

HOUSE OF ASSEMBLY

HANSARD
OF MEETING

HELD ON 6 DECEMBER 1976

TELEPHONE: A-G A882
OFFICE 2229

ATTORNEY-GENERAL'S CHAMBERS,
GIBRALTAR.

9 May 1977

No.....

The Clerk
House of Assembly
Gibraltar

Mr Clerk

House of Assembly : Verbatim Report : Meeting of 6.12.1976

I beg to give notice of the following amendments

Page 29 : main paragraph : Lines 8/9 : delete "international
comity, it has always been accepted, the
Court on the other country" and substitute
"it has always been accepted in international
comity that the courts of the other country"

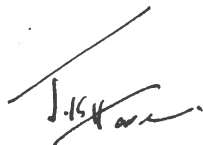
main paragraph : 7 lines from end of page :
delete "from" and substitute "in".

Page 30 : first paragraph : line 5 : delete "probably".

Page 31 : line 18 "territorial" is misspelt.

Page 215 : main paragraph : line 7 : "purpose" is misspelt.

Yours faithfully



J K Havers
Attorney-General

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Second Meeting of the First Session of the Third House of Assembly held at the Assembly Chamber on Monday the 6th December 1976, at the hour of 10.30 o'clock in the forenoon.

PRESENT:

Mr Speaker(In the Chair)
(The Hon A J Vasquez CBE MA)

GOVERNMENT:

The Hon Sir Joshua Hassan, CBE MVO QC JP - Chief Minister
The Hon A J Canepa - Minister for Labour and Social Security
The Hon H J Zammit - Minister for Housing and Sport
The Hon A P Montegriffo, OBE - Minister for Medical and Health Services
The Hon Major F J Dellipiani, ED - Minister for Municipal Services.
The Hon I Abecasis - Minister for Postal Services
The Hon A W Serfaty, OBE JP - Minister for Tourism, Trade and Economic Development.
The Hon M K Featherstone - Minister for Education and Public Works.
The Hon J K Havers, OBE QC - Attorney General.
The Hon J J Caetano - Ag Financial and Development Secretary.

OPPOSITION:

The Hon J Bossano - Leader of the Opposition
The Hon Dr R G Valarino
The Hon J B Perez
The Hon G T Restano

INDEPENDENT MEMBERS:

The Hon M Xiberras
The Hon P J Isola, OBE
The Hon R J Peliza

IN ATTENDANCE:

P A Garbarino, Esq, ED - Clerk of the House of Assembly.

6. PRAYER

Mr Speaker recited the prayer.

7. OATH OF ALLEGIANCE

The Hon J J Caetano, Ag Financial and Development Secretary took the Oath of Allegiance.

The Hon the Chief Minister and Mr Speaker welcomed the Hon J J Caetano as a temporary Member of the House.

8. CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 20th October 1976, having been previously circulated, were taken as read and confirmed.

9. DOCUMENTS LAID

The Hon the Minister for Housing and Sport laid on the table the following document:

The Traffic (Registration and Licensing of Civilian Vehicles) (Amendment) Regulations, 1976.

Ordered to lie.

The Honourable the Minister for Medical and Health Services laid on the table the following document:

The Register of Nurses and Midwives Regulations 1976.

Ordered to lie.

The Honourable the Minister for Tourism, Trade and Economic Development laid on the table the following documents:

- (1) The Oil Pollution (Compulsory Insurance) (Amendment) (No.2) Regulations, 1976.
- (2) The Merchant Shipping Ordinance (Amendment of First Schedule) Notice 1976.

(3) The Tourist Survey Report 1975-76.

Ordered to lie.

The Honourable the Attorney General laid on the table the following documents:

- (1) The Magistrates' Court (Fees) (Amendment) Rules 1976.
- (2) The Gibraltar Court of Appeal (Justices of Appeal) Order 1976.
- (3) The Statute Law (Repeals) Act 1973 (Colonies) Order, 1976.

Ordered to lie.

The Honourable Acting Financial and Development Secretary laid on the table the following documents:

- (1) The Rate of Interest Order, 1976.
- (2) Supplementary Estimates No.3 of 1976/77.
- (3) Supplementary Estimates Improvement and Development Fund No.2. of 1976/77.
- (4) Statement of Virement Warrants approved by the Financial and Development Secretary 1976/77.

Ordered to lie.

ANSWERS TO QUESTIONS

9. ORDER OF THE DAY

STATEMENT BY THE HONOURABLE THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Statement by the Minister for Labour and Social Security

SUPPLEMENTARY BENEFITS

At the last meeting of the previous House, the necessary

Bills were passed, providing for the higher rates of Social Insurance pensions and other benefits which will come into force in January 1977. It now remains for me, therefore, to inform this House of the revised rates of Supplementary Benefits, which are paid under the non-statutory scheme, and which will be introduced concurrently with the new rates of social insurance pensions.

The basic rate for a couple will be increased by £2.20 a week, from £11.90 to £14.10, and that for a single person living alone by £1.30 from £6.90 to £8.20. The rate for a person who is living with other persons who are not on Supplementary Benefits goes up from £3.20 to £3.80, the same as the non-contributory Elderly Persons Pension which, subject to the residential condition is paid to persons over 65 who have no other contributory pension, but which in some cases, is recovered through tax, in whole or in part, from people with other appreciable income. Corresponding increases are also being made in children's and other allowances under the scheme.

The maximum amount which may be paid to any one applicant for himself and his family, inclusive of all allowances, is increased from £20 to £25 a week, except in circumstances, such as blind persons, where the maximum is slightly higher at £26.60.

These increases represent a cash improvement of about 20% on existing scales, and as the rate of inflation is not expected to reach this figure for the period January 1976 to January 1977, they should in fact result in a further real increase in the value of the benefits.

SUPPLEMENTARY ESTIMATES NO.3 OF 1976/77

HONOURABLE FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, I have the honour to move that this House resolves itself into Committee to consider Supplementary Estimates No.3 of 1976/77.

HOB J BOSSANO

If I may just ask for your guidance, Mr Speaker. I want to ask the Honourable the Financial and Development Secretary some general questions about the Supplementary Estimates as a whole. I am trying to establish how the total of the

supplementary estimates relates to the answers that he gave me to a question this morning.

MR SPEAKER

Since we are in Committee and you have got the opportunity to speak as often as you feel you ought to, I perhaps would suggest that we leave that to the very end seeing that it is a global question that you want to ask on the effect of the Supplementary Estimates to the expenditure.

NO.1 HEAD 3 CONSUMER PROTECTION UNIT was agreed to and passed.

NO.2 HEAD 4 EDUCATION

HON J BOSSANO

Mr Speaker, could I ask on this item. I note in the virement there is in fact a similar item for £7,200. Could the Honourable Financial and Development Secretary explain whether this in fact the same item appearing in two different places?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Yes, Sir. The money was borrowed from the amount appropriated to provide for books and equipment. It was necessary to spend this money at that time. No funds had been voted by this House, there was a virement of funds and as soon as this amount is appropriated the money will be vired back to the appropriate vote.

NO.2 HEAD 4 EDUCATION was agreed to and passed.

NO.3 HEAD 5 ELECTRICITY UNDERTAKING

HON MAJOR R J PELIZA

Mr Speaker, on fuel, I see the increase is quite considerable. I would say about 25%. Can an explanation be given as to the reasons for this increase.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

It is not totally due to the increased cost of fuel. We are hoping to generate more units of electricity as well.

HON J BOSSANO

Mr Speaker, could I ask the Honourable Member, because it seems to be odd that the increase in respect of lubricating oil and water should be virtually 80% whereas the proportion in respect of fuel oil which presumably is what is consumed more, the more one generates should not be of that magnitude. Can he explain the discrepancy between items 4 and 5?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, I believe the price of oil is more expensive than the fuel used for generating. As I understand it the cost of fuel has not gone up, in fact, the increased cost of fuel results from the devaluation of sterling and therefore, Mr Speaker, if in fact the result of the sterling devaluation is a 20% increase expressed in sterling terms as opposed to dollar terms, it would also be a 20% increase whether we are talking about fuel oil or lubricating oil, because sterling affects both types of oil in the same way.

HON J BOSSANO

There is a very marked difference in the proportionate increase in the two items.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

I am afraid I cannot provide a fully satisfactory answer. The figures have been worked out by the Department which spends the money and we have no reason to doubt that they are accurate.

MR SPEAKER

Perhaps the Honourable Member would like to give Mr Bossano the explanation in writing as to the difference.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

I would be glad to do that.

HON MAJOR R J PELIZA

And I too, Mr Speaker, would very much appreciate if you told me what, in fact, of the £149,000, what is the proportion due to the increase in the cost of fuel.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

I have taken note of both questions and will be happy to answer them in writing.

NO.3 HEAD 5 ELECTRICITY UNDERTAKING was agreed to and passed.

NO.4 HEAD 6 FIRE SERVICE was agreed to and passed.

NO.5 HEAD 9 HOUSING was agreed to and passed.

NO.6 HEAD 10 JUDICIAL (2) SUPREME COURT was agreed to and passed.

NO.6 HEAD 10 JUDICIAL (3) MAGISTRATES' AND CORONERS' COURTS was agreed to and passed.

NO.7 HEAD 11 LABOUR AND SOCIAL SECURITY

HON A J CANEPA

Mr Speaker, I would like to explain about the rather big increase which we are asking as supplementary provision in respect of the expenses of Sponsored Patients. The increase is mainly due to the bill which is outstanding from 1976/77. A bill was received in respect of the maintenance allowance given to patients, a bill for £5,595 to cover the period up to February 1976, and then subsequently another bill of £3,445 up to the period of August 1976 and this will serve as some warning to the House as to what it may expect to see under this particular item in next year's Estimates.

HON J BOSSANO

On Item 20. The new subsidy to the John Mackintosh Homes. Could I ask the Government whether in fact they have now been able to establish some sort of understanding as regards their having some say as to people being admitted to the Homes?

HON A J CANEPA

Sir, the Honourable Member opposite will recall that at the last Budget we made provision for a grant of £20,000 to the Homes and we announced then that we were looking into the matter of further financial assistance. The Government has now decided to give an annual subvention. It was intended originally to have been as from April 1977, on the basis of an agreed formula that would take account of the number of residents in the Homes. In fact, representations have been received from the Governors for the first payment under this agreement to be made immediately in order to meet a wage settlement, and the Government has acceded to this. I understand that the Board of Governors already have plans to increase substantially the number of residents following this agreement. I think there are about 90 residents altogether, it may well go up to 160 in the new year and it is intended that there will be a Government representative, not only to keep a watching brief on what is going on, but also to advise in respect of the admissions procedure and the thinking of Government is that the Government representative should be the Director of Labour and Social Security.

HON M XIBERRAS

How many people could be admitted to the Home, what is the capacity?

HON A J CANEPA

I do not know what is the maximum capacity. I imagine the figure of 150 that I have mentioned refers only to Mount Alvernia, I imagine that it cannot be much more than 150.

HON M XIBERRAS

Are they working to capacity at the moment?

HON A J CANEPA

No, not at the moment.

HON M XIBERRAS

In terms of money, since we are asking for supplementary provision, could something be done to increase the number of usable places?

HON A J CANEPA

This is what is being done. As a result of the Government committing itself to this annual subvention the Board of Governors now feel that they can increase the number of residents.

HON M XIBERRAS

But they have some problems of staff?

HON A J CANEPA

They have had and we hope that this subvention of £15,000 will enable a settlement to be reached.

HON M XIBERRAS

My question is whether by giving them more money could we have more places?

HON A J CANEPA

The formula that has been agreed will take account of the number of residents. There will be payment made in respect of each resident and the payment will be linked to the amount of Supplementary Benefit which the resident would receive if he was not in the Home.

NO.7 HEAD 11 LABOUR AND SOCIAL SECURITY was agreed to and passed.

NO.8 HEAD 12 LAW OFFICERS was agreed to and passed.

No.9 HEAD 13 MEDICAL AND PUBLIC HEALTH was agreed to and passed.

NO.10 HEAD 14 POLICE

HON P J ISOLA

On this question of Airport Terminal Security Control, Item 25, could some better arrangements be made on this. It seems that whenever a plane arrives there does not seem to be the staff to meet the plane and allow people to go into the departure lounge, so very often what seems to happen is that a plane arrives and to start with people are sent into the departure lounge before the plane has even arrived in Gibraltar, they are locked up there until the plane has arrived, discharged its passengers and the luggage and then what happens is that those people who are not allowed in when the plane arrives then are rushed in at the last minute and I should imagine as a result there is a certain loss to Government revenue from the duty free shops. Could there not be some more satisfactory arrangement to allow a continuous flow of passengers into the departure lounge and a continuous flow of passengers into the immigration control?

HON MAJOR R J PELIZA

Could I support that, Mr Speaker, because I have the experience on the last occasion that I left Gibraltar which in fact coincided with the arrival of another plane and the immigration officer after the flight had been called to go into the departure lounge had to leave his post to attend to the incoming passengers. I can assure the Minister concerned that there was pandemonium there for quite a while. It so happened that an invalid was arriving at the time and it was due to the initiative of a private citizen who told that individual to move through regardless of whether there was an immigration officer or not because the individual concerned could not possibly stand in the position he was.

Could the Government therefore take notice of what we are saying and I think that it is important not to give that bad image to visitors to Gibraltar. Indeed, it was scandalous the way it happened on that occasion.

HON A W SERFATY

Mr Speaker, I have spoken to the Director of Tourism who also manages the Airport Building. I do not know to what extent the police come under his jurisdiction but I was very worried to find that sometimes people have not got enough time to make their purchases in the Duty Free shops which affects Government finances. I hope the situation will improve.

HON MAJOR R J PELIZA

You had a group of people pushing each other trying to get in. It is as bad as the worst one can see in the most under-developed countries. In fact the Director of Tourism was there at the time from whom I am sure the Minister can get a better report if he so wishes.

HON SIR JOSHUA HASSAN

I would like to explain something which may be relevant in this connection and that is that this new item arises because at present the security control is being done by the Airport operators for the Government and now Government is going to do it itself with its own immigration officers. So it is likely that the result is going to be better because certainly we will be able to have a more direct say.

HON MAJOR R J PELIZA

I cannot understand why we should not have a say since we pay for it in any case. I am sure that we pay for everything that is going on in the Airport building. If we are now introducing a new item in order to have control I think it is all wrong. We should have control.

HON CHIEF MINISTER

No, no. We will be saving the money that we pay for the

others to do the work. I do not think the Honourable Member opposite sometimes listens to what is said here.

HON MAJOR R J PELIZA

I do. If the Chief Minister will give way. I think I am sure what he said that we would now have a bigger say than we used to have before.

HON CHIEF MINISTER

A bigger say, because we are going to be the masters. At this stage it was being done on an agency basis.

HON MAJOR R J PELIZA

Surely whether we are the masters or not it is our place and we should in any case have a say in the matter.

HON CHIEF MINISTER

I think the Honourable Member from his practical experience will find out the benefits very soon.

NO.10 HEAD 14 POLICE was agreed to and passed.

NO.11 HEAD 15 PORT

HON J BOSSANO

I would like to ask whether the Government can give any particular explanations as to why under Personal Emoluments the implementation of the Biennial Review is so much greater in proportion to the original estimate than it appears to be anywhere else.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

The cost has been worked out in accordance with the agreement reached with the relevant Association who negotiated on behalf of the grades concerned and it is based on that

factor alone, something to which the Government is now committed as a result of the Agreement.

HON J BOSSANO

I would like to know why we need £167,115 for the Biennial Review when the original wage bill was £103,730.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

The number of persons employed has not increased substantially and I will certainly look into this but as far as I can tell the figures have been worked out by the department subject to some verification in the treasury salary section and they should be correct.

HON J BOSSANO

On Item 5 - Conservancy, wharves, etc., could the Honourable Member explain how in this item the cost of the implementation of the Biennial Review increases the cost of that item by £3,472.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

There is industrial staff employed in the Port Department and they are paid from the sub Head 5.

HON J BOSSANO

Industrial staff?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Industrial staff.

HON J BOSSANO

Industrial staff who are involved in the conservancy of wharves and so on and not involved under Item 9 - Cleaning Offices and Station?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

That is right.

HON J BOSSANO

And the cost there is £3,472?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

The £3,472 is accounted for by the increase in wages for those people.

NO.11 HEAD 15 PORT was agreed to and passed.

NO.12 HEAD 16 POST OFFICE AND SAVINGS BANK was agreed to and passed.

NO.13 HEAD 17 PRISON was agreed to and passed.

NO.14 HEAD 19 PUBLIC WORKS ANNUALLY RECURRENT was agreed to and passed.

NO.15 HEAD 20 PUBLIC WORKS NON-RECURRENT

HON M K FEATHERSTONE

Sir, may I just explain to the House that these offices are the old Taylor Woodrow offices and they are going to be rehabilitated for use as a temporary school.

NO.15 HEAD 20 PUBLIC WORKS NON-RECURRENT was agreed to and passed.

NO.16 HEAD 21 RECREATION AND SPORT was agreed to and passed.

NO.17 HEAD 22 REVENUE

HON MAJOR R J PELIZA

Mr Speaker, on Item 28 - Contribution to John Mackintosh Hall. In view of the fact that we seem to be increasing our contribution towards Mackintosh Hall would it be possible for the Government to try and see if the Board of Management could be encouraged to be more liberal on the question of allocations. For instance, I think that the Hall was not allowed to be used for election campaigning. I think it was the only institution which did not allow candidates to make use of the Hall and I was wondering whether some representations could be made in case of an earlier election.

HON M J FEATHERSTONE

From the very beginning the John Mackintosh Hall Governors felt that it should maintain its air of ~~ne~~utrality and that was the reason why the present Board has continued with the same idea and not had election campaigns in the Hall.

HON M XIBERRAS

Is that the same reason why the exhibition of the City Plan was exhibited at the same time as the Election was taking place? I think there was a good deal more money spent on one than on the other.

HON MAJOR R J PELIZA

I really do not understand the Minister on this business of neutrality. Surely I think one is fair and neutral if one allows any candidate who applies. I would understand the Minister's point if the Management were to be discriminatory in favour or against some candidate, but as long as they open the doors to any applicant I cannot see that neutrality in any way would be interfered with. Could the Minister bear that in mind, please?

HON M K FEATHERSTONE

I will pass on those remarks at the next meeting of the Board.

HON M XIBERRAS

Mr Speaker, would he also pass to the Board the case of a Mr Patterson who came here with some slide presentation and at the time I took up what he had to say because I thought there was a bit of an unfair situation at the Hall insofar as Mr Patterson was not allowed to give a lecture there for profit, there being some agreement between the Hall and the cinema operators that the Hall would not be used for profit. Yet, subsequently, I heard that a children's ballet - not that we could equate the two things in order of importance - but a children's ballet gave a performance there for which schoolchildren were asked to contribute a certain amount and I did not know whether the conditions had been waived in the case of the children's ballet but applied quite rigidly to Mr Patterson who was, I believe, subsequently repatriated because he was penniless.

HON M K FEATHERSTONE

I do not think the two cases bear comparison.

HON M XIBERRAS

But they do, Mr Speaker, in the sense that I would imagine that the rule is at the instigation of the people who own cinemas in Gibraltar and if the rule is going to be applied to one I think it should be applied to the other. Mr Patterson - I do not know the quality of his film - but it was an old man and eventually he was quite penniless. I found difficulties, as the Minister knows because I spoke to him quite often on the matter, in explaining why he should not be able to pass the hat around at a performance and get some money for his efforts whereas a ballet company who of course had the interest of children at heart but also had to make ends meet, was allowed to collect money for the performance at the Mackintosh Hall. Does the Minister have any explanation or would he raise the matter with the Board?

HON M K FEATHERSTONE

Sir, the ballet company did not pass the hat round and collect money as such. You had to pay for the performance the same as you pay at the John Mackintosh Hall if you go

into any theatre show there. The situation with Mr Patterson is completely tied up with the agreement that we have with the cinemas that we will not compete with any cinema show for profit at the Hall against them. In fact, with Mr Patterson we went so far as to ask the cinemas if they had any objection and they did object quite strongly to his film show.

HON J BOSSANO

Mr Speaker, does in fact the wages of the employees of the Mackintosh Hall follow that of the Government itself for its own employees or is in fact the situation that the Government foots the bill regardless of what the wages may be?

HON M K FEATHERSTONE

No, it follows exactly.

HON M XIBERRAS

Mr Speaker, on Item 29 - Grant to Gibraltar Museum. I got a letter from someone associated with the Museum in which it was stated that there was some proposal to raise the entrance fee which Government had turned down - and there was apparently concern in the letter that the Museum could not quite pay its way, that it was in some sort of financial difficulty and one of the suggestions to remedy this was to increase the entrance fee to what was considered a reasonable sum. Could the Minister associated with this subject give an indication of the finances of the Museum and whether such a proposal was in fact received? If we are giving money to the Museum we would like to see it in a fairly healthy financial situation.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, I should say for the record that we were advised by the Museum Committee to consider the possibility of raising the entrance fee but the point was very clearly made by the Committee itself at the time that such a move would discourage visitors and that on the whole, if I remember rightly, I think they said that they would prefer not to

raise the fee because the intention was to attract as many visitors as possible.

HON M XIBERRAS

Sir, was it the Committee itself that proposed the increase in the entrance fee?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Yes, that is what I have said but at the same time they argued against it in the sense that it would detract visitors from the Museum.

HON M XIBERRAS

This is not, in fact, my understanding of the situation, but perhaps if it is the Honourable the Financial and Development Secretary who is dealing with this then perhaps I could re-address the letter which I have received to him.

NO.17 HEAD 22 REVENUE was agreed to and passed.

NO.18 HEAD 23 SECRETARIAT

HON J BOSSANO

Mr Speaker, may I ask in respect of Rents of Flats, is there any explanation as to the need of this additional accommodation?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, there is a need to provide additional space for the IRO's Section to decongest the Establishment Branch in the Secretariat itself and to provide a Boardroom for the Secretariat which is not available at the moment.

HON J BOSSANO

Then this is not in fact rent of flats since it includes

office accommodation.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Perhaps the title of the vote is misleading, I agree, but we provide there for payment of rent for flats and certain offices as we are doing now.

NO.18 HEAD 23 SECRETARIAT was agreed to and passed.

NO.19 HEAD 25 TOURIST OFFICE was agreed to and passed.

NO.20 HEAD 26 (NEW) CONTRIBUTION TO IMPROVEMENT AND DEVELOPMENT FUND

HON M XIBERRAS

Mr Speaker, on this Item, could I ask in respect of what these £230,000 have been voted. What is the need?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

The amount was shown in the Estimates for the current year in the financial statement accompanying the Estimates and the intention was declared then to transfer the sum of £230,000 to the Improvement and Development Fund. It is money required for general purposes of the fund and to keep the fund solvent. We are confident that the contribution of £230,000 is justified and that the fund is not going to end up with any surplus as a result of this contribution this year.

HON M XIBERRAS

Is this in respect of Varyl Begg Estate?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, Varyl Begg is met from Development Aid Funds and this is to meet the cost of locally financed projects and we either have to borrow money or pay money into the fund from

the Budget.

HON M XIBERRAS

I agree with the decision in principle or I do not disagree with it, put it that way, of £230,000, but I wonder why this is being done now. Is it the first opportunity or is the fund now in a position to require this infusion or what?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

The money is required, it could have been done at any time in this financial year. It could have been done at an earlier meeting of the House but certainly it is evident that the money is required now.

HON MAJOR R J PELIZA

I am not clear on this, Mr Chairman. Does it mean that already we have taken a decision to transfer this amount of money and we are just purely now physically doing so or are we reducing the reserves by this amount, this is what I am not clear about.

MR SPEAKER

There are commitments from the Improvement and Development Fund which need to be met and therefore the fund has been infused with money from the reserves to meet this commitment.

HON CHIEF MINISTER

This is implementing the Budget policy announced at the time by the Financial Secretary.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

It was shown in the Estimates and it was made clear in the Budget Speech by the Financial and Development Secretary at the time that we would be asking the House to appropriate this amount this year.

Sir, I now propose that the votes detailed in Supplementary Estimate No.3 of 1976/77 be approved.

Mr Speaker proposed the question in the terms of the Acting Financial and Development Secretary's motion.

Mr Speaker then put the question which was resolved in the affirmative and Supplementary Estimates No.3 of 1976/77 were agreed to.

The House recessed at 5.30 p.m.

The House resumed at 6.00 p.m.

SUPPLEMENTARY ESTIMATES IMPROVEMENT AND DEVELOPMENT FUND
No.2 OF 1976/77

The Honourable the Acting Financial and Development Secretary moved that the House should resolve itself into Committee to consider Supplementary Estimates Improvement and Development Fund No.2 of 1976/77.

SUPPLEMENTARY ESTIMATES IMPROVEMENT AND DEVELOPMENT FUND (J)
POLICE

HON J BOSSANO

Mr Speaker, could I ask whether the patrol cars have arrived already or are they still in the process of being ordered.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

No Sir, the patrol cars have not yet arrived.

HON J BOSSANO

So we are still in time then, Mr Speaker.

The Honourable the Acting Financial and Development Secretary moved that the votes detailed in Supplementary Estimates Improvement and Development Fund No.2 of 1976/77 be approved and that the sum of £1,250 be appropriated to meet the expenditure detailed therein.

Mr Speaker proposed the question in the terms of the Honourable the Acting Financial and Development Secretary's motion.

Mr Speaker then put the question which was resolved in the affirmative and it was agreed that Supplementary Estimates Improvement and Development Fund No.2 of 1976/77 be approved and the sum of £1,250 be appropriated to meet the expenditure detailed therein.

BILLS

FIRST AND SECOND READINGS

THE COLLECTIVE REDUNDANCIES ORDINANCE 1976.

The Honourable the Minister for Labour and Social Security moved that a Bill for an Ordinance to provide for consultation in case of certain collective redundancies be read a first time.

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

HON A J CANEPA

Mr Speaker, Sir, I move that the Bill be read a second time. Recently, Mr Speaker, in fact after the dissolution of the previous House, notification was received that last year the Council of the European Community had adopted a directive on the approximation of the laws of the Member States relating to collective Redundancies. The directive, to which of course Gibraltar is bound, is due to be implemented on the 17th of February, 1977, and hence the need to bring

this Bill before the House at the earliest opportunity. The preamble to the EEC directive refers to the importance that greater protection should be afforded to workers in the event of collective redundancies while taking into account the need for balanced economic and social development within the Community. Without any false modesty on our part, Sir, I think we can say that even in the unlikely event of appreciable collective redundancies occurring in Gibraltar they would not have the least effect on the balanced economic and social development within the EEC as a whole. Be that as it may, we are bound to legislate on the matter and on the lines of the directive and we have had to choose from the several definitions of collective redundancies the one most suitable in Gibraltar's circumstances. For the purposes of complying with the directive collective redundancies can mean one of the following:

1. Where over a period of 30 days at least 10 workers are made redundant in establishments normally employing more than 20 and less than 100 workers.
2. Where over a period of 30 days at least 10% of the number of workers are made redundant in establishments normally employing at least 100 but less than 300 workers.
3. Where over a period of 30 days at least 30 workers are made redundant in establishments normally employing 300 or more workers, and
4. Where over a period of 90 days at least 20 workers are made redundant whatever the numbers actually employed in the particular establishment.

