasm of so many ordinary people around the Bailiwick.

Likewise the many and various awards ceremonies and recognition events that we have been privileged either to attend, or to host at Government House, and at which we have been able to say thank you on your behalf to the literally hundreds (if not thousands) of people who have contributed between them probably tens of thousands of man or woman years of service, both paid and unpaid, to support the community.

Those who care, those who support, those who provide youth services, those who entertain, perform, and enrich, those who raise funds, those who provide oversight, directorship and governance, those who look after animals, our environment, and our heritage, those who provide front-line services, and those who provide the emergency services (again both full-time and voluntary) – some, of course, who literally put their lives on the line to keep us safe – even more so in light of recent events!

There is no doubt that, notwithstanding the inevitable frictions that can arise in small populations, there is still something very special alive across all three islands of the Bailiwick by way of a real sense of belonging and community, and a real desire to contribute – something which is perhaps fading in the larger, more amorphous, conurbations of our bigger neighbours – and something that you should all strive hard to retain. It is an extraordinarily rich mix of people who want to ‘give something’ to make this Bailiwick a better place to live and it has been an absolute delight to meet and thank so many of them.

And on a related theme, a particular focus that both Kathryn and I have wanted to bring to the job has been a concerted effort to try and improve the accessibility of Government House to islanders of all backgrounds. And I mean accessibility in its broadest sense; I was somewhat surprised, for example, to find when I first arrived, that Government House and the Office of the Lieutenant-Governor didn't so much as have even a simple website explaining what the institution is, and what it does. As a publicly funded institution, it seemed the very minimum we should be doing by way of transparency and accountability. Thankfully we were able to rectify this in fairly short order and, whilst I doubt it is the most ‘hit-on’ website in the Bailiwick, I do hope that, for those that need to know about what we do and how to get in touch with us, it is a useful resource.

But I do also mean accessibility in a physical sense. In my view, Government House, the building and facilities it contains, is not just the Lieutenant-Governor's residence, nor just a glorified guest facility for the island's most distinguished visitors; it is a resource that should be made as available as possible for the use of the island as a whole.

Using the virtual visitors book we have established on the website, and with some judicious approximations of attendance at our larger open garden events, I estimate we have hosted, on average, about 5000 islanders, (plus quite a few more of the canine variety), each year to various events and ceremonies – at least, that is, until the beginning of the first lock-down.

But yes, of course, and as you would expect in addition to this, we have also had to host all manner of VIPs as well.

But I should also say, under the broad topic of accessibility and 'utilising the assets' so to speak, that I have been equally conscious of the need to make our facilities available to support the broader 'branding' of the Bailiwick. It was clear to me from the outset that Guernsey, Alderney, and Sark have some powerful Unique Selling Propositions, be it the extraordinary natural beauty of the islands, our unique history, our iconic islands brands, Guernsey cattle, Guernsey Golden goats, Guernsey Butter (or Sark butter, or Alderney butter – and no I won't say which I prefer!), the 'Guernsey' woollen itself; our key industry – financial services, our new 'green' finance identity, or our geographical location – 'zero time zoned' and strategically positioned between the UK and EU; our highly regarded legal and court system; and perhaps our most treasured attributes of all in today's turbulent times, our relative safety, security, and stability.

These are all attributes that we need to continue to remind the world (and ourselves) of, and it has certainly been at the front of my mind that Government House should play its part – be it through support to international relations, building cultural and business ties, launching movies, or simply supporting Locate Guernsey in welcoming new residents to the island - we have tried to do our part.

And this effort across the community and civic piece has led to some of our very best memories of our time here: charity fetes and receptions various, Royal Marines beating retreat, vintage car rallies, 'only fools and donkey's' wobbling uncertainly down the driveway at the start of their marathon bike rides, Duke of Edinburgh Diamond Jubilee displays, filming 'spontaneous' Retro 'Rockabilly' dance routines, and classical recitations of hitherto undiscovered Victor Hugo family compositions to mention but a few.