Having considered the situation in Gibraltar, Mr Speaker, such as for example the size of establishments, generally, the make-up of the labour force etc., my colleagues and I have come to the conclusion that the option most suitable to Gibraltar is that which refers to at least 20 redundancies over a period of 90 days irrespective of the size of the establishment and this is the definition of collective redundancies which has been adopted in the Bill now before the House subject to the exceptions which are mentioned in Clause 2 (2) and to which the Ordinance shall not apply. Now, Sir, Members will have noted that the Ordinance shall not apply to redundancies effected by the Crown. The reason for this is that the directive does not

apply to the Crown as may be seen from the Explanatory Memorandum to the Bill. In fact, when similar legislation was enacted in the UK in the relevant sections of the Employment Protection Act, 1975, provision was made specifically to exclude the Crown. Needless to say the Gibraltar Government as an employer will comply with the spirit of the Ordinance and I took steps at the beginning of last month, Mr Speaker, to obtain a similar undertaking from the UK Departments and I am glad to say that they also undertake to comply with the spirit of the proposed legislation. The Bill, Sir, imposes on employers a two-fold duty. Firstly, to consult the appropriate trade union representatives at least 60 days before collective redundancies take effect - this is in Clause 3 - and they must give written particulars of the reasons, the numbers, the method of selecting employees who may be dismissed, etc. In the course of such consultation, the employer shall consider whatever representations are received from trade union representatives and they must state whatever reasons they may have if any such representations are rejected. The second duty of the employer, Mr Speaker - and this is to be found in Clause 4 of the Bill - is to notify the Director of Labour and Social Security also at least 60 days before the first of the dismissals take effect, this, of course, is meant to give the Director sufficient time, inter alia, to make whatever arrangements may be possible to find alternative employment for the employees affected and also to minimise as much as possible the effects of any redundancies both individually and generally. Sir, I wish to make it clear, and I give my assurance on this, that the comparative urgency with which the Bill is being brought to the House is due simply and solely to our commitment under our EEC obligations to bring into force not later than the 17th February 1977, the legal provisions necessary to comply with the EEC Commission's directive on the subject. There is not the slightest indication, neither do I envisage it in the foreseeable future, that the sort of situation which the Bill is intended to meet will arise. Sir, I commend the Bill to the House.

Mr Speaker then invited discussion on the general principles and merits of the Bill.

HON J BOSSANO

Mr Speaker, I would like to say that we support the Bill in

giving as it does a measure of protection against the unpleasant prospect of finding that one has lost one's job which I am sure, in fact, in Gibraltar's circumstances where we have such a reserve of immigrant labour which comes in on permit is not as serious a problem as it would be anywhere else in the world, but nevertheless that this should be in the statute book is a good thing. I would like to take this opportunity to ask the Honourable Minister for Labour and Social Security whether he will look at other measures that exist, for example, in the UK, where individuals who are made redundant are afforded a measure of economic protection and not just the measure of forewarning as this Bill does, so as to tide them over until they manage to get alternative employment. I think it would be a good thing if we could move in that direction ourselves in our legislation in Gibraltar and I would like to, since we are talking about the subject of redundancy, I would like the Honourable Member to look at the possibilities that there might be for introducing that type of legislation as well in Gibraltar.

HON M XIBERRAS

Mr Speaker, the sort of situation which for the provisions of the Bill would be needed here in Gibraltar I imagine the chances to be fairly remote. I do not envisage changes in labour situation here coming as a result of changes of the EEC policy, particularly since most of our workers work, in fact, in official employment. But the situation could nevertheless arise and despite the very welcome assurance given by the Minister for Labour that the sole reason for the Bill is the EEC directive, I would like to be absolutely certain about it and one of my immediate questions is whether this assurance on the part of the UK Departments has been given to him or to the Government formally because although the records of this House, of course, do stand, I nonetheless would like to see a formal commitment of the UK Departments to this end, of course, the Gibraltar Government which can be given by the Minister to honouring the provisions of the Bill. I was a bit worried when I first read the Bill as to the effectiveness of it considering as I have said that most of the workers in Gibraltar are in official employment, but I understand and accept the reason that the UK Departments in Gibraltar could not be expected to commit themselves to a position in advance of the UK Government itself. So, perhaps, the Minister could tell us whether he has got this assurance from the UK Departments in writing or not. The other thing which I would like to

raise is the question of compliance with EEC directives generally and more particularly in the labour field. We do from time to time get these Bills which almost oblige us to pass legislation at a greater or lesser speed in this House in order to comply with EEC requirements but we find that when we are discussing any particular Bill hardly do we have occasion to look at the whole gamut of legislation or objectives proposed by the Community. We in this House have to vote almost on one particular Bill in isolation of other ideas which the EEC may have. This may have some bearing on what the Leader of the Opposition was saying earlier. Honourable Members will remember that when the original Gibraltar legislation complying with the EEC requirements were introduced, I made this request of the Attorney-General at the time that we should have some sort of a picture as to our obligations, the things we needed to comply with and the things we did not need to comply with. Perhaps the little meeting that we had inside might help in the future in this direction but I find that if we are going to be in step with EEC, we should be in step generally with all the provisions of EEC and not wait until the last moment until we are obliged to be in line by a given date. The provision of redundancy protection is one measure and I am sure that there are others. I take this opportunity of repeating my request to the Attorney General in this respect, and if he can make available the publication on the matter I would be most grateful. I would certainly, on the arguments of the Minister, support the Bill.

HON MAJOR R J PELIZA

Mr Speaker, Perhaps the Attorney General can throw some light on this. As it stands the Bill really is not all that relevant to Gibraltar because the number of firms which could be affected by this Bill are very few. It will, of course, have a very good effect as far as Government is concerned in that even if the law does not apply to them, and I also refer to UK employers, even if the law does not apply to them I think the spirit is there and I suppose that if they want to act as good employers they would have to take notice of this Bill. But in order to make it more relevant to Gibraltar is it possible as well as harmonising the Bills as we are now, to reduce the number affected by the redundancy, say from 20 bring it down to 5 or a number that would more affect the circumstances of Gibraltar, so that in that case it would apply to many many more private employers. Now I just do not

know whether this would run contrary to the conditions of the EEC, I cannot see why it should, quite honestly, in that we are keeping to the general policy of the EEC but making it applicable and effective in this small community, and I personally would like to hear what the arguments are from the Attorney General, from the strictly legal point of view. I might be inclined to move an amendment at the Committee Stage to try and make this Bill of some significance to Gibraltar. At the moment I think it is of very little significance.

HON ATTORNEY GENERAL

Mr Speaker, the Honourable Minister in his Second Reading speech outlined the 4 possibilities set out in the directive one of which we have adopted. It would be open to us to take the particular directive in the particular option chosen and provided we were not less favourable than that in the directive, it is entirely up to us whether we reduce the figures. It is perfectly in order.

HON A J CANEPA

Sir, I think there are two main points that have been raised, one by the Honourable Mr Xiberras regarding the assurances given by the UK Departments and the second one by the Honourable the Leader of the Opposition with regard to rather more far reaching legislation. Insofar as the first matter is concerned, Mr Speaker, I mentioned earlier that I had written at the beginning of November and in fact I got an interim reply about two weeks ago, and in that interim reply the Flag Officer indicated that he could not give himself the assurance as he felt it necessary for the sake of uniformity, to enquire from MOD the attitude adopted by HMG in the UK when faced with the same EEC directive. So he was in other words referring the matter higher up to London. Then I got a reply dated the 2nd December which really confirmed - because the Flag Officer said that he did not envisage that there would be any difficulty - that the UK Departments would comply with the spirit of the proposed legislation. So I do have this undertaking in writing. Being employed by the Crown they are not bound by the legislation but they will comply with the spirit of the proposed legislation. In other, and this happens very often, I can mention other legislation where that happens. For instance, something I shall mention in a moment, the Redundancies Payment Act, they are not bound by it but they

have their own arrangements for complying, in fact, for going further than what they are required to do. The second point, that of more far reaching legislation, I think the Honourable the Leader of the Opposition was referring to some legislation on the lines of the UK Redundancy Payment Scheme. I have looked into this not in very great depth but I have been looking at a pamphlet about the Act in connection with the legislation that I have to bring to the House. The position is that the Redundancy Payments Act 1975 does not apply to the Crown either. Crown servants and any employees in the National Health Service in the UK are not eligible under the Redundancy Payments Act. To legislate along these lines in Gibraltar, therefore, would merely be placing a burden on employers in the private sector which perhaps at the moment they may not be in a position to meet because the Act requires lump sum redundancy payments to be made to employees and I do not think, Mr Speaker, that we have reached a stage in Gibraltar where we could ask the private sector, certainly most of the employers in the private sector, to undertake such a commitment. I have no doubt that the FEC will eventually be getting around to that and then we shall have to follow suit. So it is a matter that I am prepared to keep under review for a more favourable opportunity.

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON A J CANEPA

Mr Speaker, I beg to propose that the Committee Stage and third Reading of the Bill should be taken at a later stage in this meeting.

This was agreed to.

THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) ORDINANCE 1976.

The Honourable the Attorney General moved that a Bill for an ordinance to make new provision for enabling the Supreme Court to assist in obtaining evidence required for the

purposes of proceedings in other jurisdictions to extend the powers of that court to issue process effective for securing the attendance of witnesses, and for purposes connected with those matters be read a first time.

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

HON ATTORNEY GENERAL

Mr Speaker, I have the honour to move that this Bill be now read a second time.

This will not effect except on a quid pro quo basis, if I may put it that way, litigation in Gibraltar. This is purely aimed at enabling the Courts in Gibraltar to make provision for taking evidence which is wanted for use in proceedings or proposed proceedings in other jurisdictions. It frequently happens that where there are proceedings in one country, evidence is required from a witness in another country and international comity, it has always been accepted, the Court or the other country should assist in obtaining the evidence requested. For some 120 years there has been an Act which has applied both in the UK and in Gibraltar which has enabled evidence to be obtained for other countries but it could only be obtained by the Court in the country concerned. This has not always proved necessarily the most satisfactory way of obtaining evidence and in 1969 there was a convention in The Hague to which the great majority of the European countries were parties, facilitating the taking of evidence in one country for use in another country. The United Kingdom has ratified the Convention and has extended the Convention to Gibraltar. She has herself passed an Act on which our Ordinance is based, she passed it in 1975 - it came into force early this year - which will enable the Courts in the United Kingdom to order the taking of evidence where it is required from other Convention countries. The United Kingdom Act, and the Acts in the other European countries, will, of course, benefit any parties who are litigating in Gibraltar who require evidence to be taken in those countries. I think I can fairly say it will be beneficial to litigating parties in Gibraltar. If they wish evidence to be taken, shall we

say, in the UK, not only is the means of taking evidence extended but also the types of evidence that can be obtained, for instance, there can be photographs now taken, blood samples, materials analysed, etc. It does lead to, I would say, probably speeding up of litigation and enables the Courts in this country, having obtained the evidence from some other country, to reach a fairer conclusion on the case before it. Mr Speaker, I commend the Bill to this House.

Mr Speaker then invited discussion on the general principles and merits of the Bill.

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON ATTORNEY GENERAL

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken at a subsequent meeting of this House.

THE SUPREME COURT (AMENDMENT) ORDINANCE 1976.

The Honourable the Attorney General moved that a Bill for an Ordinance to amend the Supreme Court Ordinance (Cap.148) to allow the court to assume jurisdiction over certain state-owned ships be read a first time.

Mr Speaker put the question which was resolved in the affirmative.

The Bill was read a first time.

HON ATTORNEY GENERAL

Mr Speaker, I have the honour to move that this Bill be now read a second time.

The laws, both of Gibraltar and the United Kingdom, afford immunity in the very broadest terms to foreign states even though the immunity of the Crown, both in the United Kingdom and Gibraltar, was curtailed very considerably some 29 years ago. In many countries, however, the immunity is given when the Foreign State is, if I may put it this way, trading. It is not given to commercial undertakings when they are being carried on by the foreign state. In 1926 a Convention, generally, made provision for the differentiation between state-owned commercial undertakings and the normal state-owned ships, such as battle ships, etc. At that time the United Kingdom was not particularly satisfied with the Convention and did not ratify but it is now some 50 years later proposing to do so. The effect will be that any party or any state which is a party to the Convention - and I must make this quite clear, it only applies to states which are parties to the Convention - they will voluntarily waive jurisdiction where one of their commercial ships commits a tort in the territorial waters of another convention country. If I may give a concrete example, let us suppose that France, which is a party to the Convention, a grain carrying ship owned by the French Government comes into Gibraltar and through negligence of navigation collides with the mole and causes damage. In those circumstances the matter can be tried before the Gibraltar Courts. If, however, a French warship should do the same thing then, of course, our Courts could not assume jurisdiction. A ship belonging to a country which is not, however, a member to the Convention, for example the Soviet Union is not a member, if one of her grain ships collided with the mole we would have no jurisdiction, international law would say, no, she is not a party to the Convention. I think this can only be of benefit to Gibraltar, the countries which are parties are willing parties and there could be no question of any shipping not coming to Gibraltar because we have enacted this legislation. One hopes, of course, there will be no need to invoke the legislation, that we will not have any causes of action against commercial concerns of party states, but it is and could be useful. Our present Bill is based on similar legislation in the United Kingdom and will enable either the Gibraltar Government, if their property is damaged, or a private concern, to obtain a remedy from the Gibraltar Courts.

Mr Speaker, I commend the Bill to this House.

Mr Speaker then invited discussion on the general principles and merits of the Bill.

HON P J ISOLA

Mr Speaker, I would like to welcome this Bill. I think this is an improvement. The only sad notes struck was in the address of the Honourable and Learned Attorney General who told us that ideally in utopian states the Soviet Union was not a party to the Convention and of course it is states such as these that in fact own all their ships and all the commercial shipping is in fact in state-owned ships and I would have thought that having reached this idyllic situation, they would submit themselves to the jurisdiction of countries who have not got that ideal situation but who may have reasonable claims against them. Can I take it from what the Honourable and Learned Attorney General has said that not only the Soviet Union but the other countries in the Eastern bloc have not signed the Convention because, of course, if that was the case the number of ships who would be subject to the jurisdiction under this Bill would be rather few. But anyway, it is an improvement in the right direction and one would hope that as many countries as possible would subscribe to this Convention.

HON M XIBERRAS

Mr Speaker, may I in welcoming the Bill, ask whether our neighbouring country is in fact a signatory of the Convention as well. I am trying to find out the extent to which this will be of practical application in Gibraltar, whether Spain has subscribed to this Convention or not and in so doing whether there is an accepted definition of the physical limits within which the terms of this Bill could be said to apply, in other words, a definition of territorial waters in relation to this Bill. I think that for obvious practical reasons both points of information would be of interest to the House.

MR SPEAKER

If there are no other contributors I will call on the mover to reply.

HON ATTORNEY GENERAL

It would be both untrue and frivolous if I were to say that I would communicate the views of the Honourable and Learned

Mr Peter Isola to the representatives of the Soviet Union. The countries which are members are West Germany, Belgium, Braxil, Chile, Denmark, Spain, France, Great Britain, Hungary, Italy, Mexico, Norway, the Netherlands, Poland, Portugal, Rumania, Yugoslavia and Sweeden. On the question of territorial weters, it is the line - I am speaking slightly off the cuff here - but it is generally in international law where you have two countries such as Gibraltar and Spain, it is not a straight line, it runs down halfway between the coasts, so it is approximately 2 miles off the West Coast of Gibraltar and on the east Coast of Gibraltar it is 3 miles. I am quite prepared to give a written description at a later stage to the Honourable Mr Xiberras if he should so wish it.

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON ATTORNEY GENERAL

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill will be taken at a subsequent meeting of this House.

THE JOAQUIN BENSUSAN PENSION ORDINANCE 1976

The Honourable the Acting Financial and Development Secretary moved that a Bill for an Ordinance to provide that certain service of Joaquin Bensusan shall count as public service for the purposes of the Pensions Ordinance (Cap.121) be read a first time. M

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, I have the Honour to move that this Bill be now read a second time.

Mr Bensusan joined the Gibraltar Museum in May 1966. In 1967, by agreement with the Government, the Museum Committee invited applications for an Assistant Trainee to the Curator/Archivist. The trainee would be required to undergo a suitable period of training in the UK and was to be appointed curator/Archivist in the place of the then Curator who had been recruited from Britain by the Museum Committee on a temporary basis. Mr Bensusan was elected as Assistant Trainee and on his return to Gibraltar in 1969 he was appointed Curator/Archivist. In order to establish pensionability, however, the appointment was made to the Government Secretariat and Mr Bensusan was seconded to the Museum. Mr Bensusan has given and continues to give excellent service as Curator and the Museum Committee has strongly supported his representations that the whole of his service with the Museum prior to his appointment to the Government Secretariat should be treated as pensionable. A special Ordinance is required for this purpose since, under the provisions of the Pensions Ordinance, service prior to the appointment in the Government Secretariat cannot be treated as reckonable service. The case has also been considered by the Ministry of Overseas Development and no objections have been raised to what is proposed.

Sir, I commend the Bill to the House.

Mr Speaker then invited discussion on the general principles and merits of the Bill.

HON MAJOR R J PELIZA

Mr Speaker, I support the idea. I think the work done in the Museum by the Curator is really worthy of admiration and I fully support the Bill.

HON M XIBERRAS

Mr Speaker I would like to ask a brief question on this. I imagine the answer will be a negative one but just in the interests of fairness. Are there any other persons in jobs peripheral to Government employment who are in the same situation as Mr Bensusan and, if so, I hope the answer is no, but if so, what criterion has been used to distinguish between one and the other in bringing a Bill of this nature to the House. I seem to recall one case, some years ago.

HON ATTORNEY GENERAL

Dr Carlos Suarez I think is, perhaps, the case to which the Honourable Member is referring, that was in 1968, I think.

HON M KIBERRAS

But there are none at present?

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

The answer is, no. As far as I am aware there is nobody in that situation.

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, I beg to propose that the Committee Stage and Third Reading of the Bill should be taken at a later stage in this meeting.

This was agreed to

THE SUPPLEMENTARY APPROPRIATION (1976-77) (NO.2) ORDINANCE 1976.

The Honourable the Financial and Development Secretary (Acting) moved that a Bill for an Ordinance to apply further sums of money to the service of the year ending 31st day of March 1977 be read a first time.

Mr Speaker put the question which was resolved in the affirmative.

The Bill was read a first time.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Sir, I have the honour to move that the Bill be now read a second time.

The object of the Bill is of course to give legal form and expression to the approval the House has given to Supplementary Estimates of Expenditure No.3 of 1976-77. Its purpose is to authorise the withdrawal of these monies from the Consolidated Fund and their appropriation to the services specified in the Schedule of the Bill.

Sir, I commend the Bill to the House.

Mr Speaker then invited discussion on the general principles and merits of the Bill.

Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON FINANCIAL AND DEVELOPMENT SECRETARY (ACTING)

Sir, I beg to give notice that the Committee Stage and Third Reading of the Bill should be taken at a later stage in this meeting.

This was agreed to.

COMMITTEE STAGE

HON ATTORNEY GENERAL

Mr Speaker, Sir, I beg to move that this House should resolve itself into Committee to consider the following Bills, Clause by Clause:-

The Collective Redundancies Bill, 1976

The Joaquin Bensusan Pension Bill, 1976

The Supplementary Appropriation (1976-77)
(No.2) Bill, 1976.

The Collective Redundancies Bill, 1976.

Clauses 1 and 2 were agreed to and stood part of the Bill.

Clause 3

The Honourable Major R J Peliza moved that sub-clause (3)(1) be amended by the deletion of the word "twenty" in the third line thereof and by the substitution therefor of the word "five".

HON MAJOR R J PELIZA

I think it is quite clear in a small society like ours where employers are much smaller than the one the law obviously had in mind, I think it would be of no significance at all to leave the word "twenty" or even to make it any more than five, since I think there is hardly ever an occasion when an employer in Gibraltar finds himself making as many as 20 or 10 employees redundant. I cannot see that this can cause any difficulties to any employers in that obviously the question in a question of redundancy I think an employer can see this looming ahead and has plenty of time to start organising himself as to how he is going to overcome all the difficulties that are presented with any form of redundancy which obviously means not just sacking 5 men but the reason why he has got to sack 5 men, perhaps reducing the size of the business, getting rid of stock and everything that goes with reducing the size of the firm. I cannot see that it is going to be all that trouble for an employer to make the necessary arrangements to ensure that something is done for the individuals who unfortunately would find themselves without employment to try and find another job for them. I think it is human that we should consider the matter in that light even if it is a slight burden on the employer. But I think we must also bear in mind the position of the employee. Even in the case of 20 redundancies it means some kind of difficulties presented to the employer but notwithstanding that it has been seen proper in this House as indeed in the EEC that this difficulty should be overcome by the employer and I think the number of five for Gibraltar is a reasonable number and I move accordingly Mr Chairman.

Mr Speaker then proposed the question in the terms of the above amendment.

HON A J CANEPA

Mr Speaker, I think that 5 is really somewhat on the low side, but I do not have any violent objection to accepting the amendment. We will vote in favour.

HON J BOSSANO

Mr Speaker, I would like to say that we support the amendment. I think in fact as far as employers are concerned even without the law, from the point of view of the private sector they certainly have established the practice to inform the Union as soon as they know. It is a good thing I think that the House should legislate in order to create a safety net of the minimum requirement and the higher we have made that minimum requirement the better it is although in practice I think employers generally in my experience consult the Union without any legal requirement to do so.

Mr Speaker then put the question which was resolved in the affirmative and Clause 3 sub Clause 1, as amended, was agreed to and stood part of the Bill.

HON ATTORNEY GENERAL

There is a consequential amendment to Clause 3 sub Clause 3. That also will have to be amended.

Mr Speaker then put the question that Clause 3, sub Clause 3, be amended in a similar way.

Mr Speaker then put the question which was resolved in the affirmative and Clause 3, as amended, was agreed to and stood part of the Bill.

Clause 4

The Honourable Major R J Peliza moved that sub Clause (1) be amended (i) by the deletion of the word "twenty" in the second line thereof and by the substitution therefor of the word "five" and (ii) by the deletion in sub Clause (2) of the word (twenty) in the third line thereof and by the substitution therefor of the word "five".

Mr Speaker put the question which was resolved in the affirmative.

Clause 4, as amended, was agreed to and stood part of the Bill.

Clause 5, was agreed to and stood part of the Bill.

Clause 6, was agreed to and stood part of the Bill.

The Long Title was agreed to and stood part of the Bill.

The Joaquin Bensusan Pension Bill, 1976.

Clause 1 was agreed to and stood part of the Bill.

Clause 2 was agreed to and stood part of the Bill.

The Long Title was agreed to and stood part of the Bill.

The Supplementary Appropriation (1976-77) (No.2) Bill, 1976.

Clause 1 was agreed to and stood part of the Bill.

Clause 2 was agreed to and stood part of the Bill.

Clause 3 was agreed to and stood part of the Bill.

Schedule was agreed to and stood part of the Bill.

The Long Title was agreed to and stood part of the Bill.

THIRD READING

HON ATTORNEY GENERAL

Mr Speaker, I have the honour to report that the Collective

Redundancies Bill, 1976; the Joaquin Bensusan Pension Bill, 1976; and the Supplementary Appropriation (1976-77) (No.2) Bill, 1976, have been considered in Committee and agreed to, in the case of the Collective Redundancies Bill, 1976, with amendments, and I now move that they do be read a third time and passed.

Mr Speaker then put the question which was resolved in the affirmative. The Bills were read a third time and passed.

The House recessed at 7.00 p.m.

TUESDAY THE 7TH DECEMBER 1976.

The House Resumed at 11.00 a.m.

Private Members Motion

HON CHIEF MINISTER

Mr Speaker, I have the honour to move in the terms of the motion standing in my name:

"that, pursuant to the provisions of Section 73 of the Constitution of Gibraltar, this House elects the Honourable A J Canepa as Mayor of Gibraltar!"

Mr Speaker, the Constitution which was enacted in 1969 following on the Constitutional Talks in 1968, merged the old City Council with the Government administratively and collectively but at the time it was felt that the post of Mayor should still be retained as civic head of the Community. The wording at the time agreed was this;

"there shall be a Mayor of Gibraltar who shall be elected from among the Members of the Assembly, other than the ex-officio members, by the elected members of the Assembly. A person elected to the office of Mayor shall hold office upon such time and conditions and shall perform such functions, being ceremonial functions of a civic character, as may be determined by the Governor acting after consultation with the Gibraltar Council."

After the Constitution came into being, the previous

administration, the late Sir William Thomson was elected by the Members of the House as Mayor, and subsequently you yourself, Mr Speaker, was elected for the periods from the time you became Speaker up to this moment. It is rarely the case that one has to move a motion in this House for which the Speaker is at fault, and that is that you have expressed very determinedly the desire not to be so elected. I know you have done it for seven years and you have taken the post very seriously, as it has to be taken, and you have represented Gibraltar on many occasions in many ways, for which I am sure all Members of this House are grateful and, indeed, Gibraltar must be grateful. But because of the decision that you have taken, and I hope you will bear me out that even to the last moment when the notice of motion was to be sent, I asked you whether from the time that you had informed me of this you might have changed your mind and you had not, which was your privilege of course. That leaves us with the necessity, undesirable as it may be, of having to elect one Member of the fifteen elected Members of this House, to be Mayor. We have considered this matter carefully and we have come to the conclusion that this post should only be held by any Member, certainly as far as we are concerned, for one year so that it does not become too heavy a burden on people and, secondly, the burden is more equitably shared out by Members. We have decided, as far as the Government side is concerned, that on this occasion we are breaking with the tradition already created by the previous practice in having to elect one, that the person to be elected should be Mr Adolfo Canepa. Mr Speaker, I have the honour to move in the terms of the motion in my name.

MR SPEAKER

I will propose the question but before doing so I would like to explain that I have decided not to stand for election again as Mayor. It has been my own personal decision taken on purely personal grounds. As the Honourable and Learned the Chief Minister has quite rightly said to the very last moment he has endeavoured to ^{get} me to change my mind. My resolve was ^{definite} and I was not prepared to do so because it is not easy to take an important decision as I have to give up the Mayorship and therefore I had given very careful consideration to the matter. I have to apologise to the House for perhaps creating a problem, a problem which is inherent in the provisions of the Constitution. As the Chief Minister quite rightly said, it is Section 78 (1) which says that the Mayor must be elected from among the

Members of the House and the only Member of the House who was not a politician and who was eligible to be Mayor was the Speaker and I think that is why I was given the honour and the privilege to represent Gibraltar and serve Gibraltar as Mayor. But I would like it to be known that the problem and the reason why a new Mayor has to be elected today and has to be elected in accordance with the provisions of our Constitution is exclusively my personal decision not to continue in office or not to stand for election again and perhaps I will take this opportunity when I propose the question to remind the House that under Section 78 (1) of the Constitution the ex-officio members have not got a vote and the Section reads:

"There shall be a Mayor of Gibraltar who shall be elected from among the Members of the Assembly, other than the ex-officio Members, by the elected Members of the Assembly."

Having said what I have said and thanking all the Members of the House for the great privilege which they have bestowed on me to allow me to be Mayor for 7 years, I would like to say that I have always been honoured to serve Gibraltar in this capacity and that I give my full and unconditional support to the person who is going to take over in this post. I will now propose the question which is "that, pursuant to the provisions of Section 78 of the Constitution of Gibraltar, this House elects the Honourable A J Canepa as Mayor of Gibraltar."

HON J BOSSANO

Mr Speaker, may I first of all second the sentiments expressed by the Honourable and Learned the Chief Minister as regards your not continuing as Mayor of Gibraltar. Without doubt whoever fills the post will have difficulty in keeping up to the standards you have set as indeed you have in the post of Speaker as we have had occasion often to recall in the House. It is understandable that after you have given so many years service you should wish to have a rest but it is regrettable that it should be so. Without a doubt there can be nobody in Gibraltar who will think otherwise of the way you have conducted, so much to the benefit of Gibraltar, the representation that you have to make in meeting people outside Gibraltar who have had tours and whom you have made welcome on so many occasions in your capacity as Mayor. As regards the way the Honourable and Learned the Chief Minister has chosen to handle the selection of a successor it is a matter of great regret, I think, that the Honourable and Learned Member has, in fact, presented the House with a

motion which represents the choice of the Government. It is a non-political appointment and it should remain a non-political appointment and if there was one clear instance where consultation before this debate would have been of benefit, this is indeed in my estimation the case as in fact, Mr Speaker, I was consulted, as you will recall, as regards filling the post of Speaker in the House of Assembly. I think that it would have been useful for both sides of the House to have put forward their ideas before it came to this moment of taking a decision. It would appear, superficially at least, that the Government have discussed the matter in depth and have decided that since they have got so many thousands of votes and since they have proved so competent at winning elections and since they have a mandate for virtually everything under the sun, they obviously have a mandate as well to impose, with their majority of one, a Mayor on Gibraltar of their choice. That is the superficial impression that is given by the fact that the motion has been presented to the House with a decision already taken. I may be mistaken, I hope I am, Mr Speaker,

The Honourable and Learned the Chief Minister has said in support of the motion that the House is required by the Constitution to select one of its Members, other than the ex-officio Members, to be Mayor. That is of course the case. The manner in which he explained this, perhaps, hinted at the fact that this is not entirely a satisfactory state of affairs, that there is no reason why the most apt or competent person to occupy the position of Mayor should necessarily be found amongst the 15 who are Members of the House, there is no reason why the qualities or attributes that one would want of a Mayor should necessarily be found in a politician or an elected Member of the House of Assembly. If that is the case, then, we should seek to change that position and I propose at the next meeting of the House to move a motion seeking to alter this part of the Constitution so that if the House can agree the matter can then be taken up by the Honourable and Learned the Chief Minister with the appropriate authorities in the United Kingdom. I am sure that we have nothing to lose because if we find that the most suitable person is in the House of Assembly we can still select a Member of the House of Assembly, so by having a wider spectrum to choose from the House will lose nothing. In the meantime since these things do take a long time, unless of course we are changing the Constitution radically in the near future, which is not, of course, a lost hope yet, but since these things do take normally a long time, Mr Speaker, I myself cannot go along with the idea that we have a Mayor

every year or with the choice that the Honourable and Learned the Chief Minister has made for the first year. I do not think it is a good idea for somebody who has not had any experience of carrying out the functions of Mayor to be Mayor for just one year. I would have thought it would take him a good part of the first year to find out precisely what is expected of him and by the time he finds out he is replaced by somebody else who has got to find out. I would have thought that it would be better to have somebody as Mayor of Gibraltar until such time as the Constitution is changed and then the House can decide whether there is somebody more suitable and if there is no anybody more suitable they can leave the person who has been selected in the first place. I am certainly surprised that the Government within its own ranks, and it is quite clear they have limited their prospective Mayor to their own ranks - I am not for a moment suggesting that I should be Mayor, Mr Speaker, I have enough problems being Leader of the Opposition - I myself would have found an older man, somebody perhaps like the Honourable Mr Serfaty, who is in fact well-known for the way he has carried out his functions as Minister of Tourism, where in many respects he has done the sort of work that will be expected of him as a Mayor. I would have thought he had already a great deal of experience in meeting visiting dignitaries and that sort of thing which is primarily what one expects the Mayor to do and this accounts, I would say, for the bulk of the work, where people from abroad have got to be given a certain image, a certain memory to take away from Gibraltar with them and there are some of us who can do it and some of us who cannot, and those of us who cannot should know that we cannot. I think that within the Government ranks the Chief Minister could have found somebody with better qualities for the job and I trust that the Honourable Minister for Labour and Social Security will not take this to be in any way an attempt to say that he is incompetent for the job, it is just that I think that he has got certain qualities which make him very competent for certain things, just like I have certain qualities and I lack others, and I know the ones I lack and it is nothing to be upset about, Mr Speaker, we cannot all be the same and some of use are better at some things than at others. I do not know whether in fact the Honourable and Learned the Chief Minister has decided that the popularity of the Honourable Minister for Labour and Social Security at the post is a factor that he should take into account in appointing the Mayor. I would say myself that if we were to look at the question of popularity then without a doubt the second most popular man in Gibraltar, if the polls are any guide, after the Honourable and Learned the Chief Minister, is the Honourable Mr Xiberras. But if

the Government, of course, has only looked at its own ranks then, presumably, they have come to the conclusion that it should be Mr Canepa because of the number of votes that Mr Canepa obtained. I myself would have expected the Government to use the number of votes obtained as a criterion for deciding who should stand in for the Honourable and Learned the Chief Minister whenever the Honourable and Learned the Chief Minister is not in Gibraltar to carry out his functions. That to me would be the message of the electorate, that the electorate considers that within the AACR, and they have decided that they want an AACR Government for another 4 years, that the man that they think is second in command is the Honourable Mr Canepa. I think it is important for Members of the House to exercise their power, the power that is given to them by the Constitution, taking into account that in doing so they should produce results that are the best possible for Gibraltar and results that would be popular with the majority of the people of Gibraltar. I think, regrettably those two criteria are not met by the choice of the Honourable and Learned the Chief Minister. And since the Honourable and Learned the Chief Minister has chosen Mr Canepa other than another Member of his own bench, as I said I would have been quite happy to support wholeheartedly the choice of the Honourable Mr Serfaty because I think he is very adequately equipped to handle this position because of the way he has handled his Minister of Tourism. I cannot in fact, regrettably, support the choice of Mr Canepa and I do not think it is right for me to suggest an alternative name from the Government benches. Therefore, Mr Speaker, it is my intention to move an amendment proposing that the Honourable Mr Xiberras should be Mayor of Gibraltar. In putting forward Mr Xiberras's name I do so because I have no doubt of his popularity in Gibraltar, he has proved this fighting an election single handed, I have no doubt that although he has not had the occasion and the opportunity that the Honourable Mr Serfaty has had to meet people, he has had the experience of being in Government as Minister for Labour and he has had the experience of being Leader of the Opposition where, as we all know, certain things are expected of one which some of us are more equipped to carry out than others. But the Honourable Member as Leader of the Opposition has met many people from abroad and has always maintained the very high standard of ensuring that our guests in Gibraltar are well treated and go away with a good impression of us. I am sure that within the limitations of our Constitution and the way in which we have to perform our functions in the House of Assembly, the position of Mr Xiberras as Mayor

He will be able to do this admirably in the post of Mayor and I am also sure that

will be a recognition to some extent of the fact that Mr Xiberras's standing is very high with the electorate and with the people of Gibraltar. I hope that I was wrong in thinking that the Government would only accept a Member from their own side of the House and that they will prove me wrong by being able to support my amendment. If they are not - and that sinister laughter from the Government benches puts me in doubt as to whether they are - if they are not then, in fact, Mr Speaker, we are faced with a situation where the Government is insisting on steamrolling their own choice of Mayor for Gibraltar, of exercising their majority of one in the House so that the new Mayor of Gibraltar will not be the choice of the House of Assembly, will not be the choice of the 15 elected Members, but it will be the choice of the 8 on the Government side. And in case the Chief Minister in his closing speech chooses to remind us that he got 7,200 votes

MR SPEAKER

It would be the decision of the House if it is voted by a majority of votes. That is the position constitutionally.

HON J BOSSANO

I accept, Mr Speaker that in fact all the laws that the Government passes are passed by the House of Assembly technically but there is a great difference in the standing of somebody occupying the post of Mayor if he is the choice of the 15 Elected Members and the choice of 8 Elected Members. So I think the fact that technically it is the House who has appointed him would not in any way alter the situation but it would be far preferable that there should be unanimity on an issue like this which, as I said, should be completely apart from politics but if we are going to have a reflection of the political situation then I would put it to Honourable Members on the opposite side that the arguments that I have used in support of the amendment that I propose to move are valid arguments and that the Honourable and Learned the Chief Minister has not given any particular reason why it should be the Honourable Mr Canepa as opposed to anybody else. I have said the only reason that I can think of is the votes that he obtained, I would think that the Honourable Member carries a heavy burden already and if the Honourable and Learned the Chief Minister was saying that it would be desirable to have Members occupying this only for one year, which I

disagree with totally, because of the burden then I would put it to him that in fact within the Government benches there are Ministers who carry a much lighter burden than the Minister for Labour and Social Security. The Minister for Labour and Social Security just with the problems on the industrial front, with the number of people that we have got thrown out on the street as a result of the lock-out by the UK Departments, I would have thought would have no time, inclination or spirit to get himself involved in ceremonial occasions as Mayor of Gibraltar. Therefore if it is a question of the burden there are, and it does not matter who the individual is because the Honourable Member gave the impression that it would be a random choice of one person one year and another person another year just in order to share the work round, then, in fact, his choice is that of a Minister who is very heavily burdened already, perhaps, Labour and Social Security being the Department that has got most to do with the problems that affect the daily life of Gibraltar and most in terms of the volume of legislation where a great deal of the legislation brought to the House concerns the social welfare side of the Honourable Member's Ministry. Therefore, Mr Speaker, I propose to move now that the motion be amended by the deletion of the words "A J Canepa" in the third line and the substitution therefor of the words "M Xiberras".

Mr Speaker then proposed the question in the terms of the above amendment.

HON CHIEF MINISTER

Mr Speaker, I would like to thank the Honourable Leader of the Opposition for his little homily about how things should be done. First of all let me say that I entirely agree and I have already represented that the Constitution does not fit in to the set-up as we see it now and it has been more marked since the situation has arisen where the Speaker will not accept the appointment and that whether by a motion here we can get the thing prepared or not is another matter. We will certainly look at whatever proposals are made and support them if they fit into the way in which we look at it, but we entirely agree. I think you yourself, Mr Speaker, have expressed that view, I think my Honourable Friend Mr Canepa expressed that view the other day when he was interviewed in the light of the notice of motion given so that I do not think there is any relish about keeping the present situation. I regret that this was not the subject of consultation. Perhaps I was unduly hopeful that you would change your mind at the last moment, I regret that,

but everything the Honourable Leader of the Opposition has said against what I have done he has done himself, by not consulting and suggesting that perhaps a better choice would be the Member he has suggested, by not mentioning the fact that he did not like the idea and that he was going to propose another one. He knows, of course, that that is really a bit theatrical because his chances of succeeding in the motion are remote. But, anyhow, be that as it may, it is not my choice, let it be quite clear that it is not my choice, it is the choice of the Elected Members on this side of the House that should the circumstances have prevailed as they have that the Speaker had not changed his mind, that would be the case. Perhaps there was not enough time but I accept that on a subsequent year there might be some element of consultation not only with him and his colleagues but with the other Members, I accept that. I am not going to say that there has been a clinical analysis as to why Mr Canepa should be appointed the first one on this basis of a yearly basis, nor have I excluded the considerations of others not on this side of the House entirely, though that will also be the matter for consultation, but I do feel that I have a little experience of that and I can assure the Honourable Leader of the Opposition that you do not need too much training for doing the kind of thing that is expected of the Mayor, you do it better no doubt with time. I did it for a little while and it did not seem to have met with great disapproval. Insofar as the question of votes are concerned, well, it is not a factor really, it does not reflect everything. In the 1969 elections I had 7,000 and the Honourable Member followed him and yet the combination which was made left 7 Members elected by a very great majority of votes in the Opposition for a short period. So that I think is neither here nor there. I am glad that the Honourable Member has indicated that nothing that he has said is any aspersion on the ability of Mr Canepa other than the lack of experience, perhaps, but one must start sometime. Of course I must say that I regret that having regard to a matter of this nature he has not consulted me about the fact that he was going to propose an amendment and that this might have been a better way of dealing with the matter. Because you cannot criticise on the one hand and do exactly the same thing on the other, certainly not when there is a free forum where these matters can be pointed out. In other places you can but in this place if you do you have to get it back in the same currency. So really there is very little else to say other than to add that the fact that we shall be voting against the amendment is no reflection on the Honourable Mr Xiberras whose ability to take this post would be excellent except for his time-keeping which he is not often very good but that, of course,

is, beyond the point here because for the moment I do not think that his chances are going to be very big. We regret that we have to do that this way, I am sorry that the leader of the Opposition has taken this rather cynical attitude to the matter and has made it necessary to have this and not only not supporting the election for whatever reasons he might have explained by abstaining but has really made a more political issue of it by bringing on an amendment which of course he knows only too well is bound to fail. These are the realities of politics that the power lies where the people want it to lie.

HON MAJOR R J PELIZA

Mr Speaker, first of all since I was really the one who thrust the burden on your shoulders in 1969 I feel that I should rise to express my personal thanks for the magnificent job that you have done during your two terms as Mayor. At the same time I think I should ask your forgiveness for inflicting this on you and wish you well in the future in your present capacity, which I think you should be in a position to perform even better than at present with more time in your hands. At the same time I would like to take the opportunity to point out that it is indeed extremely regrettable that the Honourable and Learned the Chief Minister will all his political experience should have felt it necessary to have made the appointment of Mayor a controversial issue which whatever he may say and however expertly he may try to pass the back to the Leader of the Opposition, it is clear to any reasonable man that a politician with 30 years of experience cannot say that because he had lack of time in Gibraltar he was unable to carry out a consultation with the Leader of the Opposition on this issue, and to make

MR. SPEAKER :

I think the Chief Minister's explanation for not consulting the Honourable the Leader of the Opposition was his hope that he would prevail on me to change my mind.

HON MAJOR R J PELIZA

Mr Speaker, and then he said because of lack of time. I cannot see the lack of time since we usually meet in the Ante Room before the meeting of the House starts and it is

quite easy even at that late hour to talk on this or any other issue. So there is really no excuse, no excuse whatsoever, for the Chief Minister not having carried out the necessary consultations. It is completely the opposite of what I did when it fell upon my shoulders with no experience whatsoever to implement the constitution. I realised how important it was to have a Mayor who would be non-controversial at least. And this if you remember, Sir, was one of the reasons why I appealed to you to accept the appointment and at the same time I consulted the Leader of the Opposition and he too, I am happy to say agreed, in principle, at the time although he said that perhaps in the future he might think in a different way and obviously we have seen it now, he thought in a very very different way altogether. I cannot believe that he was thinking so far ahead but in the manner that he has acted now it makes me even suspicious. It would have been very nice whoever had been elected on this occasion if this debate could have been avoided. It could have been very easily avoided. I think we are reasonable men on both sides of this House, we have been able to overcome much more difficult problems than this one. I see no problem whatsoever if we have been able to meet outside the House, not even officially meet but just the word going round on the basis of: "would you agree with so and so" as it is done on many other issues, I am sure that that could have been done. And the choice whoever it might have been would now have been appointed here with the unanimous vote of every Member of this House. The Mayor I think should represent Gibraltar not fractions of Gibraltar, not a political party. He should be representing the whole of Gibraltar, without question whatsoever and any man with any political experience would agree with that and having agreed with that he would try to do it in such a manner that what has been occurring here today had not occurred. To suggest that the Leader of the Opposition is as much to blame as the Chief Minister for having raised the question in this House, I think, is most unfair. In fact, I think it is the proper way to act, to show up how the Government acts against the interests of Gibraltar if the idea is to bull-doze legislation through this House. We all agree, of course, that the majority of this House will always carry the day, we all agree with that. But it is in the manner that it is done that is important so that the feelings of the other side of the House are taken into consideration and if this is done on a question of the appointment of the Mayor I think it now reflects how other things - and this is why I used the word legislation - it does reflect the attitude of the Chief Minister on other issues. One cannot say that the individual will act in one

way on one occasion and differently on another if this is in the nature of the manner in which he handles situations. This is why I think it was not wrong of the Leader of the Opposition to bring the issue into the open. It is essential when there is real dissatisfaction and concern over any issue it is essential if we are going to have democracy in Gibraltar, that the issues are brought out in public and I for one support the attitude of the Leader of the Opposition in making the issue a controversial one, which he did not in fact, but bringing it out into the open the issue was made controversial undoubtedly and without any shadow of doubt in my mind, by the Chief Minister and he must be responsible for that. As to the choice itself, I think it is obvious that that man is my friend Maurice Xiberras. First of all he is an independent, so really he does not carry any party flag, secondly, he got the second most votes in the elections which means that the majority of the people of Gibraltar obviously are backing him. And, thirdly, I think because of his general attitude even in debate, one can see that he always takes the other side's point of view. He takes time in the discussions in this House but one of the reasons is because he tries very hard to see the other side's case and I doubt whether anybody in Gibraltar believes that Maurice Xiberras is in any way an extremist in any sense. I think he would carry the emblem of independence and to a large extent neutrality in that particular post. I can see no better choice in this House today than Maurice Xiberras. This is one of the reasons why I support the motion of my Honourable Friend Joe Bossano. Having said that unfortunately I think the Government is not going to go back on the motion, is not prepared to say as the Chief Minister said to some extent that he regretted having acted in this manner. Words really mean nothing. I would have much more respect for the Chief Minister if he were to be prepared to withdraw the motion and if he were prepared to go into consultation and agree to some decision, whether it is Maurice Xiberras or anybody else I would not care, but at least have the unanimity of this House. Then I would believe his words when he says that to some extent he regrets his action. It is no good regretting with words, it is deeds that count. And then of course as I say I would appreciate very much and I would think much more of him if he were prepared to do that. But he is not prepared to do that, he is not prepared to bulldoze his motion through this House, then I go further than that. It is the duty of every Member of this House to support whoever is elected Mayor, so even if I regret the actions of the Chief Minister I now undertake to give my full support to whoever is elected Mayor even if it is bulldozed through this House.

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HON P J ISOLA

Mr Speaker, I would like to say something on the amendment or on the motion and on the principles on which the Honourable Leader of the Opposition has spoken. I am not altogether enamoured of the idea that the Mayor of Gibraltar, representing as he must do the people of Gibraltar, should be selected from outside this House because although the Office of Mayor is ceremonial and of a civic character, you Mr Speaker, must be well aware that through your Mayor's Parlour have passed some of the most important people, as far as Gibraltar is concerned, that could possibly come through Gibraltar. You have had NATO Admirals, you have had visiting dignitaries, political figures of considerable significance, from Britain and other countries. I think it is very, very important that when the Mayor is visited by these people in a ceremonial sort of situation when obviously the problem of Gibraltar must arise, the problem, the only one we have really got, apart from others that now and then come on the scene, the real problem of Gibraltar, I think it is most important in the interests of the people of Gibraltar that the replies the Mayor gives to those dignitaries are the replies which represent the views of the majority of the people of Gibraltar and not the sectarian views of one particular nominee of that office chosen from outside the people elected by the people of Gibraltar. Accordingly,

Mr Speaker, there is in fact a lot of sense in this section of the Constitution. It is unfortunate that it brings us a lot of problems as well, but there is a lot of sense and there is a lot of sense in having the Speaker of the House as Mayor because the Speaker is constantly in touch with the elected Members. He knows their feelings on the main issues that face Gibraltar and we would hope, and I am sure you, Mr Speaker, have in fact reflected those feelings of all those who have visited you in your Mayor's Parlour. If you had not no doubt we would have got to know about it and the reason why we continue to support and the reason why the Chief Minister I am sure has urged you to stay on as Mayor of Gibraltar is because the Members of this House have full confidence in your ability to reflect the feelings of the people of Gibraltar to people who come from outside and visit. And they are very important people because we may talk and say things here in motions and these things are sent to the Governor and the Governor to the Foreign Office and the Foreign Office reads it probably 4 months later whereas what you say, what the Mayor says to a NATO Admiral or to a visiting British Minister is face to face and has its immediate effect and impact and accordingly

I would not be very enamoured of the idea put forward by the Honourable Leader of the Opposition and in which I believe he finds support in the Mayor elect as well of choosing the office of Mayor from outside this House. I think it is something that can be considered but has to be considered very carefully because what important people say, and the Mayor of Gibraltar is an important person because he represents the people of Gibraltar, what important people say to outsiders, outsiders presume has the backing of the majority of the people of Gibraltar. So the elective principle is here, Mr Speaker, and we are foisted with it. And if there is an elective principle I think this House must accept that it is the majority in the House who reflect the majority feeling in Gibraltar who must choose the Mayor and there is no getting away from it. I am overwhelmed by the modesty of the Leader of the Opposition in this House which contrasts very strongly to what I hear he says outside the House. I am overwhelmed by it but of course I can only point out to him that if we are to say that the second most popular person in Gibraltar in the elections who according to the votes is undoubtedly my Honourable Friend Maurice Xiberras should be Mayor, by the same token I would urge upon him to reconsider his position as Leader of the Opposition. Should we have my Honourable Friend as Leader of the Opposition? But, Mr Speaker, I accept the elective principle and I accept that as my Honourable Friend the Leader of the Opposition has four seats on this side of the House he is entitled to that post and I bow to him

HON J BOSSANO

Regrettably.

HON P J ISOLA

Possibly so, possibly so. So we are faced with a very difficult situation. I must add my very great regret that there has been no consultation on this. I think it puts us all in a very difficult position because we are not here talking, Mr Speaker of a vote of censure on a Minister, that is easy, we vote and that is it, they vote against and we vote in favour. We are talking really of the position of Mayor, we are talking of an individual carrying office. I have no doubt at all that the youth of the Honourable Mr Canepa is no bar to him being Mayor as indeed the youth of my Honourable Friend Mr Xiberras. In fact, I welcome

that both sides have chosen two comparatively young people. I would love to see the Honourable Mr Serfaty as Mayor, but do we want to give the father figure attitude to the outside people? I think the office of Mayor must give the impression of a vigorous progressive community, this is why we chose young people. So certainly as far as I am concerned, I am delighted by the nomination of the Government as equally I am delighted by the nomination of the Honourable Leader of the Opposition although I must admit that except for my Honourable Friend Major Peliza and myself, they are all very young on this side of the House so the choice possibly is wider. But having said all that, Mr Speaker, and having said that we must subscribe to the elective principle, I can only reiterate how unfortunate it is that there has been no consultation between the Government and the Opposition and almost as unfortunate, Mr Speaker, that there has been no consultation within the Opposition because it has taken me entirely by surprise that the Motion put down was in fact not non-controversial, it has taken me entirely by surprise that the Honourable Leader of the Opposition was to be so gracious as to move an amendment inviting my Honourable Friend, Mr Xiberras as Mayor and I frankly do not know what to do, Mr Speaker, to be perfectly frank with you, because according to the Constitution and if we go to Constitutions and we talk of majority there is no question about it, that the Mayor has to be chosen by the majority of the people of Gibraltar and the majority of the people of Gibraltar are reflected in the Government benches on the one side and on the other side the Honourable Mr Xiberras of course would be an excellent choice. I would not necessarily agree to any other Member of the Opposition, Mr Speaker, being Mayor, with due respect to my Honourable Friends on my left. I think I would be absolutely certain that the Honourable Mr Xiberras - and this is why he got I think such a large vote - that with the Honourable Mr Xiberras as Mayor we need have no fears of what he would say to visiting dignitaries and we need have no fears the Gibraltar position being in any way undermined by whatever he may say. But then he does not carry majority support in this House although he carries the support obviously of my Honourable Friend Major Peliza and myself but we are not yet a majority, may be one day we will be. So, Mr Speaker, I do not know whether I would commend to the Chief Minister the suggestion of the Honourable and Gallant Major Peliza that the motion should somehow or other be left in abeyance while we have consultations on both sides of the House and I do not think I can either say that I will support, oppose or anything on any motion.

MR SPEAKER

If there are no other contributors I will call on the Honourable Mr Bossano to reply to the motion that he has put forward to amend the original question before the House.