That said though, two particular events will always stick in my mind:

- First the Bailiwick Big Day Out, the first mass celebration at the end of last year's initial lockdown when we crammed over 100 individual stalls and attractions into the grounds, certainly the largest event we have tried in my time by at least a factor of two (we think we had about 3-4000 people through the gates) and an occasion which, to my mind, epitomised the very essence of 'Guernsey together'.
- And secondly, the tea parties we host at Government House two or three times a year, for islanders celebrating very special anniversaries or birthdays and in which we have met some of the amazing people who have made this Bailiwick what it is over the past 100 years or so.

Of course, such events are not without jeopardy! There is the ever present lottery of the Guernsey weather and I can assure you starting the Safer Easter Egg Hunt is not for the faint hearted when you unwittingly find yourself on the wrong side of the 'rush start' - with 200 marauding children bearing down on you at full speed – the Cobo swim start was tame by comparison.

But to everyone who has supported us in this effort, I offer our heartfelt thanks; especially to my long suffering staff. I still remember the look of utter disbelief on my Head Butler (Vanessa Wakeford's) face when I asked her to turn the house purple one evening in support of Rotary's Purple for Polio campaign – but a week later the results were impressive and achieved nation-wide recognition – even if it did require the purchase of every piece of purple acetate on the island to achieve it.

Likewise the stoicism of the Head Gardener - when yet another fifty thousand purple crocus bulbs turned up for planting around the grounds as part of the same campaign!

CONSTITUTIONAL

Let me turn now to the third, and final, aspect of the Lieutenant-Governor's role, his responsibilities with respect to the constitutional relationship between the Bailiwick and the Crown and, to some degree, the United Kingdom. I hope you will forgive me for dwelling on this element a little longer than I did the other two – in terms of volume it may not necessarily be the most significant part of his duties but, in terms of fundamental substance, it most definitely is. And, given the peculiarly 'tri-polar' nature of our jurisdiction, arguably it makes rather different demands of the post-holder here than his (or her) counterparts in the other two Crown Dependencies.

As I said in my introduction, the Lieutenant-Governor is the Crown's personal representative and impartial adviser in the Bailiwick, and is the official channel of communications between Her Majesty's Government and the Insular Authorities. This runs off the tongue quite easily but what, in practice, does it mean? Apart from in a ceremonial or civic sense, what exactly am I representing Her Majesty for, and about what exactly am I meant to be advising Her on – noting of course that the Lieutenant-Governor has no 'political' responsibilities and is expected to remain staunchly apolitical in the execution of his duties?

The answer, at least in part, lies in this idea of 'Good Government'. Note I say 'government' not 'governance', (the concept is a broad one), and although there is plenty of scope for disagreement on what it is, and what should be done about it when it is in danger of failing, there is, at least, reasonable consensus that ultimately and constitutionally, it is Her Majesty, in Council, who is responsible for it. In this, She has two principal sources of advice: first those Privy Councillors who, by dint of their specific position within Her Government, are charged with advising Her on Crown Dependency Matters (at the moment this is the Lord Chancellor supported by one of his or her Justice Ministers, currently Lord Wolfson); and secondly, Her personal representative 'on the ground' so to speak, i.e. the Lieutenant-Governor.

Ok so far – but what, you might legitimately ask, is the risk to 'Good Government' in a place, as self-evidently 'well run' as Guernsey that justifies such outside attention? Well, I suppose there are two key points:

- Firstly, irrespective of the quality of our governmental structures there is always an inherent fragility in its small(ish)-scale - with critical institutions which are seldom more than a few bricks thick (if that) and.....
- Secondly, the equally inherent susceptibility of small jurisdictions to the disproportionate influence of a minority of powerful individuals or lobby-groups.

If one accepts this, questions then arise of where to draw the line of acceptability in such matters, and what to do about it, if and when, that line is encroached upon. Given the Bailiwick's historic rights and freedoms and the longstanding precedence of its autonomy in decision making, especially in its domestic affairs, you can imagine that, in this matter in particular, there is the potential for some very finely balanced judgements to be made.

That said though, I must also say that, from personal experience, certain residents' enthusiasm for insular freedom and autonomy often fades rapidly in favour of the Lieutenant-Governor (or Her Majesty's Government for that matter) 'doing something' to intercede in their favour when Bailiwick mechanisms have found against them in some dispute or other!