HON J BOSSANO

I am sorry I have put the Honourable and Learned Mr Isola in such a difficult situation of having to decide whether to vote with the Government

or vote against the Government. I wish that could have been avoided. Of course, nowadays it appears almost as if the Government has got nine votes in the House which is a better situation because from the point of view of having majority support for any particular measure. Let me say to the Honourable Member that if he wishes to move in a House a motion saying that the Leader of the Opposition or the Chief Minister or anybody else should be selected by any process other than the ones that we have been used to then obviously there is no reason why we should not debate it. In the case of the Leader of the Opposition I think without a doubt it is a political appointment which reflects the composition of the House of Assembly. In the case of the Mayor of Gibraltar it should be a non-political appointment, in this case since it appears the Government is not prepared to reconsider the position, it will be a political appointment and although as we always do in Gibraltar in support of the democratic process with all its shortcomings, the person elected will be defended by all of us. It will be an undesirable situation that that person cannot in honesty to himself say that he is there with the support of all Members of the House of Assembly which should have been a much better situation. I think the Honourable and Learned the Chief Minister does not know me well enough if he expects me to go cap in hand to him to ask for his permission to amend his motions when he proceeds to put motions forward in the House of Assembly and ignores me and Members on this side of the House completely. I think he can take it that I have not been as long in politics as he has but I am learning fast and I certainly make what he may consider to be a cynical analysis of the motives which have produced the choice that he has made. I do not think it is a desire to present a more youthful and radical image to the outside of Gibraltar notwithstanding the remarks made by the Honourable and Learned Mr Isola. I think it is the conflict and strains within his own Party that has thrown up the choice that the House is presented with, and I think that is regrettable because I think the Honourable Minister for Labour and Social Security has got excellent qualities, I think the Honourable Member has proved that he has got tremendous support in Gibraltar, more than I have - he has proved it at the polls - and I do not need to be reminded I am quite capable of facing reality myself, Mr Speaker. But if my analysis appears to be cynical to the Honourable and Learned the Chief Minister I can assure him that to most people in Gibraltar it will appear to be unpalatable to him but very realistic. If, in fact, he is not able to support the amendment and he made it quite clear that he is not, then I think Gibraltar will be the loser. Gibraltar would

have been better, I am totally convinced, with Maurice Xiberras as Mayor, not as I say in any attempt to say that the Honourable Member opposite will be in any way incapacitated from carrying out his functions as Mayor because of any deficiencies in his personality, I am sure he will not, but because I think had the Government been able to accept my proposal, the choice would have been a unanimous one and I am sure it would have been a popular one with the people of Gibraltar. Indeed, failing the appointment of Mr Xiberras I would have preferred if the Government insist in having one of their members that it should have been someone else. I think the Honourable Minister for Labour and Social Security quite frankly bears the heaviest load on the Government side and there are people who can devote more time and more energy to carrying out the functions of Mayor than the Honourable Member. I would ask the Honourable and Learned the Chief Minister at least if he cannot accept the motion to consider the proposal put forward by the Honourable and Gallant Major Peliza and to allow more time for this matter to be considered so that if possible it can be a unanimous position.

Mr Speaker proposed the question in the terms of the Honourable J Bossano's amendment and on a division being taken the following Honourable Members voted in favour:

The Honourable J Bossano
 The Honourable P J Isola
 The Honourable Major R J Peliza
 The Honourable J B Perez
 The Honourable G T Restano
 The Honourable Dr R G Valarino

The following Honourable Members voted against:

The Honourable I Abecasis
 The Honourable Major F J Dellipiani
 The Honourable M K Featherstone
 The Honourable Sir Joshua Hassan
 The Honourable A P Montegriffo
 The Honourable A W Serfaty
 The Honourable H J Zammitt

The following Honourable Members abstained:

The Honourable A J Canepa
The Honourable M Xiberras

MR SPEAKER

The amendment is therefore defeated and we have consequently before us the original question as moved by the Honourable the Chief Minister. The Honourable Mr Bossano has already spoken and any Member who wishes to speak on the original motion is free to do so.

HON M XIBERRAS

Mr Speaker, first of all may I associate myself with all the remarks that have been said in respect of your own tenure of office of the Mayorship. I think you have given an example of how the functions should be carried out. You have been aided no doubt by a very sharp sense of justice which all Members know you possess and also no doubt by your position as speaker in this House which has almost inculcated, if I may say so, the habit of political impartiality. I remember being consulted by the then Chief Minister on your original appointment and I must say that the choice could not have been a better one and also that the manner in which this choice was arrived at was one which was worthy of the highest commendation. It contrasts sharply with the manner in which this motion has been brought to the House. I have felt it my duty to stand and not to turn down the nomination because as the Honourable and Learned the Chief Minister well knows the Mayorship should be above political controversy and every effort should be made to ensure that not only is it so but it appears to be so to the general public. I regret very much that this has not been the case despite some statements made expressing a contrary attitude by the Chief Minister in the sense of hands of friendship and working together of both sides of this House. The Honourable the Leader of the Opposition, the Honourable and Gallant Major Peliza and the Honourable and Learned Mr Peter Isola have had a lot of embarrassingly nice things to say about me. Those I thank them for and they may be as they may be. Without speaking on behalf of my own candidature since this has been defeated, I would have said in all objectivity that my peculiar position in this House and in the elections was an argument for my

consenting to stand as it would have been an argument for other Members on this side of the House also consenting to stand. I was by no means the only candidate. The Honourable and Learned Mr Isola, for instance, a man of very varied experience, a man who has all the accomplishments which a Mayor should possess and whom I am sure is sound on the position of Gibraltar, must have been considered and indeed was considered by some to be a possible candidate. All this, Mr Speaker, tends to emphasise the need for consultation, the propriety of consultation and the regret of this House that consultations were not carried out with the Leader of the Opposition. After all, Mr Speaker, you know that in the appointment of Speaker both sides of the House are consulted according to the Constitution and I would have said that the appointment of Mayor deserves no less a degree of concensus and agreement. I therefore stood, in order to use the phrase of my Honourable and Gallant friend Major Peliza, to show up the Chief Minister's improper behaviour on this occasion. Having said that, may I say that I have known Mr Adolfo Canepa, as he knows, for very long years, worked with him, and we are in every sense of the word close friends. I believe that he has one quality which is absolutely essential in the post of Mayor and that is integrity. He is a man of absolute and undeniable integrity and this does not mean that I agree with even half the things that he says, but there is absolutely no doubt that his integrity is unimpeachable, that he is a conscientious man and a man who will devote whatever time is necessary in the discharge of his functions as Mayor. I think that the whole of this House, not just paying lip service to the idea of consensus, to the idea that the decisions arrived in this House eventually are the decisions of the whole House and not a part of the House, but wholeheartedly will say that for his personal qualities there might be others who might be his equal but non to surpass him. I myself will certainly support in every way possible his activities as Mayor on behalf of Gibraltar. There have been certain comments in respect of the Constitutional position as regards the Mayorship to which I would like to add some preliminary remarks and very brief ones. I think that you yourself, Mr Speaker, are chosen eventually by this House. The Governor names the Speaker on the advice of the Chief Minister in consultation with the Leader of the Opposition but you are not a Member yourself, elected by the people of Gibraltar, I see therefore no prima facie objection as does my Honourable and Learned Friend Mr Isola, to someone outside this House being named in consultation between the Chief Minister and the Leader of the Opposition on the day and

their decision, after proper sounding of opinion, being ratified by this House. This would be as democratic a process as your own election. There is, of course, the advantage which I alluded to before that by being with us in this House you learn the feelings of Honourable Members on both sides and therefore it becomes a habit to express a Gibraltar view, whereas someone who did not sit in this House listening to our maunderings might not be in the same position. I would think the risk of choosing someone outside this House preferable in the long run to the events of today. I think it is possible to arrive at some sort of intermediate position which I will keep to myself for the time being but I shall make known to other Honourable Members at the right time. Therefore, Mr Speaker, I wish my standing to be understood as a duty in order to oppose the lack of consultation in this manner but in the particular circumstances in Gibraltar today. I make no claim to being the best candidate on this or on the other side but I think the debate has shown that the circumstances of the appointment of the Honourable Mr Canepa, as will be carried out shortly, are to be decried even if his nomination deserves the full support of Honourable Members of this House.

HON J BOSSANO

Mr Speaker, I would like to move another amendment, is it possible?

MR SPEAKER

I am afraid not. It can be moved by another Member if you want. You have spoken on the main question and in doing so you proposed an amendment and that is your one bite at the cherry. You can, if you wish to do so, get a Member to propose an amendment and that will give you the right to speak on the amendment.

HON G T RESTANO

Mr Speaker, I would like to move an amendment to the motion. The views of the Honourable Leader of the Opposition have already been expressed as the choice of Mayor and also as to the choice on the other side of the House and it is the opinion that Mr Serfaty from the other side of the House would be the ideal choice and therefore I would like to move an amendment deleting the words "A J Canepa" and substituting "A W Serfaty".

MR SPEAKER

I will certainly propose the question but in so doing I will warn Members that we are not going to get ourselves in a position where we are going to go through the whole Government one by one so that we can all have different say. What is happening is quite in order and I cannot prevent Members who have not spoken proposing other Members but I will most certainly implement the rule of tedious repetition and I will not be very kind to anyone who says something which has been said already. SO I will now most certainly propose the amendment which is being moved by the Honourable Mr Gerald Restano which is that the words "A J Canepa" appearing in the motion should be deleted and that they should be substituted by the words "A W Serfaty".

HON J BOSSANO

Mr Speaker, perhaps I can give a very short explanation of the reason for this amendment. As I said in my original motion we would have considered the Honourable A W Serfaty a better choice and we would have supported the Government had they proposed him. Quite frankly we would prefer to see somebody who is not a member of the Government and preferably somebody of the standing of Mr Xiberras who is at the same time an independent member occupying this post. Since the Government has not been able to accept this and since we prefer not to have to vote against the appointment of Mayor that the Government has chosen although as the Honourable Member has pointed out power lies where the people want it to lie, I do not think that the people chose the Government particularly to exercise power in an arbitrary manner and, therefore, in the last analysis if the Government choose to do it that way, the appointment of the Mayor will be a majority choice of the House. It can be improved upon, reluctantly, because we would have preferred to have seen Mr Xiberras, we have to support a member of the Government benches. We would be prepared to support the candidature of Mr Serfaty but we will vote against that of Mr Canepa. I put it to the Honourable and Learned the Chief Minister that he has said that he intends to rotate Members once a year and if he intends to rotate Members once a year then he can in fact get a greater degree of support for his candidate in this first year by accepting the proposed amendment.

HON A W SERFATY

Mr Speaker, this is a rather embarrassing position and I am very grateful indeed to the Honourable the Leader of the Opposition for suggesting that I would make a good Mayor. This matter has been discussed amongst ourselves and an offer was made but I am not standing at this moment of time, and I made it quite clear to my colleagues, for the office of Mayor. It is all very well to say that the Minister for Labour and Social Security is a very busy man but I venture to say that I am as busy a man as Mr Adolfo Canepa and I might have considered at a later date to have filled the post. It would have been a great privilege for me and if it comes to that it will be a great privilege. But on this first occasion I did not feel that I was the right man because I have several ministries to look after and in addition the Aid Programme monitoring and it is really very difficult for me to accept that office and fill it as one must do if one accepts that responsibility. I do not know whether I agree with the Honourable Peter Isola that he must be a relatively young man. I must confess that having four grandchildren I might have given the image of a grandfather rather than that of a father but be that as it may I would also like to say that in the United Kingdom there are many Mayors who are political appointments. We hear of the Labour Mayor's Association and perhaps there is one of the Conservatives so I do not really give much importance if it is considered that the way we are doing it it is a political appointment. May I say to finalise that I have complete confidence in Mr Adolfo Canepa being a very successful Mayor. He is an intelligent man and it will not take several months for him to pick up threads of how to do the job. I am a great admirer of Adolfo Canepa and I think the choice for this first year is a pretty good one. Thank you, Mr Speaker.

MR SPEAKER

In the light of contribution by the last speaker, the effectiveness of the amendment must be taken into consideration by the Chair because this is what I am here for, and perhaps the mover may wish to withdraw the amendment.

HON G T RESTANO

Mr Speaker, I withdraw my amendment regretfully.

MR SPEAKER

I take it that the House gives leave to the Honourable Member to withdraw his amendment. We are therefore back to the original motion before the House and just in case anyone has forgotten what it is I will read it: "That under the provisions of Section 78 of the Constitution of Gibraltar this House elects the Honourable A J Canepa as Mayor of Gibraltar". Anyone who has not spoken to the original motion is free to do so.

HON MAJOR F J DELLIPIANI

Mr Speaker, may I join my fellow colleagues and the Members of the Opposition in expressing my great admiration for the way you have carried out the duties of Mayor of Gibraltar and in so doing I would like to express as a new Member my admiration at the way you act as Speaker in this present House of Assembly. I would like to talk about the Honourable Mr Maurice Xiberras of whom I have a very personal friendship and admiration dating back from school days. I also have a great admiration for the gallant Major, Major Peliza, who at one time was my superior officer in the Gibraltar Regiment and I have a great admiration for the Honourable Peter Isola whose work in connection with the United Nations, together with the Chief Minister, is worthy of great admiration. The Chief Minister regretted that there was no prior consultation and when the Leader of the Opposition mentioned the word consultation I too regretted that there had been no consultation. But it so happens that I was beside the Chief Minister at the last minute call we gave you Mr Speaker as to whether you were willing to change your mind and carry on with the duties of Mayor and we were all keeping our fingers crossed that you would have a change of mind. It so happened for your own very personal reasons that you have not had a change of mind. Although I do believe in consultation e.g. if there was a case now in the United Nations and for the benefit of Gibraltar we had to select a member of the Government and a member of the Opposition I would not hesitate in having consultation with the Opposition and my choice would be the Honourable Peter Isola because of his past experience despite the fact that Maurice Xiberras, whom I admire, got more votes than he did and the obvious choice from Government would be the Chief Minister. But in this case of choosing a Mayor for Gibraltar any consultation, and I am quite sincere about this, would be farcical because I would never agree for the great honour of being the Mayor of Gibraltar to be handed over to a member of the Opposition,

it just goes against the grain. If this great honour had to be given to anybody it should be to a Member of the Government and the obvious choice would be the Chief Minister but my goodness with the amount of work he does it would have been impossible for him to carry on both jobs at the same time. So the next choice is an obvious one. It is for a complete change in attitude, in mind, in youth, in new expressions and I think Adolfo Canepa fills this post. I can visualise some day Adolfo Canepa being the Leader of my Party and I think it is a good idea on the part of the Government to set him off on the right road and I cannot imagine a better post than the post of Mayor of Gibraltar to set him on the right road where he will meet lots of people, lots of very important people, and will be receiving different ideas in politics from all kinds of people in the world. Adolfo Canepa as everybody well knows is not a part-time politician like myself, he is a full-time politician. He dedicates every moment of his working day to politics and I think it is an expression of the Government side to nominate him as the Mayor of Gibraltar precisely because he has more time than all of us put together. Not because his ministry is not a busy one, on the contrary, his ministry is a busy one, but he can afford to give more time to that ministry than all of us. At this moment I think I should speak on the question of support to Adolfo Canepa if he is elected. I think I am quite sincere in saying that I do believe that when Maurice Xiberras said that he would support him and that when the gallant Major Peliza said he would support him and when the Honourable Peter Isola said he will support him, they will support him. I am sure that if we elect Adolfo Canepa as the future Mayor of Gibraltar despite the little battle we have had here today that he will get the support of all the Members of this House of Assembly. Thank you.

MR SPEAKER

I will then ask the Honourable the Chief Minister to reply to the motion if there are no other contributors.

HON CHIEF MINISTER

Mr Speaker, I hardly believed that this motion would take so long and it is right and proper that it should have done so because it shows the importance of the matter which we have before the House. I would like to pay tribute, though it does not often happen that I have to, to the Honourable Mr Xiberras, because of the brave way in which he dealt with

the matter and he dealt with the individual which at times looked as if he was under fire instead of being under the microscope. Therefore it would have been farcical to pretend now that we should adjourn these proceedings for consultation. If we had done that and we had not been able to come to any decision on what the consensus was and we came back to the same situation then they would have said: "there is the old fox again up to his tricks. He adjourns the thing and then he comes back with the same problem". So you are never right in this House, particularly with the Hon Major Peliza. He always twists whatever one says, he talks to the Gallery instead of talking to the Speaker and he gets himself excited in order to be able to reminisce when he goes back to London and watches his colour television there which we have not got here and think of all the things he has said whilst he was here on his round trip. So I did not say that there had been no time for consultation. I did say I regretted it and I regret it and I think it would be a bad day if in our battles here we do something we regret and we do not say it because it is going to be thrown at us. Of course I regret it, but I was explaining the circumstances which have been borne out by my Honourable Friend Major Dellipiani that by the time that I had to give notice, and this is the substance of the point, it was the last moment, and once the notice was given it was in the hands of the other side and then it would have been farcical to say; "Look, I have not been able to get the Speaker to agree" - and may I take this opportunity of saying that when I spoke to the Honourable Leader of the Opposition about the constitutional part of the consultation about your re-appointment as Speaker, he wrote to me saying, thinking no doubt that this was one and the same thing, he wrote to me saying that he did not oppose the appointment of Speaker and of Mayor. At that time I still had great hopes that that would be the case and I would then have had the approval in writing. So that let us put the thing into its proper perspective. I can understand some Members of the Opposition not liking a Member of the Government because of the circumstances becoming Mayor. But I do make this appeal, that having had our little tussle about it and having explained that let us feel that there is an elected Member to be made Mayor and that he should have the good-will of as many people in this House who feel that these matters once aired should be properly put in its place.

Mr Speaker then put the question and on a division being taken, the following Honourable Members voted in favour:

The Honourable I Abecasis
 The Honourable Major F J Dellipiani
 The Honourable M K Featherstone
 The Honourable Sir Joshua Hassan
 The Honourable P J Isola
 The Honourable A P Montegriffo
 The Honourable Major R J Peliza
 The Honourable A W Serfaty
 The Honourable M Xiberras
 The Honourable H J Zammit

The following Honourable Members voted against:

The Honourable J Bossano
 The Honourable J B Perez
 The Honourable G T Restano
 The Honourable Dr R G Valarino

The following Honourable Member abstained:

The Honourable A J Canepa

The motion was accordingly carried.

MR SPEAKER

May I as the outgoing Mayor extend my heartiest congratulations to our new Mayor and wish him the very best in his office.

HON A J CANEPA

Thank you very much, Mr Speaker. May I in the first place associate myself with all those kind remarks that have been made about the manner in which you carried out your duties as Mayor of Gibraltar for 7 years. I am very grateful, Mr Speaker, in spite of the controversial aspects surrounding my election as Mayor of Gibraltar, I am very grateful to the House for the honour which it bestows upon me in electing me, I am very grateful for the very kind remarks that have been made about me personally not just by my colleagues on this side of the House but also by my very good friends on that side of the House. Mr Speaker, both in yourself and in the Chief Minister here sitting by my right we have in this House two persons who have laid down very high standards of conduct in the manner in which they carried out the duties and functions of Mayor of Gibraltar.

I pledge myself to everyone in this House and to the people of Gibraltar, generally, to do my level best to the utmost of my ability to live up to that very high tradition. Thank you.

MR SPEAKER

I understand that the next motion on the Order Paper is the motion to be moved by the Honourable Mr Xiberras on the question of the CPSA.

The Honourable Mr Xiberras has got two motions in his name but the notices given by Mr Xiberras came before any other and all he wishes to do is to invert the order in which he is going to move and therefore we do not need to invoke Standing Order 7 (3). As it is 12.50 p.m. do you wish to begin now or after the recess?

HON M XIBERRAS

I think, Mr Speaker, I should certainly go on for half an hour to three quarters of an hour, I would imagine, talking about this important matter. There are no doubt a number of people who are interested in the course of this debate and I think it would be a mistake to start now and leave things off half way through. It would probably be better to recess now and come back at three o'clock, or whatever you say. However, Mr Speaker, may I just raise the point as to the order of the motions. As you know yesterday I tried to move the suspension of Standing Orders so that this particular motion on the CPSA dispute would be taken before other Order of Business, by which I mean not only Government business which was the one immediately to follow at the time but also the other motions. As you know the Chief Minister was not in a position to agree at that time and not till this morning after I had arranged all my papers for another motion on the future of Gibraltar did the Chief Minister indicate a willingness to change the Order of the Motions. In fact we have taken the motion on the Mayorship before the CPSA Motion and I do not know whether there is an Order about Motions which needs - and this is on a point of Order - which needs to be changed formally by Standing Orders or whether the Leader of the House can in fact determine in which order the motions are to be taken.

MR SPEAKER

No, no, I think I can give you an explanation on that one. Before any motion can be moved in this House you need to give 5 days notice of intention to move. The notice of the motion to appoint a new Mayor which is a Government motion and therefore Government business, was given on Wednesday, therefore, it was not until this morning that the Government was in a position to move this motion and they have moved it at the first opportunity. According to Standing Orders Government business must take precedence over Private Members' motions.

HON M XIBERRAS

I would say in the circumstances that if we were to start the debate after lunch it would be preferable and I think the news media would be in a better position to cover it. I think it is an important issue on which a number of people would like to hear the results.

HON CHIEF MINISTER

Mr Speaker, what I said yesterday was that I would see how the business went to see whether we could get it in. Since we did quick progress yesterday and I did not anticipate that the motion this morning would have taken so long as it has, I thought we might finish public business but I am quite happy to deal with this in whichever order is agreed.

MR SPEAKER

I would like to say that I have got a meeting at 2.30 this afternoon which might delay me a little so I propose that the House agrees to recess until 3.30 this afternoon.

The House resumed at 3.35 p.m.

PRIVATE MEMBERS MOTIONS

HON M XIBERRAS

Mr Speaker I have the honour to move the motion standing in my name in the following terms:

"That this House, disturbed by the character and trend of recent events, is deeply concerned with the present state of industrial relations, aggravated by the continuing disputes between MOD/PSA and the Civil and Public Service Associations, it urges, as an immediate priority, the initiation of understanding and meaningful negotiations between the parties and urges the Government of Gibraltar, in view of its indisputable interests in industrial relations within Gibraltar, to assist in all possible ways towards arriving at an equitable and speedy solution in the public interest".

This is not the first time, Mr Speaker, that we debate a matter in this House when the strangers' gallery is full of people who have a direct interest in the outcome of our deliberation. One will never forget, at least not easily, the events of 1974 when not only was the strangers' gallery full as it is today but also we had outside the House a good number of demonstrators. The dispute concerning the Taxi Association was another case in point when the strangers' gallery was again full to capacity and the House deliberated a matter concerning them in their immediate presence. Because of this and because I know the House will be concerned with finding a solution to the problem which affects these ladies and gentlemen, I should perhaps sound a word of caution as regards the possible effects which a motion in this House can have and not have. This House cannot usurp the functions of employers and employees nor can it step into an area in which employers and employees are protected by law and free to negotiate their own terms of conditions and service with their employees in a process of free bargaining. Nonetheless it does occur many a time that the public interest is involved in a particular industrial action and I for one feel that this House should not stand idly by whilst matters reach an alarming crescendo and issues are settled in the streets by methods other than those which we are accustomed to in this House and to which the whole of Gibraltar should accustom itself. Having said that may I put it in slightly simpler terms. If members of the CPSA or of MOD management expect this House to arrive at a solution which it can enforce on the parties of the dispute then they will be disappointed with the proceedings in this

House. This House can only influence towards a solution and though its influence is large because it is composed of the representatives of the people of Gibraltar nonetheless not even the representatives are entitled in certain areas to foist their will upon individuals or groups of individuals whose rights are protected by law. Mr Speaker, I should then go on to explain my own personal involvement with the present dispute. From a very early stage, though not from the very beginning, I have been in almost constant consultation with members of the executive of the CPSA and I have latterly sought the views of the MOD/PSA but have been unable to do so for reasons which I must understand and prepared to accept, namely, that as an independent member of this House there is a certain procedure for my approaching a UK Department. Nonetheless I got to see the Chief Minister as Chief Minister of Gibraltar and have obtained from him a view about the present situation, a view which I must confess is still not clear to me especially after the Questions and Answers session which we had earlier in this meeting and which I hope will be made clear in the course of this debate. The Chief Minister and the Government of Gibraltar do have, I would submit, an interest in this dispute which has gone on for as long a time as I care to remember in terms of people actually being out of their jobs. It is to be admired that especially in the latter half of the dispute the industrial action of the CPSA has been in the most constructive and orderly of terms and I refer to that period of their industrial action when having forsaken the rather disturbing demonstration that took place they then attended their picket line in front of the Convent. I have been touched myself by the assiduity with which members, men and women, have attended this picket line and have kept up their industrial action in the most responsible of manners. However, equally I must make my views clear about the demonstrations which took place which I have called disturbing and I would even go as far as calling alarming because I do not hold with such demonstrations especially in view of the undeniable anti-British feeling which was being generated in these demonstrations. I must state this quite categorically because I do not want to be accused of hypocrisy at this moment as I stand in this House speaking in front of members of the CPSA itself. I feel that this return to more, I might say Gibraltarian type of action should be welcomed by this House, should be recognised by the management side. I feel that a lot of the trouble has been caused by the replacement of a simple industrial dispute by a power struggle, and I feel as I have felt as Minister for Labour and I feel now as an independent member of this

House, that the power struggle is not the way to resolve an industrial dispute. We are too small a community to throw everything we have into the fire in any cause except the future of Gibraltar itself. Mr Speaker, this motion is therefore being held in circumstances which Honourable Members on both sides of this House should appreciate entirely and be able to utilise. I have spoken of the responsibility of the Government of Gibraltar and this is undeniable. The Government of Gibraltar is along with MOD and PSA one of the three major employers and the responsibility for industrial relations generally in Gibraltar as well as for the economy is theirs. It is ours also in this House. It is important that this should not be lost sight of as we consider this matter both in this motion and in the motion of the Honourable the Leader of the Opposition. Even if the Government of Gibraltar were simply an employer it is bound by the practice of many years and no doubt by agreements through a common negotiating position insofar as this can be achieved with the two other major employers. We have a reflection of this in the Joint Industrial Council and we have a reflection of this in the Gibraltar Non-industrial Council which I gather has fallen into desuetude and has not been employed as it might have in the course of the current negotiations. These employers, as I say, dominate the economy and therefore if only for these reasons the actions of one employer are comparable in my submission to the actions of another employer. Apart from this in the course of the current negotiations there has been another factor which has bound these employers together, namely, the Scamp doctrine. As is known the Scamp principle was established after many months of negotiations and indeed some years of negotiation, two years, and of industrial action and was then accepted by all three employers and by the unions as a basis for negotiation. I recall the visit of the Minister Mr Roy Hattersley to Gibraltar in which he was at pains to impress upon the then Opposition that a common line of the Scamp recommendations would be maintained. I think it is at the route of industrial relations at present that this common line has not been maintained by the Government or by the official employers in the course of the negotiations but I did not wish to emphasise these differences except to say that the current dispute between CPSA and MOD/PSA is not the only example of the possibility of the breaking with the Scamp doctrine. There have been quite a number of negotiations involving Government employees in which an objective view would have been that the Scamp formula has been broken with. It is up to Honourable Members on the other side to dispute this and I am prepared to accept their arguments if they say that these negotiations are

within the Scamp doctrine. I am prepared to take their word for it, but something which I must insist from the three employers is that if one set of employees in employment is given certain conditions within the Scamp formula then these conditions should be applied also to other employees of the same denomination, of the same classification, of the same status. So, coming then to the negotiations between the Gibraltar Government and the Gibraltar Government Clerical Association I must remind Honourable Members that in 1972 by the Marsh Report these too were deemed to be in such a position that one should work not for the widening of relativities between them but for the narrowing of relativities between them. And I can say this with some authority because it was my view since 1969 as Minister for Labour that disparity between clericals in the Gibraltar Government and in the MOD/PSA should not exist that we should have a narrowing of these disparities and eventual relativity between them. It was in fact the first claim which was brought to my hands, a CPSA claim of longstanding for the narrowing of differentials and it was brought by a person who is today not on strike, strangely enough, and which I still have though not here. Mr Speaker, I do not blame any Union for pressing its claims to see how far it can get. I expect this to be done with a sense of propriety and a sense of proportion but associations and unions exist to defend the interests of their members and these claims have to be pressed otherwise they get nowhere. It is up to the employers to ensure that at no time do they go beyond a position which they can defend. If they do go beyond that position then they must bear the consequences of their action. I know and I appreciate that it is hard sometimes always to say no in these matters but one thing which is a hazard of office and a hazard of being an employer is a responsibility for the decisions that are taken. We are all aware in this House because questions have been asked about it of the long drawn out claim of the Gibraltar Government Clerical Association and the Gibraltar Government. We are aware from answers to questions that the Clerical Association was not in fact in agreement with the original Scamp analogues offered to them and this was the subject of debate in this Chamber when I asked the Government whether the information for the analogues that were being offered by the Government side were in fact accurate ones or not because I had heard from the Gibraltar Government Clerical Association that they were not in fact, true analogues and they were based on an outdated report and it took as Honourable Members are aware a visit of GGCA members to England to establish the true position. This dispute was very long drawn out, Mr Speaker. It lasted for a very long time and for a very long time this House

and the public, generally, was unaware of the conclusions being reached although rumours and tidbits of information abounded to the effect that a very great departure was taking place from the original position of the Government. And there was a stage I believe last September when the conditions and wages and salaries of 75% of Government employees had been agreed in principle by the union but we did not get any clarification as to what that deal had been till very much later. It is in the nature of the CPSA claim that for as long as the agreement between the Gibraltar Government Clerical Association and the Gibraltar Government as employer had not been disclosed their claim was impossible to meet or even impossible in my submission to negotiate because the CPSA claim was one of a restoration of relativities with Gibraltar Government employees. I have no doubt that there were good reasons for these matters not being disclosed but it was not till after the general election that the whole issue was put to the membership and the membership of the GGCA gave their agreement to the deal offered. The industrial action as is known was taking place before the general election and I do not underestimate the pressures on the Government at that time. Mr Speaker, the agreement has now been signed and I asked for a copy of it in fact from the Government earlier on - in fact it was submitted to me before the meeting of the House - and it can be seen that the general contention of the CPSA that the so called personal awards made in respect of the Gibraltar Government employees amount nonetheless de facto to a revision of the whole position of the clerical structure. I am not going to bore the House with any details of this, Hon Members on the other side will no doubt know them better than I do, but they involve a use of terminology operative in MOD/PSA and in Gibraltar Government before the whole business began a use of what in order to establish a difference of relativities now. It involves the raising of a Female Clerical Assistant to the level of the local Grade II Clerk, it involves the raising of the Grade I Clerk to the level of CO, it involves the creation of a new grade at SCO. And the numbers involved, as I understand it, are in the region of 40 for the first grade 120 for the second and 85 for the third. So even though it has been projected publicly that the award or the agreement for Gibraltar Government clerical workers has been in the nature of a personal agreement pending a staff inspection, de facto the position is now that people have been moved up - pardon the expression, Mr Speaker - en masse by groups and a completely different situation has been created. I feel that in these circumstances with the long drawn out affair of the Government negotiations, the CPSA might have been deemed to have put in their industrial action too early and I say this again in the presence of the persons in the gallery, but nonetheless I feel equally convinced that the basic grievance which is the widening of relativities is an understandable one as I have said publicly and even a justifiable one. I would be prepared to say now it is a justified one. The differential which now exists by virtue of the Gibraltar Government agreement is in the region I gather of some £20 or £30 a month. It may be less but it is a substantial differential and the present deadlock in the position is not going to allow employers and employees to arrive at a situation which is acceptable not only to employers and employees but to Gibraltar as a whole. We can not have such a wide differential continuing to exist between Gibraltarians working for an official employer albeit the UK Departments and an employer the Gibraltar Government. And the Gibraltar Government cannot

allow this to exist to my manner of thinking. Therefore the present deadlock is not conducive to any kind of stability, quite the opposite. If it carries on and if the strike were to break up and the employers were not to give way the resulting state of affairs would not be of benefit to Gibraltar. Not only, Mr Speaker, from the point of view of industrial relations but also from the point of view of the economy which as we all know in this House in the present circumstances maintains a very neat balance between our income from the UK Departments and the expenditure of the Gibraltar Government in paying for its own employees. Such a differential would throw a spanner into this balance and is not in the public interest given the income tax that we have and so forth. Mr Speaker, I ask myself then who is to blame in this situation? And I would not venture even an approximation to this having had some experience of settling matters of this kind, were it not that I sense that there is a complete deadlock, a feeling of complete deadlock in the present negotiations. I have spoken with Mr Terry Adams he has come and I feel no movement in this situation after whatever it is 6 weeks or going on to seven or whatever it is of strike or lockout. I see no movement in the present situation and therefore the terms of my motion are aimed not at condemning one side or another but at enabling this House to indicate what course a possible solution could take. In doing this we cannot divorce ourselves from judgements completely. I do not like lockouts I have a letter from ASTMS when we fought the Cable and Wireless lockout. I am an honorary member of ASTMS for fighting the lockout. But we heard some interesting facts yesterday from the Chief Minister. We heard that the Government of Gibraltar was considering suspension, the powers that exist, in respect of its own employees and that a warning to this effect had been in fact drafted. We have heard of the meeting in London in which the Deputy Governor took part in which almost by coincidence, those are my own words - the two parallel situations in MOD/PSA and in Gibraltar Government were discussed with the Deputy Governor and the Chief Minister said I believe - I hope my memory does not fail me - that there was no consultation certainly no conspiracy but there was a common problem or rather a problem which was reflected in different ways in each of the two employers and that the whole situation has been discussed. I was very surprised Mr Speaker, that the Chief Minister thought even on the reflection provided by the debate in this House that this was not a matter for ministerial levels, that ministers could leave this, I would imagine, to officials. This is not in fact the case, Mr Speaker, as we see from the situation. We have often had examples of Hon Members opposite refusing to intervene at what I would have considered to be the appropriate time and we have seen escalations of the situation, that is of course a generalisation, but I think it applies in the present circumstances. I asked the Chief Minister in my meeting I think it was last Thursday, I think I am right, whether the Government had offered to intervene and the Chief Minister said that the Government had offered to intervene.

I checked on this and I gathered from the Director of Labour and Social Security did in fact before my meeting with the Chief Minister approach the picket line and asked to see Mr Harrison, the Chairman of CPSA. The meeting was not effected in fact and it was hardly what I would call a formal approach for conciliation. It is understandable that a formal approach was not made in view of the fact that Government itself had faced a similar situation with its own employees sometime back. I can understand any reluctance there might have been in intervening at that stage.

I understand that the Hon Minister for Labour also visited the picket line and expressed certain views which I will leave it to him to express but I do not think that these approaches demonstrate sufficient interest from the Government in a situation such as what we are facing. Mr Speaker, the motion before the House calls for understanding and meaningful negotiations between the parties and urges the Government of Gibraltar in view of its indisputable interest in industrial relations within Gibraltar to assist in all possible ways towards arriving at an equitable and speedy solution in the public interest. I would like to see no half hearted attempts. I think the situation demands full and frank involvement of the Government in this matter in order to bring about an equitable solution in the public interest. This matter Mr Speaker may flare up again, I hope it does not, but it might very well flare up again. Things that are left on the fire long enough usually do come to the boil at some time and it is our duty here not to allow this to happen. I have left the MOD for last. The MOD has in the submission of the CPSA locked out its employees and there is a motion by the Leader of the Opposition in this respect. I have left out condemnation of the lockout from my motion because I think if this House were to be absolutely united on the proposition that the House as a whole and the Government in particular must do all in its power to have an equitable solution reached on this matter then that is the best favour and the best action that we can do for the members on strike, that is the best action that can be sponsored by this House. I have been on strike myself and I know that whether people are receiving full pay or not receiving full pay the strain of being on strike is a very real one affecting both people on strike and members of their families.

HON A J CANEPA:

That was one day.

HON M XIBERRAS:

Yes; that was one day. The Hon Mr Canepa I believe was in the picket line with me, I can't remember who was the Vice President then, but certainly it is a fact that it is a strain and one should not play upon the discipline of a union. So I did not in my motion put down a condemnation of the lockout even though the Union has condemned it in most categorical black and white terms. I don't know if Hon Members would be in a position to oppose or to condemn lockouts. I condemn it as a systematic policy, I condemn any hint of ganging up on one union or on a number of unions and there has been an element of this which I think the Hon Mr Bossano has alluded to on one or two occasions; I condemn this, I do not think it leads to progress. It must be realised, however, that in this case as an example two employers have considered suspension on a broad front and it must be realised that even though it is not the practice in the UK to lockout persons it is not against the law as far as I know to lock them out either, to suspend them. If this lockout is an indication of MOD policy for the future then I do not ask MOD I say to MOD that it is not acceptable as an instrument of industrial action. I believe that most members in this House will hold with that position. If there is any hidden motive political or otherwise, which I was assured in my early consultations

with important people that there was not, any hint of political undertones in the attitude of MOD, I do not ask MOD to desist I tell them that they should. I was assured that this was not a question of creating a situation for redundancy and I hope that whatever happens out of this it will not whatever has happened the 5 or 7 weeks or for whatever period the strike, or the lockout rather, goes on that there will not be a coming back to that idea of possible redundancies because then this House would have no option but to resist it in the most vehement of terms. Mr Speaker, for an opening statement I think I have spoken long enough and I will leave it at that. I would like to hear other contributions and I would like the contributions to indicate the action of the House quite clearly. I would like them to indicate what the Government feels about this. I would like the Government to clear up unequivocally its own position in this matter because and let me finish up on this point - the persons now in the strangers' gallery, the CPSA in fact accepted the Scamp Award. They accepted the Scamp Award because they thought it was a fair offer in the circumstances. What they now dispute is what has taken place since then, namely, that relativities have been broken and therefore what was considered fair at one particular time is not considered fair at this particular time. But I do not think we can accuse the CPSA of initially trying to push their own case at the expense of other people. They are trying to obtain something which they consider has been in fact taken away from them. There are a good number of solutions which are possible but I am not going to mention them it is not my job to mention them. Let, perhaps, Members consider this proposition, that just as the Gibraltar Government, one of the official employers did unto its own employees let MOD, another of the official employers, do unto their own employees. Around that is the solution and any breaking away from that immediately introduces an important time factor which if we want to overcome involves an element of trust which is not there now, after five or six weeks of industrial action. It is not there now. So the solution must be one which assures the kind of climate in which final decisions not of a personal nature but of a general grade nature can be arrived at. Mr Speaker, I commend the motion to the House.

Mr Speaker then proposed the question and invited discussion on the motion.

HON CHIEF MINISTER:

Mr Speaker, I would like to associate myself with a considerable amount of the contribution by the Hon Mr Xiberras and we accept the motion except for a small amendment that I will move later on which has nothing to do with the CPSA dispute but with a statement of fact with which we do not agree in the introduction to it about the present state of industrial relations because we do not think that at this moment, except for the PSA - and this would give it perhaps even more strength - except for the CPSA - MOD/PSA problem - I will refer to one instead of mentioning the two sets of initials all the time but it means the same thing - and we do not think that except what we hope is a temporary problem of industrial difficulty at the hospital we do not think that this is a serious state of industrial relations. I hope that that view is shared. Except for this very unfortunate problem the others are all sort of day-to-day problems of relatively small matters which are dealt with by the

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unions with the administration for which eventually a solution is found. So that generally speaking on the whole of the spirit of the motion of the Hon Mr Xiberras we go with it and we will of course, subject to that small amendment, vote in favour. I have withdrawn another amendment which I was going to make on second thoughts because I think we can interpret it to the advantage of the people we want to help because the motion that urges the Government of Gibraltar and in fact we are the Government of Gibraltar, we cannot expect to vote in favour of something that urges. You don't urge yourself to do anything, you either do it or don't do it and I thought that perhaps another kind of amendment might have been put there accepting whatever the Government of Gibraltar had explained and so on but I left it after some thought because in that way I think I would take it by voting in favour of that that we accept that the urge is on the Government of Gibraltar as a whole which is both sides of the Government of Gibraltar, the elected side and the official side, so that the pressure can be brought to bear not only on those who vote in favour but those who are not here to vote and who are not here to answer. That is why I have accepted the wording in that way and interpret the motion in that way because I think it helps what we all want to achieve.

MR SPEAKER:

You take the Government of Gibraltar in the motion as defined in the Constitution.

HON CHIEF MINISTER:

That is right Sir, in the broad sense because it would not be proper to ask the Government to urge the Government, and then expect the Government to vote in favour of something that it is being urged to do, but if we leave it like that I leave it in the broader sense and that can bring other people in and that is why whilst voting in favour we will accept that we are not the only people involved in that phrase though we accept full responsibility of supporting the matter. I will leave the question of the details of the relationships and so on to my Hon Colleague on my left the Minister for Labour who is much more knowledgeable on these matters than I am and who has got a deeper knowledge and can explain that aspect of the Government policy in this matter better than I can. I will just devote myself to my involvement in this matter to what I know of the principles of it in order to be able to give the House an indication of the fact that one has also been involved in this matter. The whole thing as far as my personal involvement was concerned was on the 21st September in the evening when a number of members of the CPSA committee called late one evening at my chambers to explain their problem. They were still at work carrying out industrial action and so on and it looked to be an urgent matter and despite the fact that it was a bit late and the place was full of people I had an informal meeting and when they told me what it was I said "Well, look, this is a very serious matter. I think you ought to come to my office at the Secretariat and make your representations in detail and let us have a minute of it and let us look into the whole matter." That took place on the 22nd September 1976, and it lasted for quite a long while and there the whole problem was put to me and I was asked to urge higher authority to look at their grievance. A full minute of the meeting was prepared and the chairman of the Association was shown the draft minutes and when he approved them I took that to be a fair record of the meeting and I transmitted it to the Governor and I explained then as I will explain later that insofar as Gibraltar Ministers are concerned the approach to the MOD or to any other Ministry in the UK must be through the Governor. Except for informal opportunities that may arise the formal channel of approach is the

Governor who is here in Gibraltar the representative of the British Government in all its facets not only of the FCO but of anything to do with HMG in the UK. So I transmitted that minute to the Governor with a request that the grievances be looked into and attended to. I did express at that meeting a concern at the sense of hostility by the CPSA delegation to their employers. I heard them speak about their grievances if I may say so not only about the matter that they had come but the way they felt the actions of their employers reflected on them caused the concern. I was not aware of such a situation and that I say in connection with the fact that one is always conscious of matters that could exacerbate. One is as loathful to see anti-British or anti-Gibraltar feeling by the British people who are not Gibraltarians as one is loath to seeing anti-Gibraltarian feeling by the English people who are not Gibraltarians. That is, if we are to live reasonably in good terms one does not like to see hostility towards one no more than one thinks that hostility towards the British other than the Gibraltarians is a good thing in Gibraltar. Then of course the elections came in shortly after the representations were made - well, I think there may have been some informal talks at the Secretariat - but the next time that I formally saw the Chairman was the 9th November when I saw him with Mr Netto. In between I think Mr Goddard had been sent out here to Gibraltar to see about the problem, that there had been this meeting at which I was not present with the Governor's Deputy because he was acting then, of the GTC together with Mr Adams and representatives of the CPSA and on the 9th November 1976 Mr Harrison and Mr Netto came to see me and made a number of points of which I left with Mr Harrison a note. I did say in reply to the number of points that they had raised about the matter that I had already expressed my own views to Mr Goddard, as in fact I did, that while official or formal negotiations could not take place under duress it was useful in situations where the parties were in dispute to keep some lines of communication open as it was otherwise very difficult to reach eventual solutions and explained that despite all our difficulties at times with the unions we always try and keep some kind of unofficial contact whether it is in one's office or the other people's office or somewhere else contact as far as I understand is from my side as employers, contact is always maintained off the record, informal, whatever it is there was contact and I had told Mr Goddard in no uncertain terms that I felt that that was very essential if there was to be created an atmosphere for an eventual or immediate or early settlement of the problem that had been created. Following on that meeting again I wrote at length to the Governor stating the substance of the matters raised at the meeting urging him to take up this matter with the MOD. In fact, and this is known to Mr Harrison, the meeting was on the 9th and I had written a letter on the 11th because I had to show the minute of the meeting and I wrote to the Governor on the 11th but indeed I had sent him a copy of the letter beforehand because he wanted it to be sent with the Admiral who was going to the UK to take it to the UK and I have an informal letter here from the Governor which says:

"Thank you for your letter of 11th November about your meeting with Messrs Netto and Harrison last Tuesday. I am grateful to you for having made available an advance copy of the letter to the Deputy Governor as this enabled me to send your letter to London yesterday by hand of the Flag Officer." So the sense of urgency certainly was there not only on my part as

far as representing the situation was concerned, but also on the part of the Governor himself. Then there was a meeting on the 29th November when I saw members of the association with Mr Terry Adams and where Mr Adams made quite a number of points and one of the points that he urged, it was an informal talk as he called it, he wanted this to be an informal meeting. This is a note of the meeting. "Mr Adams asked the Chief Minister whether he would attempt to make the MOD more aware of the character of the Gibraltar community and of the effect of this on the dispute". He also asked that certain details should be regarded as confidential. He was very articulate and explained during the course of the meeting that he considered that the psychological and other aspects of this matter appeared not to have been realised in London. That he himself had he not come to Gibraltar would not have realised the pressures and the difficulties of the people and the involvement of people concerned, that everybody had somebody either on one side or on the other and so on, and that he himself would not have realised that had he not come to Gibraltar. He described the community as equivalent in no offence to a mining town where what happens in one place affects the other and that therefore this was something that had to be appreciated by London if they were to appreciate the nuances and the difficulties that were being faced by the Members of the CPSA. This was on the 29th November and I communicated the results of that again and urged the Governor to make London aware of the very strong feeling apart from my own remarks about the fact that I thought it was about time that some reaction came from London on this matter. It will be appreciated that some of this correspondence is of course - and it would not have been possible to have done it otherwise - of a confidential nature. Some of the letters have been seen by Mr Harrison, I have one which he hasn't seen because it only came yesterday, arising out of something he raised yesterday itself, but otherwise I have kept him informed and I have shown him the replies and the representations that have been made and the minutes of the representations. In my last letter yesterday, I finished up by saying: "I undertook to convey the substance of his representations to you which I do now and at the same time reiterate my own concern at the lack of any movement that might lead to a settlement and at the feeling prevalent among the older members who complain that the MOD does not appear to have any regard for the years of loyal and devoted service to their respective departments. Apart from the more serious conjectures and implications which they attribute to the continuing situation." It has been said by the mover, Mr Siberras, that he had heard though it had been denied that this had meant possibly leading to redundancies but other people have put even a more sinister motive behind this as an indication of an attempt by Britain to withdraw in some way or another. I do not believe that and if I did I would say so clearly here and I would cause alarms to be raised in London about it. I think the MOD has taken a very intransigent and sticky position and I hope that apart from the attempts that have already been made that the motion here is accepted as I hope it will be accepted, will try and break that stiffness which appears to be prevalent in the minds of the MOD. Let me say quite clearly that it is not for lack - and I can say this with all sincerity because it is only fair - it is not for lack of trying on the part of the Governor because I have seen what he has sent to London and I have seen his concern and the fact that he has taken every opportunity to impress his concern and that of the Gibraltar Government to the Ministry of Defence. I was asked to state the policy of the Government on lockouts. Well, the Government does not subscribe to the policy of lockouts, and when I speak about the Government now I can only speak of the Government here. But

I am sure that the Government here would because of the broader sense in which we are taking the word Government in the motion, I do not think this is a matter, or rather I would say that this is very much a defined domestic matter and a very much a matter for local decisions and when I say that the Government does not believe in lockouts I say so on behalf of the Elected Members but I am sure that there would be no dispute about it on behalf of anybody else under the guise of the Government of Gibraltar. Mr Xiberras said one or two things in this matter, which he said might be unpopular. I am not going to make any judgement on whether what has happened is a lockout or not. I know it has been a lockout it has been described as a lockout and I am not going to say whether it is a lockout or not. It is not for me to decide I have no direct concern or responsibility in the matter. But let me say how the Government interprets a lockout. The Government interprets a lockout when an employer refuses to allow his employees to enter their place of work when they themselves are prepared to work normally. The question of suspension is a completely different matter. But in so far as the question of locking out people from going into work, the Government does not believe in lockouts and has never taken any action of that nature. I said earlier that I had told Mr Goddard that we had not dealt with industrial matters despite the difficulties and so on, we had always kept a line of communication open and there was one slight factual mistake in Mr Xiberras' statement. The warning I read yesterday in reply to questions was not a draft warning it was an actual warning made to the people. It had, of course, been thought of all the time but that went to the stage of a warning. I am sorry, I am corrected by my Hon Colleague, to the Association to the GGCA, that was a taped record.

HON M XIBERRAS:

I asked the Hon Member in question time whether he'd give the date of that. Could he do so now?

HON CHIEF MINISTER:

No I am afraid not. There was something in pencil written at the top which might have indicated it but I'll try and find out the date.

HON M XIBERRAS:

Is he prepared to say now, however, or is the Minister for Labour prepared to say now whether it was on or about the same day as the CPSA?

HON CHIEF MINISTER:

My Hon Colleague says that the CPSA's problem took place on the Monday, this was either the Thursday or the Friday of the previous week. But I shall obtain the details from the Industrial Relations Officer. If I cannot say so before I sit down I will get one of my colleagues to give the information.

Now, so far for my intervention in the matter. There is one other problem that I would like to mention and that is that the mover has spoken about the importance of all Official employers going together in this matter. As I say my colleague will deal with the situation which arose in the negotiations and the question of grades and so on with which he is more acquainted but the most important thing as far as I am concerned in the general sense is that in the course of the negotiation in August, I think it was, at the time when the bulk of the agreement was being negotiated when the offers were being made to our own clerical people, there were continuous daily consultations, they were meeting daily with the staff. The Industrial Relations Officer was in continuous contact with his opposite number in the Dockyard and consulting with him and telling him how our negotiations were progressing and what offers were being made. So there is no doubt of any kind that the MOD were fully aware, fully cognizant of what was happening and how the negotiations between the Government and its own Gibraltar Government Clerical Association were proceeding and we had no note of dissent at all in the course of those consultations from the Ministry of Defence officials who were being consulted at the time.

HON M. XIBERRAS:

If the Hon Member will give way...

HON CHIEF MINISTER:

I don't mind if it is to clarify any particular point.

HON M. XIBERRAS:

It is just a point which the Hon the Chief Minister will not be able to clarify later on, I would imagine, since he has only the right to speak once. I was asking whether he could carry on with that statement he was making and say what was the MOD reaction as communicated to him concerning the negotiations that were taking place. I mean what did they say? Did they say that they could wear it or did they say that they could not wear it?

HON CHIEF MINISTER:

I think the Hon Member must have missed listening to me on that, I have said specifically that there had been no dissent whatsoever of any of the communications of any of the grades that were being negotiated by the Government and communicated to the MOD. That, to me, is certainly no dissent of any kind. That to me was important but it was relevant at the time and there was no dissent whatsoever. And in fairness I don't think anybody in the MOD side has said that there was any dissent. I said at the beginning that the Government could not accept the introductory part of the notion which states: "deeply concerned with the present state of industrial relations". That I am

afraid we cannot accept as being a matter for grave concern. I think it would amount to a situation which we would not be dealing here perhaps with the CPSA alone but we would be dealing here with quite a number of other disputes which fortunately we haven't got. It doesn't mean that we may not have them tomorrow, but we haven't got them today. Therefore, apart from two consequential amendments and an additional amendment which I hope will be welcomed by the mover, I will propose now. There are four amendments but they are all small amendments.

MR SPEAKER:

The first one being which?

HON CHIEF MINISTER:

The first one is that the word "is" in the second line should be substituted by the word "and". That this House is disturbed by the character ^{and} trend of events and deeply concerned. The second one is deleting the words: "with the present state of industrial relation aggravated". So it would read "that this House is disturbed by the character and trend of recent events and deeply concerned by the continuing dispute between the MOD/EPSSA." Now the other one is also consequential and that is in the fourth line the word "it that this House urges, I think that was a necessary amendment and the last one which I hope will be welcomed is "as a whole" after the word "Gibraltar" in the eighth line. I hope that these amendments are acceptable. They are meant to be helpful and to be able to support fully the sentiments expressed by the mover. I would just like to make one final observation, Mr Speaker, and that is that the Government in this case has as so many times happens it has a double role in this matter. One is its responsibility for dealing with its own employees which it has done. We hope that the Minister for Labour will clear that within the terms of the Scamp philosophy and despite the difficulties that arose in the nomenclature of people in the employ of the Government and the other one in the broader sense in the welfare of everybody in Gibraltar. Now, in that broader aspect as the mover has rightly said, one can only achieve this by bringing pressure to bear on those who have to make the decisions in respect of areas in which one is not responsible. And I am fully satisfied, Mr Speaker, at this point in time that I have represented the anxieties, the feelings, the problems arising out of this regrettable situation, to the Governor for transmission to the Ministry of Defence in writing and verbally in a manner which I hope the Members here will accept it as perfectly sincere in the strongest possible language and the strongest possible way in which my position and the support of my colleagues entitle me to do. Of that I am quite happy. Thank you, Mr Speaker.

MR SPEAKER:

I will then propose the several amendments to the motion before the House which has been moved by the Hon Mr Xiberras. These amendments being moved by

The Hon the Chief Minister which are the following:
 That the word "is" where it appears in the second line should be substituted by the word "and",
 secondly, that the words "with the present state of industrial relations aggravated" in the second and third lines be deleted,
 further, that the word "it" in the fourth line where it appears therein should be deleted; and that
 the words "as a whole" should be added after the word "Gibraltar" where it appears in the eighth line. I see several members of the Opposition anxiously awaiting to speak on the general motion. They will still have an opportunity to do so. If the amendments are accepted we might perhaps take a vote on it and then we have the original question as amended and then anyone who hasn't spoken will be able to speak. Of course any member who wishes to speak exclusively on the amendment is free to do so.