Anyway, the accepted wisdom as to how this should work in practice is currently inferred in large part from the conclusions of the 1973 Royal Commission on the Constitution (known more widely as the Kilbrandon report), with which I know many of you here are thoroughly acquainted.

For those that aren't though, it is worth dwelling on the precise wording of a couple of its most important conclusions. The first is that, in those very few, and I emphasise again, very few, cases where *an irreconcilable conflict of view between Her Majesty's Government and the Islands may arise*, for reasons which the report sets out at length, *the UK Government does have the right to decide, and that Parliament has, and should retain, the right in the last resort to legislate for the Islands.*

This is perhaps slightly contrary to popular understanding here, however the report also says quite clearly, in respect of the exercise by the United Kingdom of paramount powers over the Crown Dependencies, especially with regard to matters affecting the Islands' own interests (i.e. largely internal, domestic, and social affairs) that *'the United Kingdom Government and Parliament ought to be very slow to seek to impose their will on the islands merely on the grounds that they know what is good for them.'* ... and suggests, as you see in the final quote here, that there is ample evidence (one might even say precedent) to show that this is indeed the manner in which the United Kingdom has behaved, and should therefore reasonably be expected to continue to do so!

Whilst this principle was not articulated in direct reference to my office, it is certainly one that I have tried very hard to follow and, indeed, in my five years here I am hard pushed to think of an occasion where, certainly in Guernsey's case, I have felt even the slightest temptation to try and impose either my personal views, or those from London, on any of the institutions or mechanisms of the island.

That is not to say that there have not been matters brought to my attention which, when referred back to the appropriate insular body at the appropriate level of authority, have not been re-examined and perhaps even reviewed, but the key point is that the decision always remains with insular authorities, and their authority and credibility upheld.

And, I must admit, I have also struggled in determining what exactly remaining 'apolitical' or, at least, maintaining a politically neutral stance means in a Guernsey context. Notwithstanding nascent political groupings, with still essentially 40 independent States' Deputies (and well over 100 candidates at our last election), each with their own agendas and priorities ranging from the genuinely strategic to the profoundly parochial, it is hard to know exactly what is, and what isn't, considered a 'political matter'.

Clearly, there are some obvious topics that a sitting Lieutenant-Governor would be mad to express an official position on, education models for example, but there are many, many others where it is rather less clear cut – and (to my never-ending bemusement) people often seem quite genuinely intrigued to find out what my views on such matters are!

Normally, safety lies in the 'precautionary principle', plus developing a knack for expressing oneself in generalities, never putting one's views down electronically, and consulting long and hard with insular authorities before succumbing to the temptation of voicing opinions too publically.

Keeping one's "better half's" views private though is, of course, another matter entirely!!

ALDERNEY and SARK

Things become rather more challenging when it comes to Alderney and Sark, where the fragility of scale is even more acute and where there have been occasions when, legitimately in my view, I have become rather more hands-on.

This has especially been so in respect of Sark, where my enduring concern has not been so much a lack of 'good government' but a very real possibility of an inexorable slide towards 'no government' at all. The challenges of sustaining a workable democracy, delivering acceptable 21st century public services and protections, in a jurisdiction with an adult population of less than 500, are significant, as evidenced by Chief Pleas' *force majeure* contraction from 28 Conseillers when I first arrived, to 15 today, and, with the singular exception of the 2018 general election, a history of uncontested general and by-elections that stretches back essentially as far as 2012. And Sark is facing some urgent issues at the moment, some of which have the potential to become existential - electricity, the future viability of Isle of Sark Shipping, and the viable provision of acceptable levels of education, and medical and social care services to mention but a few – this is most definitely not the time for its government to 'implode'!

I have unashamedly put my head above the parapet, both to express my enduring concerns about the risk to 'good government' in Sark, and to encourage all parties on the island, and more broadly across the Bailiwick, and even in Jersey, to put in place measures to enhance the resilience and sustainability of both the Island's machinery of government and its delivery of acceptable key services.