HON J BOSSANO:

I would like to speak on the amendment. I shall wish to speak on the motion later on. I cannot agree with the analysis of the Hon and Learned the Chief Minister that the present state of industrial relations in Gibraltar is one which is confined to the dispute in which the CPSA are involved. The Hon and Learned Member seems to have forgotten that when the lockout- and let me say quite categorically, Mr Speaker, that I have no doubt at all that this is a lockout - I will certainly not accept the definition of a lockout that the Hon Member gave as the interpretation of the Government, namely, that the lockout is where an employee.....

MR SPEAKER:

Mr Bossano you are now falling into the trap that I warned you against. All that you can say later on. The question now before the House is whether the motion itself should be amended as proposed by the Chief Minister that we are talking about 'not the original motion. Because you see the Hon the Chief Minister has spoken on the main motion and at the end of it he has proposed certain amendments. It is on the desirability of making these amendments that we are exclusively talking now. As I said once we get through this amendment to the motion or once we deal with it you will be able to speak on the general motion and reply to anything the Hon the Chief Minister has said on the general motion. You follow what I am trying to say?

HON J BOSSANO:

I follow entirely what you are trying to say, Mr Speaker, the only thing is of course that although I have no desire to repeat myself you must appreciate that if we have two motions dealing with the same subject as well as an amendment dealing with one of the motions it is very difficult to talk on any one of them without saying something that is equally applicable to any of the other subjects and in fact I am talking about the present state of industrial relations and whether there is a lockout or there isn't it is very relevant to the present state of industrial relations. I am trying to explain what, as

far as I am concerned, is a lockout and what as far as the Trade Union Movement in Gibraltar is a lockout. In my estimation, Mr Speaker, the situation in which the CPSA members find themselves have aggravated industrial relations in Gibraltar precisely because they are locked out. If they were not locked out the dispute would be confined exclusively to this group of workers and I think it is important for the House to understand that there are two different issues involved and I think that for example my motion deals with the issue of the lockout whereas the Hon Mr Xiberras' motion deals with the issue of the pay dispute.

MR SPEAKER:

May I then warn you against the rule of anticipation.

HON J BOSSANO:

I accept that Mr Speaker, but the amendment of the Hon Chief Minister in fact reflects a judgement on his part that the CPSA dispute is an isolated dispute which has not in fact brought about a marked deterioration in industrial relations in Gibraltar.

HON CHIEF MINISTER:

If the Hon Member will give way. The purpose of my amendment is not that. The purpose of my amendment is that it is in very general terms which describe apart from the repercussions of the lockout, as you call it or whatever, what I say is that this gives an impression that except for that and the derivatives of that that there is an alarming industrial relations in Gibraltar. If the present state of industrial relations is alarming because of the CPSA dispute and the so-called lockout then I have no quarrel with the wording, but the way it is worded it could be said that there is in general in Gibraltar apart from derivatives of this particular problem a state of industrial unrest which the Government cannot accept that it exists and I am sure the Hon Leader of the Opposition would not be sitting here quietly discussing these matters if he had plenty of industrial unrest around the place.

HON J BOSSANO:

It is important to be quite clear, Mr Speaker, on the matter because I would in fact accept that in the absence of the CPSA dispute, industrial relations in Gibraltar at this particular point in time are not particularly bad, but in fact what I would like to make quite clear is that the repercussions of the dispute are not confined to the CPSA and its members and that therefore every single trade unionist in Gibraltar has got a moral obligation to take whatever industrial action is necessary to defend the interests of these members and that to my mind is accurately reflected and should be accurately reflected in the motion and this is how I understood the phrase that the Hon and Learned Chief Minister wants to delete.

HON CHIEF MINISTER:

If the Hon Member will give way. It is reflected by the words which I have added "within Gibraltar as a whole".

MR SPEAKER:

To that extent if that is the interpretation you read then you are entitled to speak on the matter.

HON J BOSSANO:

This is why I was speaking on the amendment, Mr Speaker. I understand now from what the Hon and Learned Chief Minister has said that it was not his intention to amend the motion in such a way as to create the impression that the problem that we have at the moment affects a mere 300 trade unionists. What I am trying to say is that there are 8,000 trade union members affiliated to the GTC, and the GTC have made it quite clear that they consider that the manner of which the Members of the CPSA have been treated, the principle involved, is something that every trade unionist has to defend. To that extent, and I can tell the Hon and Learned the Chief Minister in case he is not aware that the entire public sector is in fact involved in a go-slow that members in the Cable and Wireless have been locked out and that a number of prominent trade unionists have been arrested. So the situation is serious, Mr Speaker, and it could easily become more serious unless a solution is found, therefore, it cannot in fact be treated as something that is an isolated problem affecting an isolated group of people. I can see the other interpretation the Hon and Learned Chief Minister put on it. I didn't appreciate that that was another way of looking at it because as I said as far as I am concerned industrial relations except for this event and the train of events that have been set off by it, are fairly normal at the moment.

MR SPEAKER:

That is the way I read it, that is why I called you to order but if you read it in a different way you are entitled to speak on the matter.

HON CHIEF MINISTER:

If the Hon Member will give way I might have a way of dealing with both by instead of having the words "aggravated by" use the words "arising out of the continuing dispute between MOD/PSA". If he will accept that, I will withdraw the other one.

HON J BOSSANO:

Mr Speaker, I think that would be much better.

HON CHIEF MINISTER:

Instead of the second amendment leave everything except delete the word "aggravated" and you substitute it by the words "arising out of" and then I withdraw the second part of my amendment. Or rather I substitute the other one.

MR SPEAKER:

In other words it would read

"and deeply concerned with the state of industrial relations arising out of the continuing dispute". In other words you will be deleting the word "aggravated by" and substituting them by the words "arising out of."

I will read the proposed amendments again, so that we all know very clearly what we are trying to achieve. It is proposed by the Hon the Chief Minister to amend the original motion as follows:

(1) by the substitution of the word "if" in the first line with the word "and"; by the deletion of the words "aggravated by" in the third line, and the substitution therefor of the words "arising out of"; and the deletion of the word "it" where it appears in the fourth line and the addition of the words "as a whole" after "Gibraltar" where it appears in the eighth line. Does anyone want to speak on these amendments?

There being no discussion Mr Speaker put the question in the terms of the above amendments which was resolved in the affirmative and the amendments were accordingly passed.

MR SPEAKER:

I will remind the House that the motion reads now as follows:

"that this House disturbed by the character and trend of recent events and deeply concerned with the present state of industrial relations arising out of the continuing dispute between MOD/PSA and the Civil^{and} Public Service Association, urges as an immediate priority the initiation of understanding and meaningful negotiations between the parties and urges the Government of Gibraltar in view of its indisputable interests in industrial relations within Gibraltar as a whole to assist in all possible ways towards arriving at an equitable and speedy solution in the public interest". And now other than the Hon the Chief Minister, Members are entitled to speak on the original motion, as amended.

HON J BOSSANO:

I had hoped Mr Speaker, to hear what the Hon the Minister for Labour had to say about the Gibraltar Government negotiations but I don't think it will be all that much new to me that it is going to change dramatically what I have to say on the matter. We shall be supporting the motion although I think I would like to say that I myself cannot in fact see a way out of the present

deadlock situation between the employers and the CPSA other of course than the relatively simple way of meeting the claim of the CPSA in full and I cannot say anything different in the House from what I have said outside the House and I am in fact biased in this matter, I am on one side. I support the CPSA fully in the action that they have taken, I have the deepest admiration as a trade unionist for the way the men and women of the MOD/DOE have conducted themselves and for the steadfast manner in which they are defending their rights as trade unionists. It makes me feel very proud. I have said it outside the House and I am glad to have the opportunity to repeat it here in the House, Mr Speaker. I wish I could suggest a way acceptable to both sides to resolve the dispute. If I had the answer I would have attempted to put the solution forward before now. In fact, when Mr Goddard came to Gibraltar he did resolve a dispute that there was involving industrial workers in DOE where industrial action had been taking place for a fortnight and had had the support of other industrial workers in the rest of the public sector and it is significant and it is a significance that has escaped members of the CPSA that a person of the standing of Mr Goddard who I believe is a Deputy Under Secretary about fourth in line in the MOD, should come to Gibraltar and resolve a dispute involving the payment of allowances to some 50 industrial supervisors and go back to UK and leave the dispute of the clerical officers unresolved. The analysis of the members of the CPSA and my own analysis again coincide in this matter and we have no doubt that what Mr Goddard came to do in Gibraltar was to resolve the dispute involving the TGWU in order to isolate the CPSA and reduce the pressure that the DOE/PSA was under as a result of the other industrial action. And, therefore, if in fact a lot of people have read deeper meanings into the situation it may be an oversensitive and suspicious mind but the circumstantial evidence Mr Speaker, is certainly there. The Chief Minister made an opening speech in the House of Assembly which if one wants to be charitable was to say the least open to misinterpretation and certainly one particular interpretation that was put on it was that it was an attempt to interpret the results of the election as the right of the Government to take a tough line with the Trade Union Movement. I hope that that was the wrong interpretation. It would be a good thing for Gibraltar if it was a wrong interpretation. But it so happened that on that same day the GGCA was given a warning that unless they removed their industrial action they were facing the possibility of suspension and the CPSA was given an ultimatum that unless they answered by half past nine the following morning that they were going to remove it they would not be allowed in to work on Monday morning. Now those three things coincidentally happened on the same day and subsequent to that the Ministry of Defence after five weeks of industrial action from its employees took a line as regards their own negotiations basically founded on the agreement that had been signed. I think it has to be understood that the grievance felt by members of the CPSA by the clerical grades in MOD/DOE is one that goes back to the results of the implementation of the Scamp recommendation and the applicability of the pay increases based on UK analogues as it applied to them. There is no doubt that virtually of all the grades involved in the public sector, industrial and non-industrial, those who have done least well out of the pay negotiations are those involved in this dispute. Nevertheless the offer that was made to these individuals was accepted by them at a general meeting in good faith. It was accepted by them because it

was accepted by the whole trade union movement when the original claim was put for parity with the United Kingdom in 1974 that some grades in some employment would do better than others at any particular point in time. But it was clearly understood by everyone that in the long run just as in the United Kingdom different groups of employees tend in different reviews to leap-frog others and do much better than others, the effect of that would in the long term be felt in Gibraltar and if one group was left behind others in one particular review, sooner or later they would catch up. In the United Kingdom we have seen this with Nurses lagging behind for a number of years and suddenly getting very much larger pay increases than other groups, with teachers at another point, with clerks at another point in time and so on. This was clearly understood by the Trade Union movement and it was accepted and therefore when CPSA members accepted their own pay settlement they accepted it reluctantly obviously because they would have preferred to have done better, but they accepted that it was a fair one given the parameters within which negotiations were taking place. But if those parameters are changed, if the rules of the game are changed then quite legitimately they feel that they are not breaking the agreement that they signed because the environment that applied when that agreement was signed has been changed and this is very important for the House to understand because it is an unescapable fact that if all the employees in the public sector feel that the rules are being applied equally to all of them then they are more likely to accept different results from the application of those same rules. Mr Speaker, I have raised on many occasions here the inequity of the treatment afforded to industrials as opposed to non-industrials as I understood it from my intimate knowledge of the way pay negotiations have been conducted. And I know that the Government has never accepted this to be true and whether it is true or not the Government has to accept that that certainly was the view held by many people who felt that some were getting more favourable treatment than others. And this is what is at the root of the present dispute. That if the ground rules are the same for everybody then even though the results are different, even though one group does better than another group everybody has to accept it provided they are all satisfied that the UK analogues are the same for everybody, that everybody has been rigidly asked to accept the same conditions. The House will recall my own opposition to the Morgan Report precisely because in the Morgan Report there appeared to be a great deal of anomalies which were not consonant with the application of the rules as had been accepted by the Trade Union movement under the Scamp recommendations. And I think that this situation is one where the members of the CPSA have got a legitimate claim to reopen their own negotiations because their negotiations were based on an understanding of the implication of the Scamp formula as a basis for negotiation for clerical grades and the realisation, in the case of the settlement reached between the GGCA and the Gibraltar Government that the Gibraltar Government and the GGCA apparently were interpreting those ground rules in a different manner from that which the CPSA had accepted to interpret in conjunction with MOD/DOE. And in view of the fact that MOD/DOE and Gibraltar Government as the three official employers are theoretically, constitutionally, all employing public servants who are servants of the Crown - because the Constitution Mr Speaker as we know makes no distinction between a public servant employed in the Ministry of

Defence and a public servant employed in the Gibraltar Government - is a very peculiar situation for two public servants discharging very similar functions having the same degree of responsibility to have different salaries and different conditions, very peculiar indeed, and this in fact is where the grievance arises and the Gibraltar Government has therefore got a dual responsibility in the situation. It has a responsibility as an employer that employs public servants and it has a responsibility as the Government of Gibraltar for the maintenance of good industrial relations and it is impossible let me assure the House to have good industrial relations as long as there are 300 men and women out on the street locked out by their employer because no decent trade unionist in Gibraltar can go home after a day's work and rest content knowing that there are that many trade unionists who are prevented from going to their place of employment unless they are willing to give up their right to take industrial action. Because once that right^{is} given up by one group then it is in danger for every single worker in Gibraltar and every single worker in Gibraltar and every single trade union leader in Gibraltar will fight to defend that right. And therefore as the guardian of good industrial relations, as a Government elected to bring about a prosperous and peaceful Gibraltar - I think there was something about sharing and caring in the slogan if I remember rightly, perhaps the Hon Member, the Minister for Labour and Social Security could remind me, I didn't read their manifesto, the copy that I got was very blurred, Mr Speaker.

HON CHIEF MINISTER:

We didn't have capitalists behind us.

HON J BOSSANO:

I have good capitalist connections perhaps I can help the Chief Minister in his next election campaign, if he is still around, Mr Speaker. They tell me they just fade away, old soldiers, Mr Speaker. As the Government that has got the responsibility, Mr Speaker for helping to bring about a peaceful and a prosperous Gibraltar, I think that as well as an employer, as Government, they have a duty to bring home to the Ministry of Defence and to the DOE in no uncertain terms, that they are not in fact equal partners with the Gibraltar Government. They may be equal partners as far as being employers are concerned. This is why at question time I could not accept the hint from the Hon and Learned the Chief Minister that just like the MOD did not interfere in telling the Gibraltar Government how they should conduct their own affairs he couldn't interfere in telling the MOD. Well, I think he can interfere and he should interfere and he must interfere when what the MOD wants to do affects 300 homes in Gibraltar.

HON CHIEF MINISTER:

If the Hon Member will give way. I said as an employer.

HON J BOSSANO:

Well Mr Speaker, as an employer the Hon and Learned the Chief Minister has got a particular obligation to see that there is uniformity of treatment and as Government he has got the right in my estimation to tell the MOD exactly how far they can go in Gibraltar and how far they cannot go and I think in the particular seriousness of the situation, it is in his power as the elected representative of the people of Gibraltar, as the man who has got behind him a very substantial support - the vote that he got in the election, Mr Speaker, puts him in a very strong position to tell people how he feels about things not just people on this side of the House or in the Trade Union Movement but also those in other places.

And, therefore, I would like to see that he should be seen to be doing this and he will certainly have my support and I am sure the support of members of the House and of the Trade Union movement and in supporting the motion therefore I think that that facet of the problem is far more important than the technical one as I said of the manner of which one particular official employer negotiates with his own employees on the conditions and the pay that it pays although I think that the other one is also important, of necessity it has to move into the background because of the seriousness of the way the dispute has developed, I wish in fact that in saying that I am going to support the motion I could be more optimistic as to being able to see a way out of the deadlock that exists between the two sides. I am afraid that as I said before, Mr Speaker, I can see myself no way other than in the CPSA getting full reinstatement for its Members on full pay from the day of the lockout and getting their claim met in full but I am on one side of course of the dispute.

MR SPEAKER:

We will recess now for approximately 20 minutes. Then we will resume the debate.

The House recessed at 5.15 p.m.

The House resumed at 6.45 p.m.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I would like first to congratulate the Hon Maurice Xiberras for his speech in proposing the motion and the discussion. My reaction when listening to the Leader of the Opposition was that as soon as possible I would get up and reply to some of his cracks against the Chief Minister and the Government in general but on second thoughts I think that by doing this I would not serve the interests of the workers concerned in this dispute with the MOD/PSA. I think our main task this afternoon is to show to the MOD and the PSA our concern at the dispute which has been carrying on for over seven weeks and the suffering that this is causing to the members of the CPSA and their families and any other matter which we discuss here in verbal

accusations against each other is completely irrelevant. Our main duty this afternoon is that the message comes through loud and clear that we are all united in the support that we must show to the CPSA in the current dispute with MOD/PSA.

HON A J CANEPA:

Mr Speaker, earlier today, this morning, the Hon Frank Dellipiani made what could be considered to be his maiden speech in this House and it is not for me obviously seeing that I was very much involved in the matter this morning to make any comments about that maiden speech. I therefore ought to regard his short intervention just now as more in the nature of a maiden speech. But I think it can be said that already the Hon Major Frank Dellipiani this morning and this afternoon by the ease with which he speaks, by his aplomb is already very much at home in this House. I would like to congratulate him on his intervention and say that I look forward to very many valuable interventions from him in the future. I am sure that he is going to prove to be a very valuable member of this House. Mr Speaker, with regard to the motion under discussion I want to say in the first place that because one is in the role as Minister of Labour on the one hand as an employer, on the other hand as the political head of the conciliation service in Gibraltar, the conciliation service which is to be found in the Department of Labour and Social Security, that having those two considerations mainly in mind I do not propose to speak on the merits of the CPSA claim though I do propose at some length to explain what has been done to arrive at a settlement with the Gibraltar Government Clerical Association because it is a matter which I feel is not fully understood and it is a matter also which is very closely related to the present dispute. The role of the Minister of Labour Mr Speaker, must be in my view to keep the balance between employers and unions and to attempt to conciliate between two sides to a dispute or at least to see that the Department of which he is the political head undertakes that duty. The conciliation service of my Department however can be undermined by any partisan pronouncement that I or any senior officer of the Department could make on any dispute. If both employers and unions are to have confidence in the unprejudiced in the unbiased approach of my Department then it is absolutely important that I should say nothing in this House that could undermine that confidence. Mr Speaker, with regard to the dispute that the Gibraltar Government as an employer faced during the summer with regard to the Gibraltar Government Clerical Association, let me straight away say that the Hon Mr Xiberras in moving his motion got one or two fundamental facts wrong. He referred to 1972 as being the date when the Marsh award set up the current structure. That is not the case, there was no Marsh award in 1972 the last Marsh award was in 1970. 1972 was in fact the first occasion in Gibraltar when negotiations in a biennial review were conducted by free and bilateral negotiations and it was in 1972 that the clerical and administrative structure which the Gibraltar Government had until recently and which up to a point as Hon Members will see we still have, it was in 1972 that that structure was set up starting with the Clerical Assistant at the bottom, building up to Clerical Officer, senior clerical officer who was formally a Clerk Grade I, Supervisory Officer, formerly a Chief Clerk and so on to the Titular grades the Assistant Secretaries and so on. So that

structure was set up in 1972 as the result of intensive negotiations by Government and the GGCA and it was considered by the two parties to those negotiations to be a valuable structure and one that the GGCA were very keen on obtaining and one which the Government thought that it could agree to in order to provide a sound career structure for its employees in the clerical and administrative grades. Now, Mr Speaker, coming up to the Scamp Award, the difficulty that we were then faced with as employers was that here we had a structure that if it appeared to us as employers to equate up to a point to the UK structures it certainly did not appear in the eyes of the GGCA, the other party to the matter, it certainly did not appear to them to equate to the UK structure. The problem was further compounded by the fact that we ourselves had four scales, for clerical officers, four scales which were dependent on the educational qualifications of entrants from 3 GCE s at the lowest ranging all the way to 5 GCE O'levels and two "A" levels. We also had this in-between grade of Senior Clerical Officer whereas in the UK there was a Clerical Officer and an Executive Officer with nothing in between. When early on in the negotiations with the GGCA following the Scamp Award agreement was reached on 11 of the 15 grades that were represented by the GGCA not only clerical grades but also secretarial grades such as the typists and so on, the four outstanding ones being the Senior Clerical Officer, the Supervisory Officer, the Titular and the Senior Titular. It wasn't possible to reach agreement on these grades. It wasn't possible to convince the Association as to analogues for these grades and the industrial action that resulted from this disagreement really had two facets to it. In August, I think it was, mainly in August and early September the dispute was mainly about these four grades about which agreement could not be reached as to their UK analogue and frequent contact at management level was kept throughout, if only of an informal nature, but there were also a number of meetings between the Chief Minister and myself and representatives of the GGCA. At one of those meetings it was clear to us that the GGCA were hoping at least to retain the differentials of these four grades in respect of certain other grades in Government employment.

They wanted those differentials to be restored and I remember making the remark that perhaps I could understand if they wished to retain differentials as they had been established in 1972 between the various clerical grades in particular those for which there was agreement on the analogues mainly Clerical Assistant and Clerical Officer. There was definite agreement about those two analogues and I said perhaps it is fair that you should be seeking to retain the differential between a Clerical Officer building up and the Supervisory Officer as it was in 1972, that you should be seeking that under the aegis of the Scamp formula. If we are to accept that there is no direct UK analogue for the Senior Clerical Officer subject of course to whatever staff inspection may later on say. A few days later members of the committee of the GGCA came to see me on my own and they sought clarification about my remarks and I clarified what I meant. They had a short meeting on that occasion and from there an idea germinated, a concept, the restoration of differentials for these four

outstanding grades and difficult and laborious negotiations were resumed on that basis. Now, Sir, what I think the Government as an employer was doing during the course of these negotiations which led to a settlement of these four outstanding grades was to show flexibility. One could appreciate that it was very unpalatable for the Gibraltar Government Clerical Association to be told the analogue for a Senior Clerical Officer is a Clerical Officer. That meant a very considerable downgrading, there can be no question of that, and there claim was that an SCO was equal to an Executive Officer or a Supervisory Officer which is the nearest. That meant a very considerable upgrading. It would have meant that there would have been in the employment of the Gibraltar Government instead of about 40 officers round about Executive Officer level there would have been 120, and building on from there ^{their} claim was a Supervisory Officer equates to a Higher Executive Officer, a Titular equates to Senior Executive Officer and so on, and if in certain quarters the clerical and administrative structure of Government is today described as top heavy I shudder to think what the description would have been if the Government had agreed to that. So we were finding some sort of a compromise we were showing flexibility. At that stage we were making no attempt to ram down the throats of the GGCA what would have been a very unpalatable matter. And if we hadn't shown that flexibility perhaps today the Gibraltar Government would stand in this House condemned in the dock and the dispute would not have been between the MOD and the CPSA but between the Gibraltar Government and the GGCA. So when we show flexibility, Mr Speaker, it is not really entirely fair when a settlement is found to then lay the blame for what may happen after that at the door of the Gibraltar Government. I have no doubt that we have treated our employees in the clerical grades fairly, I have no doubt about that. There was a second facet to the industrial action, and that was round about the time of the general election. The dispute then was over relatively minor matters, the main one of which was the question of assimilating the four scales for clerical officers which as I have said were based on various academic qualifications, to the one scale for clerical officer that there is in UK. And there were other matters, the question of staff inspection and so on but really this was the cardinal issue because it was the question of assimilation that would produce more or less money for the clerical officers who themselves had supported the industrial action that the GGCA had called and who naturally it is understandable that the committee and the general membership felt that it should endeavour to obtain the best possible deal for the clerical officers. That was the second facet of the action and there the Government stood firm, there was very little room for manoeuvre. In between the offers that had been made with regard to these four difficult grades had been put to a general meeting of the membership and they had been accepted. On the question of disclosure, the offers were disclosed at this public meeting of the membership, it was well known, but what did not exist at the time was a draft agreement. There was no draft agreement, the GGCA were not prepared to sign an agreement until these other relatively minor matters had also been settled.

HON M XIBERRAS:

If the Hon Member will give way. Will he confirm that there was in fact a draft agreement the day before the meeting with the clericals took place. Four days before there was a draft agreement actually printed.

HON A J CANEPA:

Sir, I can check the dates. The Industrial Relations Officer was asked by the Association to draft an agreement at a time when already the dispute of the CPSA had reached the stage that the men were suspended. They weren't prepared to look at an agreement.

MR SPEAKER:

We mustn't talk across the House. Will you please continue.

HON A J CANEPA:

Anyhow, there could be no public disclosure other than a press release that there was explaining in some detail what the attitude of the Government as an employer was and the offers that had been made. There is a very significant aspect to the agreement that the Gibraltar Government has reached with the GGCA which perhaps is not widely known and that is that the arrangement is for the Senior Clerical Officers, the Supervisory Officers and the others to exercise an option and in the case primarily of the SCO's where the numbers are rather high, 80, they will continue to be Senior Clerical Officers whilst they occupy that post. There will be no future promotions into the Grade of Senior Clerical Officer. No Clerical Officer will in future be promoted to Senior Clerical Officer, it is an obsolescent grade from now on, it will die out and when officers are promoted from Senior Clerical Officer upwards they will be promoted into the UK structure, they will be promoted as Executive Officers. Therefore the position that will emerge is that over a period of time you will get the UK structure in Government employment with your Clerical Assistants, your Clerical Officers, Executive Officers, Higher Executive Officers and so on. So the arrangement is one that will over a period of time be phased out. Through natural wastage the UK structure will be implemented in Government employment. And this was what we considered to be a reasonable compromise in all the circumstances. I don't think that we have broken the Scamp doctrine. We have found 11 clear-cut analogues out of the 15 grades represented by the association, where there is no definite analogue subject to whatever staff inspection will bring up. This to my mind is a Gibraltarian solution to a problem, this reasonable compromise has been arrived at. You have got two

definite clamps, you have got your Clerical Officers at the bottom and you've got your Senior Executive Officers at the top definitely already on the lines of the UK structure with some flexibility in between, because of that we are I think definitely within the Scamp guidelines, bearing in mind - and this must not be forgotten - that Scamp did lay down that there ought to be local flexibility. Now, Sir, coming now to the CPSA dispute itself and the Government's role in this. The intervention that I have had in this dispute is indeed very minor compared to that of the Chief Minister, and he has gone into detail about the various stages of his intervention. I have been kept fully informed by the Chief Minister of these meetings, I myself was present at the meeting which we had with Mr Goddard and I knew well beforehand because immediately that the men were suspended, Mr Harrison and Mr Gingell came to see me primarily on the question of social benefits but they made it clear and the point remained clear in my mind that they were quite willing to talk, that there was a readiness on the part of the association to resume negotiations at any time and because of that it wasn't the CPSA that one had to go to in an attempt to mediate, it was the employer that one had to approach and this I did with the Deputy Civilian establishment officer. I think I must have done that about a week or ten days after Mr Goddard left Gibraltar because after a week or ten days without any apparent movement the story we were told was that he had come here to assess the situation, report back to his superiors in London and then, hopefully, as a result of that report something would emerge. So after a week or 10 days one was starting to get worried and I caused enquiries to be made with the Deputy Civilian Establishment Officer and expressed to him my own personal readiness and the readiness of the conciliation service of my Department to put themselves at the disposal of the two parties to the dispute. When the new Civilian Establishment Officer arrived some two weeks ago I saw him immediately and I expressed to him my frustration at the fact that there was no movement and at the fact that there was very little that one appeared to be able to do about this. If on the one hand a handy intervention was successful in the case of the GGCA and led to a settlement of the dispute, then why shouldn't I likewise be predisposed towards intervening on this occasion? But I hope that I wasn't being implicitly criticised by the Hon Mr Xiberras perhaps because he didn't know the extent of my intervention in the GGCA. I hope that I wasn't being implicitly criticised in this respect. So I have made attempts to get management to move, I have offered the service of the Department. And what I find most perplexing about the whole thing, Mr Speaker, is this, that it is very well to say that the matter is in London, that is what management say, the matter has been referred to Mr Goddard to London. meetings are taking place there. That is all very well and it might be at the very highest level in London, but the problem is here in Gibraltar and we have now had this problem and this dispute souring industrial relations and other aspects of life in Gibraltar for long enough and it is in this sense that I feel so terribly frustrated, to be told by management "We can't move, there is very little we can do". Even the CPSA up to a point also tell you "The matter is in the hands of our national HQ in London", I am sure that they are trying their utmost there to get some movement but the problem is here, we are living with it, and we cannot allow industrial relations in Gibraltar to remain in this state and we must learn a lesson from this unfortunate dispute.

Now, Sir, two years ago when we were faced with probably in many ways a more serious problem on the dispute surrounding the issue of parity, one thing that the employers collectively did at every stage was to keep talking, to try to find every avenue, to accept an independent conciliator, Mr Singleton came here, to at least attempt by talking formally and informally to find a way to the dispute. Unless you talk there can be no solution, and there has been no talk there has been no contact and this is intolerable and we are now coming up, Mr Speaker, to the season of goodwill. Two years ago a very sincere and a very determined effort was made to get a settlement before Christmas and an agreement was signed on Christmas Eve and I think it is vital that everybody concerned in the matter should endeavour to do the same thing now.

I am touched by the vigil that the CPSA members in this atrocious weather that we have had are conducting outside the Convent. It commands I think the respect and admiration of all. On Thursday evening I am going to feel very uncomfortable. I am having dinner at the Convent and I am going to feel very uncomfortable to have to go there warm, in a congenial atmosphere, and then when I leave find my fellow citizens out there in a very uncomfortable and uncongenial environment. But, because I know that His Excellency the Governor is anxious about this problem, because I know that he shares the concern that we have expressed here, I can at least feel that I can go there, I can have an informal chat with him and something can come of it, perhaps a small contribution. But it is intolerable, Mr Speaker, to allow this state of affairs to continue much longer and I hope that the sentiments, the views, that we have expressed here get through to London where, perhaps, they do not have an understanding of what the situation is in Gibraltar. They cannot imagine that a dispute involving 300 people can have national repercussions. So I hope that without having said anything that may exacerbate matters, on the contrary, I hope that the unanimity, the response of Members in this House will awaken somebody in some office in London to the need for an early settlement of this dispute. Thank you, Mr Speaker.

HON MAJOR R J PELIZA

Mr Speaker, it is very encouraging to see how the Members of this House can gradually get together and pursue a common aim. I am sure that if this feeling which is being expressed here today is maintained and translated into action and not just words - and I have a proposition towards the end of this which I hope the Chief Minister will be able

to agree to - I have no doubt that something is bound to come out unless there is very ill will in certain quarters. But I think the Minister of Labour said that we had learned a lesson and it is on this I think that I want to touch upon to find out where it is that we have gone wrong on this occasion so that it does not happen again. Now, I fully agree that there are altogether four parties concerned. The first one and the most intimate one is the CPSA. It affects the members themselves and it is very natural on an occasion when very much once and for all the structure of pay in Gibraltar is going to be settled in a definite way that they should feel very concerned and react even strongly for not only their pay is at stake but their very status and I think that any trade unionist who is worth his salt and who lives up to the tradition of trade unionism would put up a fight in the same manner as they have done. And I would like to add here in case I do forget that I do not believe that any of those members should have a guilty conscience for what has happened so far. And perhaps the best thing I should do is to quote the Magistrate himself. He said and I am quoting from the Gibraltar Chronicle which I imagine, Mr Speaker, must be fairly accurate. It is accurate at times, let us hope it was on this occasion.

MR SPEAKER

Let us not create a precedent by saying that anything that the Gibraltar Chronicle says is completely accurate. Not that I am pulling it down. I have no doubt that it is accurate but we must not create a precedent.

HON MAJOR R J PELIZA

Before adjudicating the Stipendiary Magistrate said: "Let me bring these cases into their proper perspective. A sit-in demonstration is common the world over but novel in Gibraltar. The purpose behind it is to call the public's attention to a cause. In other words, to get publicity. Once that is obtained your purpose has been achieved, your cause has become public and your solidarity evident. The next stage is getting arrested. This you do willingly for further publicity, this then becomes a luxury for which you have to pay later. The purpose of a sit-in demonstration never is and never can be to create confrontation and bad public relations. However, because it is new in Gibraltar not everyone knows the rules of the game, it takes time and experience." Well I hope they have not got to gain any further experience on this sort of action. I do hope that it will come to a happy conclusion fairly soon. But what

I want to keep on people's mind is not to adjudge these ladies and gentlemen as criminals or people who want to create disturbances in Gibraltar and lead to disorder and chaos because that could not be further from their minds. I think by and large and I do not know of any whom I could not describe in the terms I am going to say, are noble people. I think all of them are honourable people, well behaved people, good citizens of Gibraltar, never before involved in a strike. So when they have moved so unitedly in this respect it must be because they are fighting for a very serious and important cause and therefore I think it is only fair that words in this respect should be uttered in this House to clear their names if anybody thought it was blemished because of the action that they took. So that is one party involved. The other party involved is the MOD/PSA. They are the employers but they are a major employer which in any other community would be considered to be in proportion to what they are, one of the major industries of the nation. Now, in any community where an employer of that magnitude is going to act, it is obvious that whatever their actions may be it will have serious repercussions on the whole of the community and therefore they themselves must be responsible in their actions let alone an employer which is a Government Department of the UK. They, in fact, should be even more responsible than an ordinary public enterprise. And I am saying this because of their attitude. I am very glad to say that when I was asked to do what I could in the United Kingdom - when I was not looking at colour TV - I did what I could. And one of the things I managed to do was to encourage the Head Office of the CPSA to take an urgent and more active attitude towards the strike here in Gibraltar and I am glad to say that perhaps my contribution helped in bringing out Mr Terry Adams. When he arrived in Gibraltar he had hardly stepped out of the plane when he was given an ultimatum, I think the following morning it happened. I know from the horse's mouth that he tried his best to try and postpone this, to try and see if he could influence, if he could bring about some understanding or at least a little bit of more "jaw, jaw" rather than "war, war" but the response was; "So far and no more. We could not care less if you had travelled 1,000 miles to try and help the members out to bring some conciliation, no, you go straight back." In fact he had to go straight back without having been able even to intervene in a constructive manner. Is this the attitude for an employer in Gibraltar for which as I said before their attitude will have serious repercussions, political and even economical repercussions in Gibraltar? Is that the attitude? Is it therefore not natural that some people should become suspicious as to the motives behind that particularly when the sum involved is so small by comparison with what that particular Ministry

spends overall and particularly when the Scamp Report was accepted and the recommendations implemented to bring industrial peace to Gibraltar once and for all. And furthermore knowing when a change of that nature would cause waves and ripples until eventually you get the calm. It is inevitable with such big once and for all changes ; that they are bound to be due to adjustments between the present pay in Gibraltar and the corresponding pay in UK is going to affect differentials and I think any reasonable man can understand that if in good faith and in order to cooperate and bring the implementation of the report, if in good faith one union goes ahead and accepts in order to start the trend, with all the goodwill in this world to try and set the ball rolling, that if at the end of the day they found themselves that they were not getting as much as they thought it was fair for them to get in the overall settlement that they should come back for some readjustment. In fact there are precedents where that in fact did happen and there were re-negotiations that was accepted but not on this occasion, it was a blank wall. The third party involved is the Government, and the Government involved in two capacities, in the capacity of an employer and the capacity of Government of Gibraltar which is obviously overall responsibility. In fact, I think the Chief Minister very clearly admits that when he went out of his way to amend the motion when he put the words at the end, "Gibraltar as a whole." The Government of Gibraltar obviously must be a custodian of good order in Gibraltar; of economics in Gibraltar, of fair policies in Gibraltar. And I am sure that any Government of Gibraltar must bear in mind that any even smaller employer but certainly any major employer does not act in a way which is detrimental to the good and the welfare and the people of Gibraltar. Now, as an employer the Government should always bear in mind that if any of the major employers goes out of step it is bound to have repercussions in all the other employers. And here I think is where one side of the Government begins to walk over the tightrope. It is very difficult to keep the balance particularly in the circumstances of Gibraltar because the other employers are not only just other ordinary employers but without whose contribution to the economy of Gibraltar the Government itself cannot raise the wages. Because once there is less money coming into the kitty than the Government is taking out of the kitty, we are economically in serious trouble. So one lesson that we must learn from what has happened on this occasion is that as an employer the employers of Gibraltar must not keep out of step or allow any other one to keep out of step from the general movement forward. Because once that happens we lose our

equilibrium and at least that chap walking on the tight-rope which is the Government of Gibraltar falls to the ground with serious repercussions. The other half of the Government, or the other side of the Government, where as I said before is as Government of Gibraltar, I think that in that capacity we should have every right to impose our right to consultations and our right to influence at every level if necessary with the manner in which that particular employer is going to act. I feel very sorry for instance that on this occasion it has taken so long for the matter to come to this House. It is a great pity that my Honourable Friend Maurice Xiberras has been asking for a meeting of the House of Assembly to thrash this point out and that it has taken such a long time. No wonder this has gone on for seven weeks. But at long last I think something constructive can be done and I think the union themselves will not feel any more now that they have been abandoned by all and sundry in Gibraltar. Regardless of what consultations the Chief Minister may have had I have no doubt in my mind that the average member of the CPSA has felt that he is an unwanted baby. Now I think an opportunity has been given to show that this is not so. We now hear for instance that the Chief Minister has been doing his utmost from behind the scenes. We know that the Minister of Labour too was very concerned and we know too that the Government and Opposition are at one on this matter. Nothing of this was known before, now it is known. In fact, the impression was given before that everybody was pulling in his own direction and as a result of that there was no hope whatever of the union making any other progress and it finished up by involving other unions. This is one of the reasons why the question possibly has escalated and that to me is a great pity because it is easy to go up and get on the high horse and very, very difficult to dismount. My appeal is that we must find ways of coming down from the high horse, everybody has got to come down from the high horse. How are we going to conduct this operation? Well, that is a different matter. But I would suggest - and this is where I am going to make my suggestion - We obviously know that His Excellency the Governor is behind us. So we have heard from the Minister of Labour. We have support in the other half or the one third of Government of Gibraltar because the Government of Gibraltar is an extremely complicated thing. But in all its complications I think we could say now that it seems that the elected and the non elected are all behind us. I suggest now that the result of this meeting should be immediately communicated to His Excellency the Governor with a sense of urgency. There must be no waiting until the whole session is over or take a few weeks before it gets to him. The concern expressed

in the motion must be sent to him immediately after this meeting. This is the way to show a sense of urgency. It must be followed up by action by the Chief Minister and if within a fairly reasonable time there is no reaction whatsoever then there should be a delegation headed by the Chief Minister to go to the UK to settle this matter. We have never had a dispute of this magnitude in Gibraltar lasting for seven weeks whatever the definition may be that the Chief Minister does not understand. The fact is that the Trade Union interpret it as a lockout. This is very, very seldom done. We all know that the Gibraltar Government would, perhaps, never do it. So it is a serious matter, it goes against the grain of British policy in the UK and therefore it is not a policy that should be used here in Gibraltar. As I say everybody must come down from his high horse. Then, I think, the only way that the words that have been spoken here today will have any significance will be if the Chief Minister, if he does not entirely agree with my suggestion finds a way of getting this where it matters. I assure you, Mr Speaker, that in my small way I have been doing this, too. I have written to a number of Members of Parliament, they are well aware of the situation, they have asked questions, they have seen the Minister of Defence and have heard things that I do not think it is fair that I should say so here but perhaps I can tell the Chief Minister ^{later of} what I have been told could happen. But in any case I think that it is great to see Gibraltar united on this issue that that is not enough, we have to translate this unity into action.

HON I ABECASIS

Mr Speaker, after having heard a few interventions it is difficult to bring about any new suggestion to the debate. But let me start off by saying that I declare an interest when I stand here to speak for the motion. And that is that I was the Branch Secretary of the CPSA some years ago - from 1953 to 1963 - although in those days it was not the CPSA it was the CSCA. But the name does not make any difference, the employers name was also different. In my days it was the War Department, the Admiralty and the Air Ministry, today it is the MOD/PSA, the name also changed. But what has not changed, Mr Speaker, is the attitude of the British Government towards their employees in Gibraltar. The attitude I am afraid is very much the same in 1953 and in 1976. In those days it was difficult to bring comparisons not only with the local counterpart of the clerical grades but also within the clerical grades of the same employer in England. Whereas a Clerk was known here as a Grade II, Grade I and DCO, in England they were known

as Clerical Officers and Executive Officers which because of the high falutin names perhaps warranted better pay. There is nothing new at least as far as I am concerned. In 1963 when there was a big redundancy in the Services Departments because of a White Paper on Defence, a number of clerks employed by the Services Department were transferred to the local Government and if I may say so with the greatest respect to the civil servants of the Gibraltar Government, those who transferred from one Department to another are now holders of very senior posts in the civil service which shows that the standard of both civil servants were very similar. As I said it was difficult then and it is difficult now. I remember when Sir Rex Surridge came over. We tried to persuade him that a Clerk in the War Department, a Clerk in the Dockyard, and a Clerk in the Secretariat was the same but that was never forthcoming. And now the attitude is very much the same. I remember perfectly well the very famous saying, "to follow good employer practice". Now they have the opportunity to follow that good employer practice, to do exactly what the Government of Gibraltar has done with their employees, they have a wonderful opportunity to do what they tell us they think is best and therefore, Mr Speaker, I will end up by saying that I give my full support to the motion as it stands.

HON P J ISOLA

Mr Speaker, I would like to say a few words on the motion. I think there must be no doubt at all as to how Honourable Members in the House feel as to what has occurred and I think that the motion proposed by my Honourable Friend, Mr Xiberras, with the full support of the House could be effective provided that we are realistic about the position of this House, I think that if we are going to help in this dispute we must be seen to be putting forward a motion that is reasonable, a motion that urges a solution to the dispute without necessarily whatever our own personal feelings may be as to how it should be solved, without necessarily suggesting a solution. Because it seems to me, Mr Speaker, that when there is a dispute there are two sides to that dispute. What this House is seeking to do is to produce a solution where we ask the Government of Gibraltar which is possibly the biggest body representative of the people of Gibraltar that can intervene and mediate. I think if we pass a motion that utterly condemns the other side before a chance for mediation has been given, then it tends to be ineffective, our attitude and our acts will be ineffective. If we are to be successful, if we are to be effective in our intervention I think that the furthest we can go today is

to ask the Gibraltar Government that it is the feeling of all the Members of this House that there should be an end to this dispute and certainly, Mr Speaker, before Christmas, the season of good tidings, the season of good spirits. I would have thought that this is the time where an intervention and a mediation could prove beneficial to the people of Gibraltar and, accordingly, Mr Speaker, I would suggest that if this motion were to be passed and passed with the support of all Honourable Members of this House, passed with out genuine support and with your genuine hope that this suggestion that the Gibraltar Government should take a direct part, should mediate in this dispute, and hope that this will bring a solution, I think that if we go that far and that far only, the intervention and the mediation is likely to be more effective and more meaningful in the end more successful from the point of view of the parties involved in this dispute than if we utter words of condemnation or motions of condemnation that would be inclined, that would lay us open I would have thought, to the accusation that this House is condemning one side to the dispute without even listening to it. I personally do not know much about this dispute, I know quite a lot but not as much as the Minister for Labour, as my Honourable Friend, Mr Xiberras, or the Honourable Leader of the Opposition, but I have certainly heard enough about it in this House to lead me to the conclusion that the CPSA do have a very strong case and I think that it is because we all have that conviction that we would hope that the intervention and the mediation of the Government of Gibraltar in this respect will be successful and fruitful. And I think that if the message goes to the MOD and the PSA that this House, representing as it does collectively the whole of the people of Gibraltar, is very concerned, extremely concerned, at the deadlock of the situation and that we generally require a solution, then I would hope that this motion might be the beginning of bringing the parties once more together to the negotiating table. And, accordingly, Mr Speaker, I hope that the MOD reads this motion as a genuine expression of the feeling among the people of Gibraltar that there should be a peaceful solution to this dispute.

MR SPEAKER

If there are no other contributors I will call on the mover to reply.

HON CHIEF MINISTER

Mr Speaker, I would just like to give one date I undertook

to give to the Honourable Mr Xiberras before he answers.
The date was Thursday the 21st October.

HON M D XIBERRAS

I thank the Honourable Chief Minister for that information. Mr Speaker, the purpose of the motion has been amply fulfilled and I am very glad that the House is united on essentially the proposition which was brought to it. I had hoped that the meeting of the House had taken place earlier for precisely the reasons mentioned by the Honourable Major Peliza that people out on the streets should feel alienated from the elected representatives and in the absence of an open Government statement which would indicate both to the people out in the street i.e., the people who are locked out or suspended and to the general public as to where the rights and the wrongs however limited the definitions of this might be, stood in the eyes of the elected representatives of Gibraltar. But better late than never and this has happened now and we have had very genuine I think expressions of feeling in this House. I am also glad of the restraint that has been shown all round. I am glad that as the Honourable Mr Isola has said the proposition which I hope will be taken in toto to MOD/PSA both here and in England from this House by way of a Hansard of this meeting transmitted immediately which with the kind cooperation and hard work of the staff of this House will be possible, the MOD/PSA both here and in England will be left in absolutely no doubt of the feelings of Honourable Members. They can do with that what they like but we have said our piece and these views will be communicated as a whole to the employer. Perhaps a copy of this should also be sent just as a matter of balance to the CPSA executive even though we have had a good attendance from members of the CPSA here. Therefore so that one can get on with the Hansard I shall endeavour to be brief. Let me start, Mr Speaker, by extending nevertheless the ripples before the calm metaphor of my friend the Honourable Major Peliza who always in this House is imaginative. I think that it does require imagination as well as energy to resolve these deadlocks and I think that his suggestion though pitched rather too high is not entirely amiss. I think one of the possible solutions in this in order to fulfill the purpose which the Honourable Mr Canepa and the Honourable Sir Joshua Hassan mentioned, namely, that the two parties should get together and talk, one of the possibilities is - I say a possibility - for acceptance or rejection by both management and union, is the appointment of some sort of mediator. I think it is necessary in this because there has been no contact and without any contact it is impossible to make progress. Therefore, Mr Speaker,

continuing with this ripples before the calm may I take up a theme which was also implicit in what the Honourable the Minister for Labour had to say and which my Honourable and Gallant Friend mentioned at some length or intimated at some length.

We are moving from one system to another system of pay reviews after a great deal of anxiety, a great deal of trouble and there are bound to be ripples and there are bound to be if we were alright eventually still waters after that. In this situation I see the duty of the Government as Government and not as employer as of paramount importance. I am prepared to accept all that the Honourable Mr Canepa has said in respect of the negotiations between GGCA and the Government as employer. If I have to fault the Government it is in leaving to one side that other responsibility as Government of Gibraltar because it is the duty as I see it of the Government not only to do well by their own employees but to ensure that stable conditions are created throughout Gibraltar and in the negotiations with Government employees there was the obligation which I mentioned at the very beginning to carry people along with you. It is essential for this to happen because if there is an agreement which is inequitable not to your own people but to people in other employment of a similar nature, then you are sowing the seeds of discord and the seeds of trouble. I may be utopic in suggesting this at this stage, I am not saying that Honourable Members did not have this in mind, what I am saying is in order not to add wood to the fire that it is an unfortunate situation that the major employers can not move forward at the same pace and in the same way. And returning to ripples over the water, the Honourable Mr Canepa said that a Gibraltar solution had been found in the case of the Gibraltar Government employees. I hope I detected no hints of disagreement with what has now become general accepted policy, namely, the Scamp policy in essence.

HON A J CANEPA

If the Honourable Member will give way because this is very fundamental. It was intended in no way to indicate that. The Government is fully committed to Scamp and I personally fully subscribe to the Scamp philosophy.

HON M D XIBERRAS

Thank you, Mr Speaker. I think that clarifies the matter

because if there were any hints or taint of this then the solutions that it would find in the transitional period would not be fair ones or conducive to industrial peace. If there was, as Mr Canepa has said, a Gibraltarian solution for the GGCA dispute it was in the nature of an interim solution because there is going to be movement and Mr Canepa's own words confirm it, towards the Scamp solution which is equally Gibraltarian. Now, the Honourable Mr Abecasis with whose contribution I can sympathise but I must say in all frankness I do not think it is conducive at this particular moment of time to our general purpose and I do not think that it was made in the spirit of being destructive of the general purpose either. I know that he feels what he says. But if, as the Honourable Mr Abecasis has said, there is apart from the Scamp principle the good employer principle, the one cannot be discarded immediately in favour of the other in certain cases. If there was a Gibraltarian solution for the clerks in the Government then there is a possibility that the MOD might accept a good employer solution as an interim to a movement towards Scamp and I commend this thought to management in this case. Mr Speaker I would like to say something about the Leader of the Opposition's intervention. I think as I have said that all Members of the House have acted with constructive restraint. I think that this House loses all its influence the moment it becomes unreasonable. This does not mean that at any particular time the House cannot be 100% behind a sectional interest but it must be on reasonable terms because if it ceases to be reasonable we are not a powerful trade union we are only 18 people and we cannot command respect purely by saying that people voted for us because people voted for us if I may be a bit moralistic about it, people voted for us because we are reasonable people. And the propositions of this House must be made for the whole of Gibraltar except in those cases where the sectional interests affect the public interest and those are the words in my motion, the public interest, not the members of the TGWU, not the members of the CPSA on their own and in isolation, but members of the TGWU or CPSA as members of the community of Gibraltar and therefore we must be realistic in our approach. Mr Speaker, I feel that the motion before the House entirely accords with these general criteria. I am not prepared to go so far that I should start six hares and find that the CPSA hare, the one that started running originally is still running when all the others have sat down and rested. Our first obligation is to the members of the CPSA in this matter. I do not hold, and I have said so clearly, on the basis of the CPSA dispute having a general, I was going to say battle but let us say football match in Gibraltar involving two teams of roughly equal size. I do not agree with this. Our first concern is for

the CPSA membership. There are principles involved in the CPSA dispute but for those of us who do hold the issues at stake to be dear, our best contribution to my mind is to employ the argument that in settling this particular dispute we shall have struck a blow, generally, for fair practice. And, therefore, I think as I say that the effort should come mostly in getting a settlement. Am I optimistic about a settlement? Well, we have said a good many important things, Mr Speaker, in the course of this debate. There is a temptation to crack a nut with a sledgehammer here but this is a pretty important nut, it is a pretty important nut because it has soured industrial relations and therefore we must to my mind get a settlement on this and I do not think it is beyond the bounds of what is reasonable that there should be a delegation, in parenthesis let us remember the delegation to Hattersley but there should be a delegation to the UK at the proper time from Members of both sides of the House but which by no means include me. But I think that at the proper time, and it should be down in Hansard, this House should be well disposed to sending some of its Members if necessary since the negotiations as the Honourable Mr Canepa has said are taking place over there for some reason then the views of this House should be personally taken over and I thank the Honourable and Gallant Major Peliza for this suggestion which is another possibility. There are many other things, Mr Speaker. Let me end in a rather amusing note. In the transcription from my own drafting of the motion to the typing of the paper and through no fault of the staff here of the House of Assembly, the word "understanding" was typed instead of the word "intensive" which appeared in the original motion. I think the young lady who did the typing deserves some commendation because that is what we are seeking, we are seeking a spirit of understanding. But I would like to put this on record that the original said intensive negotiations because it has not been characteristic of the present dispute that the negotiations have been intensive, they have been few and far between and therefore, Mr Speaker, with the agreement of Honourable Members and there being no dissentient voice and without changing the terms of the motion I would like to add that thought to the motion, intensive negotiations. I thank Honourable Members for the support they have given the motion, I ask the CPSA to be understanding of the position of Honourable Members of this House, I ask Honourable Members opposite to do twice as much as they have done to get a resolution and not to hesitate to call on the support and the active help of any Member of the Opposition should this be necessary and I commend the motion to the House.

Mr Speaker then put the question in the terms of the amended motion which read as follows:

"that this House, disturbed by the character and trend of recent events, and deeply concerned with the present state of industrial relations arising out of the continuing disputes between the MOD/PSA and the Civil and Public Service Associations, urges, as an immediate priority, the initiation of understanding and meaningful negotiations between the parties and urges the Government of Gibraltar, in view of its indisputable interests in the industrial relations within Gibraltar as a whole, to assist in all possible ways towards arriving at an equitable and speedy solution in the public interest."

The question was unanimously resolved in the affirmative and the motion was accordingly carried.

MR SPEAKER

In fairness to the staff of the Speaker's Office I would like to assure the Honourable Mover of the motion that the notice of motion that he sent to the Clerk did include the word "understanding".

HON M D XIBERRAS

Yes, Mr Speaker, the word "intensive" appeared in my original handwritten text.

HON CHIEF MINISTER

Mr Speaker, before you recess I would like to say two things. First of all of course the motion will be transmitted tomorrow morning with a covering letter and with the help of the Staff of the House the Hansard when it is prepared will also be transmitted to the CPSA and to Honourable Members and in view of the suggestion made by the Honourable Major Peliza about the possibility of a visit to London I would like to make clear that I had as you know made arrangements to go on Friday on something and I do not want it misunderstood that I am jumping the gun of his idea for the moment, we can go any other time.