This has not always been comfortable but I do think it has been necessary and, I am pleased to say that, whilst there is a long, long way to go, I do think the atmosphere around Sark is changing. There is a renewed sense of optimism on the island and a renewed sense of co-operation, both internally and externally, and an increasingly clear recognition that a failure of Government on Sark would have significant, and probably unwelcome consequences, for all of the Channel Islands. That said, unless you are familiar with Sark, it is very difficult to understand just how limited resources are on the Island to deliver the necessary transformations – essentially it comes down to a handful of key individuals – so they really do need all the help the rest of the Channel Islands can provide.

Alderney has likewise faced its own particular challenges. Although three times the size of Sark in terms of population, and with key services to a large degree protected via the mechanisms of the 1948 Agreement, it is still nonetheless incredibly small, geographically dislocated, and economically vulnerable. It has, certainly in my time, struggled to maintain stable leadership of its executive and relationships between political representatives and officials have been fraught. It is also true to say that, for much of my time in post, elements of the atmosphere between Guernsey and Alderney have been - how can I put it? – ‘mildly quarrelsome’!

This, of course, brings out another point about the Lieutenant-Governor’s locus within the Bailiwick. The Lieutenant-Governor is one of the very few people in the Islands with a *de facto* and historic pan Bailiwick purview and remit, and who can genuinely be regarded as impartial in any disputes between the three islands. In practical terms, there is, of course, little (if any) corresponding authority with which to ‘settle’ or ‘adjudicate’ on such disputes, but there is plenty of scope for discreet, behind the scenes facilitation.

And it is a key point for all to note, that London, if and when they are ever dragged into such matters, will invariably turn to the Lieutenant- Governor for a first opinion.

All that said, I would not wish to finish this topic by leaving the impression that I think the Bailiwick is fractured. Two years ago I might have observed that it was not as cohesive as it might have been but, more recently, the twin imperatives of Brexit and the pandemic have seen a ‘sea change’ in that atmosphere. The sense of mutual respect, support, cohesion, gratitude and of ‘standing together’ as ‘one bailiwick’ is tangible, and I sincerely hope this endures, and that we can resist the temptation to, once again, start sniping at each other for nothing more than narrow or short-term political advantage.

RELATIONSHIP WITH THE UK

Finally, I want to say just a few words about the state of the constitutional relationship between the Bailiwick and the United Kingdom perhaps more from a longer term historical, rather than a shorter term political or legal, perspective – albeit noting I am neither a historian, nor politician, nor a lawyer.

But I would say that this relationship, pretty much like everything else to do with the British Constitution, is extremely longstanding, highly nuanced, and in a state of constant evolution as circumstances change. Disputes arise and solutions are found, all over time, contributing to a complex tapestry of precedent and mutual understanding.

It also seems to me to be a deeply pragmatic relationship; of course, every now and then, over the centuries, people on both sides have tested the boundaries - and yes clearly the relationship is, not necessarily one-sided, but certainly asymmetric – but history has shown us time and time again that the mutual benefits are such that those same people have worked out their differences and, as a result, the relationship is tweaked a little and then goes forward, generally stronger and better as a result.

And recently, yes Brexit, Mr Corbyn’s years leading the Labour Party, and now the pandemic have, perhaps, stressed the British political machinery to a degree that it probably hasn’t felt for a while, fuelling concerns that such stresses could have had damaging consequences for our own constitutional position. Concerns exacerbated, from time to time, by the occasional tactical ‘spat’ – recently over such matters as public registers of beneficial ownership and the odd contentious use of a permissive extent clause here and there - but ranging back to such matters as the Edwards Review in the late 1990s.

But, in terms of the 'big picture' I humbly suggest that these are by far the exception rather than the norm and are generally of limited material significance, unless mishandled or blown out of proportion, of course. By and large, the Bailiwick continues to be extremely well served by its close relationship with the United Kingdom. Some of the negotiating during Brexit did fray nerves here, but that is in the nature of these things. Overall the islands were, I believe, negotiated for in exceptionally good faith by the UK and the outcome has been about as positive as one could have reasonably hoped for. Certainly, I understand, the UK's inclusion of the Crown Dependencies in the whole process was several orders of magnitude better than it was 48 years ago when Britain first entered the EEC.

And then there is the pandemic. Without doubt the Bailiwick's response to Covid has been sure-footed in the extreme, and many of us are counting our lucky stars to have been here whilst its scourge has ravaged the globe. But it is hard to see how we would have managed quite so well without the benefits of our very close ties with the UK. The access we have had to world class scientific advice and data, advanced testing, and ultimately the UK's vaccine programme – all I should say at no cost whatsoever to the Bailiwick – would simply have been irreplaceable.

But the obvious benefits aside, there are some who maintain that the current arrangements are increasingly archaic and/or undemocratic. There tend to be two strands to their argument:

- Firstly an objection to the convention that it is Privy Councillors appointed from within Her Majesty's UK government (not the Islands' authorities) who are responsible for advising on and presenting Insular legislation to the Crown for Royal assent, thus, in theory at least, giving Her Majesty's Government a *de facto* political veto over the islands' legislative wishes.
- Secondly, the point I have alluded to before, that, occasionally, certain elements in the UK Parliament try to flex Westminster's muscles a little too much in our direction and, normally through a surfeit of 'single issue' enthusiasm for this matter or that, overstep the 'Kilbrandon mark' and threaten to impose or extend legislation on us directly in areas of domestic competence, and against the wishes of the Island Authorities.

Let me deal with the latter point first. Frankly I think this is a fact of life. For starters, it has to be said that there are enormous benefits to Crown Dependency status, most of which are taken for granted here, but which every now and then need to be re-stated. Major power leverage in international negotiations, the right to carry a British Passport (and all that entails), defence and security (perhaps rather more topical after last week's events in Jersey), and the reputational boost that being a fully incorporated member of the 'British family' with all that implies by way of values and standards, to mention but a few. So it should come as no surprise that occasionally, from time to time, there is Westminster interest in how we conduct our affairs.

And let's face it, being part of the British Isles, part of the Common Travel Area, and with such close financial, business, societal and population ties to the UK, if they really, really wants us to do something, there are any number of ways they could 'encourage' us to 'tow the line', so to speak. But by and large, as Kilbrandon said, they don't - and actually I would argue the current constitutional arrangements, publically calibrated by the Kilbrandon 'benchmark' actually offer more 'protection from' rather than 'exposure to' such behaviour than if we were to, somehow, loosen the ties.

Add to this the general 'respect' that still exists within Westminster for a 'democratic' mandate, including our own derived through the States of Guernsey, the normal safeguards in the UK legislative process to which we have automatic right of access, including Judicial Review and the right of Privy Council petition, and the whole impracticality of enforcement against our will, and I largely find it incredulous that matters would play through to the point where UK Parliament would actually break convention and legislate directly, against our will, in anything other than the most urgent of circumstances – circumstances which would probably meet the Kilbrandon threshold anyway.

And if you needed any more reassurance, then I would refer you to the Lord Chancellor's letter of 24th December, quoted in the States' debate at the very end of last year on the ratification of the new UK/EU relationship deal which, once again, set out very clearly indeed that, even in this most sensitive and significant 'new arrangement' that (and I quote):

'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 into any negotiations concerning those obligations.' and that *'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 honestly doubt we could have a clearer affirmation by Her Majesty's Government of their collective respect for our constitutional position – and I certainly recommend keeping that letter firmly 'on file'!!

Now turning back to the first issue, that concerning Privy Council process. In purist theoretical terms, I have some mild sympathy with the argument. In practice, however, I am only aware of one occasion in recent years where the passage of a significant piece of insular legislation was challenged for what might be termed reasons of 'political theology' by UK Ministers, and that was in relation to the reform of Sark's governmental system away from feudalism, where Jack Straw rejected Sark's initial proposals – and arguably for good reasons.

There have been instances of what I might term 'official' or 'technical' blocking, most notably in 2007/8 around the authority of the Crown Dependencies to include what are commonly known as Henry VIII clauses in primary legislation, clauses which would have allowed the States of Guernsey to amend by way of ordinance certain provisions within that primary legislation. But again, UK concerns were perhaps not entirely 'illegitimate' and, although the tactics used might have been questionable, the ensuing accord on drafting arguably strengthened the process of legislative preparation in the Islands, rather than undermined it.

And to a degree, this illustrates one of my key points which is that disputes will inevitably arise, but the process of their resolution, however 'tetchy' it seems at the time, more often than not leads to better, rather than worse, outcomes, better mutual understanding, and ultimately an even stronger constitutional relationship.

And, for a highly autonomous jurisdiction, we do have an extraordinary 'inside track' into UK Government. Just think about it, we actually have a **dedicated** senior UK minister (or ministers) **constitutionally charged** with both understanding, **and championing**, Crown Dependency matters and, by implication, a supporting section of dedicated officials within the Whitehall machinery similarly charged with explaining and protecting our interests across Her Majesty's Government. In practical terms, these are invaluable and irreplaceable assets and, without the constitutional rationale arising from the current Privy Council process, I very much doubt that Her Majesty's Government would make such resources available otherwise.

And I do make these remarks in the full knowledge that there is an active negotiation ongoing concerning the Royal Assent process, a negotiation which I fully support in so far as it is always good practice to review these matters periodically to make sure they are as fit for purpose and as well matched to the contemporary world as possible. I do just remind everyone however that, once again, the current process is highly nuanced, and any changes will come with second and third order consequences that need to be thoroughly understood and accepted.

And, of course, this is also not to say that there isn't benefit in the Bailiwick continuing to develop a stronger and more comprehensive network of political and official relationships across all UK government departments to complement the constitutional channel through the Ministry of Justice and Privy Council, especially as Her Majesty's Government rebalances itself post Brexit. The deeper and more sophisticated our understanding of the ebb and flow of power and responsibilities within Whitehall, and the stronger our personal relationships with key figures in Her Majesty's Government, both political and official – the more effective we will be in ensuring and enhancing our interests.

And this takes constant energy and attention to deliver – the Whitehall construct is extremely dynamic, people come and go.....as increasingly, it seems, so do whole departments, sometimes with ever-accelerating rapidity! Take for example the turn-over of responsible Westminster politicians in my short time here - five Lord Chancellors and four Justice Ministers! I certainly see it as an area where, whilst we have been very well served by a few talented and experienced politicians and our excellent Law Officers and External Relations team, the Bailiwick will have to invest more heavily in the future.

Nonetheless, in summary on this matter and (as I said) taking the long view, for the reasons I have just set out I do feel able to say, with some confidence, that I genuinely think the relationship with the UK is in a very good place.

But one final, and absolutely seminal, point is that all this flows ultimately from our relationship with the Crown. As I said at the memorial service we held just a month ago to commemorate the life of His Royal Highness, The Duke of Edinburgh, *'The very existence and constitution of our Bailiwick is founded on our relationship with the Crown and critically dependent on the steadfast constancy of the Sovereign. A constancy which, throughout Her Majesty's long reign has intuitively understood the 'essence' of these islands, valuing our loyalty whilst respecting our unique traditions, heritage, and privileges. A constancy which has been fundamental to maintaining the two main attributes on which our prosperity is based – autonomy and stability.'*

In my humble view, the Crown Dependencies, have something very unique and privileged here. A thousand years of constitutional evolution and wisdom have brought us to where we are now. It is a legacy we should be justifiably proud of, but equally, it is a legacy we should be mindful to carry forward with equal care and wisdom.

So, thank you Ladies and Gentlemen, for affording me the honour of addressing you tonight. Kathryn and I will leave these islands for the last time in a few months and the convention is that, thereafter, we should be very hesitant indeed in ever setting foot again on these shores. Nonetheless we will leave with incredibly fond memories of the time we have enjoyed here, the manner in which we have been accepted into your community, and everything these islands stand for by way of zest for life, freedom of spirit, sense of community and belonging, and the drive and determination to 'get on with life' and 'make the best of our lot' through all of the challenges and surprises that the past five years have thrown at us.

As Lieutenant-Governor, one does indeed **'govern nothing'** but there is, I believe, a very rich and rewarding **'position to fill'**.

Thank you – I would be more than happy to take any questions you might have.