MR SPEAKER:

May I say of course that the preparation of Hansards is quite a tedious process. It means audio typing from the tape recordings of all that has been said and subsequent editing, stencilling and duplicating. It has been a lengthy debate, we started this afternoon and we have been at it for about four hours. It will be tackled immediately by the Staff and it will be edited and published and circulated as soon as possible without any delay whatsoever. We will now recess until tomorrow morning at 10.30 a.m.

The House recessed at 7.15 p.m.

WEDNESDAY THE 8TH DECEMBER, 1976

HON M XIBERRAS:

Mr Speaker, I have the honour to move the following motion standing in my name.

"that this House, deeply concerned at the terms and implications of the Hattersley memorandum on Gibraltar and at statements made thereon by Her Majesty's Government in letters addressed to representative organisations in Gibraltar; Mindful of recent and expected developments in Europe and of the possibility of early talks between Her Majesty's Government and the Spanish Government on Gibraltar; Committed anew by the overwhelmingly pro-British response of the people of Gibraltar in the recent General Election; Bearing in mind the readiness of Her Majesty's Government to meet Gibraltar's elected representatives as communicated prior to the election by the Secretary of State to the Gibraltar Representative Organisation, and Her Majesty's Government's constitutional responsibilities towards Gibraltar; calls for urgent preliminary talks in Gibraltar between Her Majesty's Government and the elected representatives of this House for the purpose of discussing the political and economic future of the territory and people of Gibraltar, as inseparable entities, with the object of securing this future without delay."

Mr Speaker, I cannot quite recall in my reading of all the papers available to me since the beginning of our troubles whether it was the Hon Learned the Chief Minister or the Hon and Learned Mr Peter Isola who used the phrase in the United Nations "with honesty of purpose and sincerity of approach" in an intervention in the United Nations and I hope and trust that all Members of this House will

will approach this important matter in that light. Of all the motions that could have been brought before the House this is at one and the same time perhaps the most important, that dealing with the future of our territory and people, and also I am afraid, the most far ranging Hon Members will, I hope, bear with me then if I go through the various aspects of the motion in close consultation with copious notes. It is a complicated subject and one with very diverse aspects and it would be a mistake simply to assess the importance of the Hattersley Memorandum or that of our different relationship with Spain, including Gibraltar, merely by looking at the present, that is at the Hattersley Memorandum or what the Hattersley Memorandum refers to as the improving relationship with Spain. Many Hon Members in this House have been concerned with the problem since the very start and I think they will appreciate some routing of what I have to say in the past and seeing things that have happened in this last year in the perspective of the thirteen or so years of the troubles.

Mr Speaker, the subject matter of the motion has also been the subject matter of an election we have all fought and, as happens in elections, issues have been distorted but at the same time if elections are to be meaningful at all one is hopeful as in this case that in the various debates, television appearances and so forth, the issues have been clarified and this House is in a better position to take a sensible and at the same time alert attitude on this basic problem. The 1976 general election, like the 1972 general election, was concerned with the future of Gibraltar. It was almost a mono-issue election. All Members here have at one time or another devoted a good part of their campaign, some of us 100% of our campaign, to this issue and therefore I am sure we shall have from the House many and varied contributions. Mr Speaker, that the issue became an election issue is the work, primarily I think, of the Gibraltar Representative Organisation and those whose contribution is one way or another to the work done there. The Gibraltar Representative Organisation was formed in response to the concern that existed in Gibraltar following the visit in April to London of the Chief Minister and myself to see Mr Hattersley when we bore joint proposals elaborated over almost two years by the Constitution Committee and bearing the signature of five Hon Members of this House on behalf of what were then the two main parties. The Gibraltar Representative Movement along with the Gibraltar Democratic Movement and others have warned in no uncertain terms against the danger, indeed the possibility, that Gibraltar should become a pawn in the international chess game. Whilst not sharing the stridency of some of the Movement's observations, to which the heat of an election and the difficulty of uniting otherwise disparate elements must have presented, the danger is real and cannot be ignored. The Chief Minister has now recognised

the concern which exists in Gibraltar. The urgency of the warning was the direct consequence of the Hattersley Memorandum, even if its substance has been a latent preoccupation in Gibraltar for many years. It is interesting to note that those very factors of Spain's democratisation and eventual European integration which have all along been widely held to offer hope of a solution to our problems had as the hour approaches become the cause of our concern. The revision of this view is attributable mainly to the attitude of HMG towards Gibraltar as suggested by Mr Hattersley. If Britain's support of Gibraltar were to waver at this critical time, and the Hattersley Memorandum is unfortunately suggestive in that sense, then the revised view that these factors will tend to work against us is the correct one and Gibraltar is already in a critical position and not merely facing the possibility of one.

Mr Speaker, the motion alludes to events in Spain and I would like to say something about those. The need for consolidation of existing European political and economic structures for a variety of reasons all aimed at ensuring the survival of Europe in a pre-eminent position and Spain's needs to form a part of these developing structures and common future, also for a variety of reasons, and the consequent need for Spain to democratise in order to pass the test of European acceptance are factors that have been represented in Gibraltar and elsewhere as threats to the continued British existence of Gibraltar. The wishes and aspirations of 25,000 people, it is argued, cannot be allowed by those forming Europe to be an obstacle to the integrating process of European union. Although as Michael Foot has said recently it is too soon to say where a democratic Spain would, in fact, apply for European membership, there can be no doubt that the desire and intention of Spanish monarchy is to integrate Spain, politically, economically, militarily, and spiritually. In a country traditionally imbued with a sense of historic purpose and mission, the European ideal is fast replacing all others as the grand purpose of all foreign and domestic policy. Great changes are being wrought in the political structures of Spain at considerable risk in order that this purpose should be fulfilled. That the needs of the western alliance and the European community are seen as complimentary can be seen from the recent treaty between the United States and Spain wherein it is explicitly stated that the instrument is a stepping stone for Spain's accession to NATO, and from the intensive contacts maintained by Ministers of the Monarchy whose quest for European acceptance has met with a favourable, if conditional, response everywhere in Europe. The British Government has made it clear to Senor Areilza that once Spain achieves the prescribed level of democracy she would be entirely acceptable. Spain has no lack of sponsors, France, West Germany and the United States being her most reliable friends. It is natural that the unaccustomed friendliness

of the European countries to the emerging Spanish democracy and the thought that their future and that of Spain will be intimately linked, should cause a certain discomfort among us who have been accustomed to close co-operation through Britain with these countries for a very long time as does the thought that once Spain is integrated within the system her say in the future of Europe will be as of right whether ours will remain a small voice heard only through Britain. Some of these countries moreover have not been as firm advocates of our right of self-determination as we would have wished them to be. Similarly, we are aware of the great change that will be brought about in Spain's European and international potential once she has become a democracy and conversely that a democratic Spain would gain powerful allies in her claim to Gibraltar once she has ceased to be a dictatorship. Those who shun the idea of a small democracy like ourselves being absorbed by a totalitarian state might see the rounding off of Spain and Europe's frontier in a particularly sensitive zone of Europe and the strengthening of a new democracy not only as convenient but also equitable. There is no doubt that the present master plan for European integration based on a conception of a collective security of Europe offers us both the greatest hope and the greatest threat to our continued existence in our history and that which it is to be will depend on the attitude Britain takes on our behalf and what we are willing and able to do on our own behalf ourselves. To ensure that Britain acts in a way that conforms with our wishes, aspirations and interests and to resist as best we can those interests which induce us to fall in with the overall plan at the expense of our wishes and interests, is undoubtedly the most challenging factor facing us in this House and the people of Gibraltar, generally. There is, of course, no reason to suppose that Gibraltar is an obstacle to the integrating of Spain other than Spain's insistence on the re-integration of Gibraltar to herself before or after she has applied for membership of the community. On the other hand there are a good number of political and economic considerations which do impede immediate Spanish accession and which by far outweigh Gibraltar as a genuine, if temporary, impediment. This is not the first time, Mr Speaker, in our history that Britain has had to make a choice between keeping Gibraltar and sacrificing it to some conception of European security. The 1720's, the 1860's and the 1940's posed essentially the same choice. We are fortunate that unlike those days we are now a very cohesive community well versed in what is happening around us and able to take effective action of the kind that would have not been possible at those times. Britain's attitude to Spain's claim to Gibraltar in the context of her approach to Europe has been the subject of correspondence between the Governor, the Secretary of State and myself at the time of the signing of the negotiations leading up to the preferential agreement for Spain, and no doubt other Members here have shown a similar interest in this matter. I shall not quote from the letters written then

except to say that the result of the correspondence was not entirely to my satisfaction and that the line which I was asking Britain to take was that she should stand in the way of a favourable renegotiation of the preferential agreement for Spain for as long as Spain did not accept the right of self-determination of the people of Gibraltar. Yet despite this, I am assured that although HMG is reluctant to be too precise in official communication, in practice the British Embassy in Madrid maintains a strongly pro-Gibraltar line in this respect of the Common Market. There is some evidence from a Spanish source that.....

MR SPEAKER:

I hate to stop you but I think we are deviating from the subject matter of the motion. You are now analysing not only the whole of the Gibraltar problem but going into details which I don't think is relevant to the question before the House. I hate to inhibit your right to say what you have to say but the motion takes into consideration certain happenings. You are asking for immediate talks between the British Government and the Gibraltar Government. To the extent that you have to refer to a fair amount of preliminary data I have not interrupted you but let us not go into the details.

HON M XIBERRAS:

Mr Speaker, I said in opening that the subject was far ranging. The point I am trying to make here is that the question of Britain's attitude to Spain's accession to Europe is important to Gibraltar and would be one of the fundamental points to be discussed at any future talks.

MR SPEAKER:

Most certainly, but we are going now into the details of what has transpired and that is what you were going to do now, I am sure.

HON M XIBERRAS:

There is some evidence from a Spanish source that in actual negotiation involving Spain's accession to Eurocontrol which is a similar situation - Eurocontrol being the European Safety Organisation - Britain, in fact, vetoed Spanish accession since Spain was not willing to lift the restrictions. The fullest exposition of Britain's stand on this issue was given by Mr Hibbert during his visit to Gibraltar not long before Senior Areilza was due to visit London. Among

the assurances Mr Hibbert was able to give was one that Britain would not accept Spain in EEC unless she recognised the Gibraltar's right to choose their own way of life which implied, as well, a lowering of the restrictions. Unfortunately there was no confirmation that Mr Callaghan then Foreign Secretary, did, in fact, make this clear to Senor Areilza, certainly not even the unattributable release should locally and in London make reference to this point. The events associated with the Hattersley talks have done a lot to undermine the assurance given by Mr Hibbert. The position has been redressed somewhat through the work of my Hon and Gallant Friend Major Peliza and the letter he has received from Mr Michael Foot to which he will no doubt refer in due course. To seek a more categorical and clearly stated assurance in this respect must be a main purpose and a main need for any talks with Her Majesty's Government in the near future. In 1973, together with Major Peliza and Mr Peter Isola, I sought this precise assurance from a number of leading politicians and Trade Unionists in London and, in general, the response was favourable although they were reluctant to make it public. I am sure we should be working more actively on this most important issue and that any support this House can give to the efforts of Major Peliza will pay a high dividend. Although I confess my uneasiness with the situation I do not believe that there is enough direct evidence even after the Hattersley Memorandum to accept that British support for Gibraltar has sunk to a dangerous level. Certainly it would be foolish to adjudge the Hattersley Memorandum as sufficient justification for advising the community to seek non-British solutions as some have done within the Gibraltar Representative Organisation or to seek a confrontation with Britain in the full and pejorative meaning of this word. There is an element of ordinary prudence as well as deliberate choice in my attitude inasmuch as the only alternative resolution of any of the differences that might exist between Britain and ourselves is that of negotiation with Spain as advocated by Mr J E Triay and rejected by the electorate. If ^{this} starts from the premise that our strength at the negotiating table with Spain at some future date would depend on the soundness of our relationship with Britain, this is an unfavourable juncture to initiate serious talks with Spain even in the view of those who are thus inclined. Ordinary common sense demands that we establish a clear understanding of Britain's intentions and designs on Gibraltar and that we should do so as early as possible rather than that we should be confronted at these so far hypothetical negotiations involving our participation with not one but two parties whose views we did not share. In this respect a number of points should be borne in mind and as you know, Mr Speaker, my motion spoke about talks with Her Majesty's Government before talks with the Spanish Government took place and talks with the Spanish Government had, in fact, already taken place. I shall be coming to that later.

As to talks that have taken place recently in Madrid, I am prepared to accept Her Majesty's Government's word that they were no more than routine compliance with the United Nations consensus whilst adding that whatever in effect transpired Mr Hibbert had in any case no right to agree to proposals or venture counter-proposals which had not first been discussed and agreed with Gibraltar elected representatives. Therefore, Mr Speaker, the motion might amending in this respect if in no other. The second point I would like to make in this connection, Mr Speaker, is that I am not completely opposed to talks with the Spanish Government in which there will be Gibraltarian representation. But Gibraltarian participation in my view would be conditional in several very clear ways which I have already made known to Hon Members of this House and which I shall not repeat at this stage. The views were published in the Gibraltar Chronicle in a letter which I have here and Hon Members might, if they are interested, ask me about later.

MR SPEAKER:

I think we are definitely going beyond the orbit of the motion because you are calling in the motion for talks between Her Majesty's Government and Gibraltar and not for talks between Her Majesty's Government, Gibraltar and Spain. I am trying to bring it within orbit otherwise we are going to be free to discuss any matter that refers to the Gibraltar/Spanish problem which there is no reason why you shouldn't if you had worded the motion in a different way.

HON M XIBERRAS:

Let me explain my interpretation of my own motion, if I may say so.

MR SPEAKER:

No, I am afraid that I must interpret the motion.

HON M XIBERRAS:

No, no, of course you must. The reason for talks on the future of Gibraltar embrace all these matters which I have been putting forward to the House. The motion is not simply about the Hattersley talks, it is about the future of Gibraltar and all those things which had led to talks being necessary now. I appreciate that many of these factors have been in existence now for a good number of years and they are as of great interest today and as of great actuality today as they were when they started and this is why it is, in my view, good to outline them.

MR SPEAKER:

Yes, but you must come within bounds. Do go on but bear in mind the remarks I have just made.

HON M XIBERRAS:

Mr Speaker, there is another motion before the House too. My stand as to the desirability or otherwise of talks remains as stated in this House and Hon Members who were then present will recall that the House voted unanimously on a certain motion.

MR SPEAKER:

The reason why I have called your attention is precisely that. There is a motion which I think cuts across the one that you are moving now to some extent because it says that no talks should be held until certain conditions are clarified and therefore you may be accused, and I have to protect the interests of other Members, of anticipating that motion and pre-empting whatever is going to be said in this respect. This is why I called your attention insofar as your last remarks are concerned. When you have said that you are not opposed to talks with Spain which could cut across the next motion.

HON M XIBERRAS:

I think what I am saying is relevant to the motion under consideration now to the extent that if we were to have meaningful talks with Spain at this particular time before we have.....

MR SPEAKER:

Your motion does not refer to meaningful talks with Spain, I think your motion refers to meaningful talks with the United Kingdom. That is why I have called your attention.

HON M XIBERRAS:

The motion, Mr Speaker, says: "and of the possibility of early talks between Her Majesty's Government and the Spanish Government on Gibraltar."

MR SPEAKER:

That is what you must bear in mind "for the purposes of calling for urgent preliminary talks in Gibraltar between HMG and the elected representatives of this House for the purpose of discussing the political and economic future of the territory and people of Gibraltar, as separable entities, with the object of securing this future without delay". You know exactly what I am trying to direct your mind to.

HON M XIBERRAS:

Yes, Mr Speaker, let me say that there are reasons against having talks with Spain which do influence the other, in my submission.

MR SPEAKER:

You have a right to refer to that when the other motion comes before the House.

HON M XIBERRAS:

Unfortunately, Mr Speaker, this motion was tabled some time before.

MR SPEAKER:

I know, I am well aware of that.

HON M XIBERRAS:

Therefore, Mr Speaker, ^{they} are relevant because they indicate that I consider the future of Gibraltar should be settled with Her Majesty's Government and not primarily with the Spanish Government.

MR SPEAKER:

They are relevant as to the future of Gibraltar. They are not relevant to this debate and that is what I am telling you.

HON M XIBERRAS:

Mr Speaker, the motion speaks of the territory and people of Gibraltar as being inseparable entities. This is what they should be but they are not, in fact, in the preamble to the Constitution which, as Hon Members know reads: "Whereas Gibraltar is part of Her Majesty's dominions and Her Majesty's Government has given assurances to the people of Gibraltar that Gibraltar will remain part of Her Majesty's dominions unless and until an Act of Parliament otherwise provides, and furthermore that Her Majesty's Government will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes," and so forth. Mr Speaker, the future of the people of Gibraltar is safeguarded in a manner acclaimed as unique at the time by Her Majesty's Government. Not that there is no higher degree of commitment in British legislation and indeed the safeguard has afforded us a useful and necessary sense of security. Members will be aware that an identical preamble now precedes the Falkland Islands Constitution. The territory is, however, a different matter to which I shall return. I have expressed the view that the preamble is not satisfactory even in respect of the people, for instance, when Sir John Grandy was presented to this House for the first time. I was not surprised to see a similar pre-occupation being expressed/the

other side of the Atlantic. I was not surprised to read The Times of the 26th August, 1976, in the supplement devoted to the Falklands, that they too had misgivings about their future of the sort often expressed in Gibraltar, side by side and, if I may say so, in spite of the preambular assured. Among the things that appeared in The Times supplement on the Falkland Island was a picture of Mr Robin Pitaluga who as Hon Members know came here and an advertisement by the Falkland Islands Sheep Owners Association Ltd - and most of the owners there own sheep - which I think tells its own story. It says: "over a period of 143 years and so forth the Falklands have worked to establish their own community" and ends with "please, please (underlined) do not sell us down the river." This is The Times on the Falklands and many other references are made to the preoccupation of the people of the Falkland Islands in this respect in spite of the fact that they have an assurance in their Constitution identical to ours. The misgivings exist in respect of the future of the territory and in respect of the future of the people. Misgivings which at times like this become uncertainty as to the future and even apprehension amongst certain sectors of the population who cannot be regarded as either morbose or parano ic. These misgivings arise out of a diagnosis of the circumstantial evidence of Her Majesty's Government's ultimate intentions in respect of both territory and people interpreted as deliberate or fortuitious indications of Britain's, as opposed to Gibraltar's final purpose. Such are the Iberplan Report, the report addressed to the Western European Union by the rapporteur, the Hattersley Memorandum and so forth. To illustrate my point, Mr Speaker, may I quote from this document, to the Assembly of the Western European Union which was drawn up by the rapporteur, Mr Anthony Buck, who was a Minister in the Conservative Government responsible for MOD and was a visitor to Gibraltar in, I believe, January, 1973. My point is that these documents might give indication of the way Her Majesty's Government, or those influential in arriving at decisions in Gibraltar, might be thinking. The report says: "An economic study of Gibraltar undertaken by a private British consultant company - I am quoting from paragraph 61, page 17 - in collaboration with a Spanish firm maintained that fundamental political changes would have to take place in Spain before any choice could be put to the people of Gibraltar but concluded that integration with Spain offered the best long term prospect for economic prosperity. The barren Rock is totally dependent on imports for its food supply and British defence expenditure on the islands account for £8m of the total of GMP of £18m. The Gibraltar Dockyard has a regular refit," and so forth.

Hon Members will recognise the allusion to the Iberplan report which I will not quote in this House, Mr Speaker, which is far too bulky and the copy which I have is in Spanish in any case. The report goes on to say, however, and this has a direct bearing I think, Mr Speaker, we can all agree, on the issue before the House. "In the 1973 report referred to above, the Committee made no recommendations concerning Gibraltar. In its report at the end of 1975 the Committee expressed the view that the usefulness of Gibraltar would be enhanced if the dispute with Spain was settled and that if Spain were to become a full member of NATO, Gibraltar would cease to be militarily relevant." Mr Speaker, the Assembly of the Western European Union, as is well known, has very direct connections with NATO being, as it were, the political arm of NATO. "In order to appreciate why these misgivings existed before the 1969 constitution it is necessary to state that Her Majesty's Government policy in both the Falklands and Gibraltar which represent an intermediate point between a colonial policy and a post-colonial policy, has been one of calculated ambiguity which quite deliberately does not foreclose Britain's options in respect of either of these two territories and their people in the future. The constitutional assurances we now possess can be interpreted as arising from quite opposed motives and as having quite different purposes. On the one hand they can be seen as a holding exercise whereby the process of decolonisation in the sense of devolution to the claimants, namely, Spain and Argentina, can be allowed to take its course at a more convenient time or a less sensitive time with the willing consent of the population involved and on the other hand as a constitutional formula used to parry the ascendant argument of decolonisation by placing as a bar to the transfer of sovereignty....."

MR. SPEAKER:

No, I am afraid I have to stop you. You are not debating, you are now lecturing, with due respect, and I must bring you down to the terms of the motion. I have allowed you to refer to copious notes and I think that must not be abused in any manner or form. We are debating and I must, in fairness to the House and to every single Member, bring you down to earth again. I am not saying that anything you are saying is not relevant to the Gibraltar/Spanish issue. I am telling you that one must proceed in this House according to the rules of the House. One thing is to refer to copious notes and another thing is to do what you are doing now.

HON M XIBERRAS:

Mr Speaker, the issue is very clear, Mr Roy Hattersley has repeated in his memorandum the assurances given to the people of Gibraltar and has said that these assurances are sufficient to safeguard the interests of the people of Gibraltar. I am questioning whether Mr Roy Hattersley's memorandum is, in fact, accurate and whether the assurances given so far can be taken by the people of Gibraltar as not implying any ambiguity and as sufficient security for the future.

MR SPEAKER:

With due respect to the mover, you should have worded your motion in a different way. That is not what we are debating. I think if you want me to read the motion I will.

HON M XIBERRAS:

I have the copy here, Mr Speaker. It might take longer this way but the point is this, Mr Speaker, Mr Roy Hattersley in the Memorandum says: "the rights and position of the people of Gibraltar" - page two - "are adequately protected by the present constitution," and it goes on to say word by word, "this important political consideration and so forth has influenced Her Majesty's Government's attitude." In asking for talks I am saying that this preambular assurance is, in fact of limited worth to the people of Gibraltar and I am explaining why this is so and what the problems to be resolved at any future talks could be.

MR SPEAKER:

Yes, but we must narrow the orbit of the motion otherwise it means that a motion may be worded in any way and then you can cut across the whole field of the topic which is a very complicated, complex and important topic.

HON M XIBERRAS:

Well, let me put it this way, that Britain can use these preambular....

MR SPEAKER:

Precisely.

HON M XIBERRAS:

This is what I said in fact, Mr Speaker, if you were following what I was saying....

MR SPEAKER:

I was most certainly following what you were saying. What I was trying to prevent you from doing is from going into the great detail that you have done to say what you have just said in three words.

HON M XIBERRAS:

What I am saying, Mr Speaker, is simply that Britain can regard the preamble to the Constitution as providing sufficient guarantees and therefore Britain sees no reason for talks on the future. It is my duty as an elected member of the people to point out in reference to this motion that these assurances are of limited value, Mr Speaker. That they have been historically used by Britain in order to present the kind of front in the United Nations which would be acceptable for different reasons to each of the parties in the dispute. That is all I am saying. I think that since we are debating whether there should be talks on our future I think it is relevant to question Mr Hattersley's argument as to the preamble to the Constitution does in fact constitute sufficient assurance on the future of the territory and of the people to us Gibraltarians. For those who hold to the first interpretation, namely, that Britain is acting in a self-interested manner, the terms of the news in the United Nations consensus by Mr Hattersley and by other people the term "solution in conformity with the inhabitants' wishes and interests" recently used in Madrid, if I may paraphrase - I think the BBC news had this morning - of great actuality, Mr Speaker, "solution in conformity with the inhabitants' wishes and interests represent no more than an artful manipulation of democratic sentiments with the object of protecting neo-colonial interests." For those who hold the second view Mr Speaker, this artful manipulation is seen as tactical dexterity of a mother country who in the faithful exercises of her true responsibilities, seeks to work towards the realisation of the true wishes and interests of the inhabitants in a momentarily hostile world. It would take some time to explain what all that means, Mr Speaker. The first sees the example of Britain's political and economic weaknesses as a major factor to support their views, the second sees in them a bona fide reason for the policy of ambiguity and they hesitate to press on Britain demands in respect of a small territory which internationally or even nationally Britain

would not be able to meet. In other simpler words, Mr Speaker, if we were to press for talks there are people who think that Britain would not be in a position to meet our demands. Britain's motivations ^{are} no doubt a mixture of both self-interest and political obligation to the Gibraltarians. But what seems certain is that the constitutional formula, the link, has been cleverly devised to admit of both interpretations thus preserving for Britain the option of applying either argument to fit the different forums in which her national interest has to be defended from time to time. For instance, in London in talks with the Gibraltarians or in the United Nations or in Madrid in talks with the Spanish Government. Thus Spain has seen the constitutional changes as an attempt to thwart the UNO doctrine of decolonisation. Whereas some in Gibraltar have seen them as a rather neat formula for ensuring that Britain would not be obliged to surrender the Rock whilst ^{it} was not in her interest to do so. This is ^{the} reason, Mr Speaker, why our future to my mind needs to be discussed.

HON CHIEF MINISTER:

If the Hon Member would give way, I wonder whether he could make a difference when he is reading from his own speech and when he is quoting because as he is reading the whole of the speech one never knows when he is quoting and when he is speaking for himself.

MR SPEAKER:

I am rather embarrassed because we are creating a precedent which I am going to find difficult to break when other Members wish to refer to copious notes because there are not copious notes this is reading a speech. It is getting to that stage and I did give a warning about half an hour ago and my great fear has been that any Member can, quite rightly, take objection.

HON. M. AIBERRAS:

I shall not consult the copious notes. Spain, Mr Speaker, as I was saying, has seen in the preamble to the Constitution an attempt to thwart the UNO doctrine of the decolonisation. Some people in Gibraltar have seen the preamble of the constitution as a means of delaying the handing over of Gibraltar until a time when it was in Britain's interest to hand Gibraltar over. In either case, Mr Speaker, the concern about the future of Gibraltar arises out of an intuition, one might put it that way, of what are Britain's real ultimate intentions about Gibraltar and the link in our Constitution does not give an indication as to what Britain intends to do with Gibraltar in the middle term or in the long term future. The desire to resolve these ambiguities, Mr Speaker, reached a high point as a result of a combination of circumstances of which the Hattersley Memorandum obviously forms an important factor. Mr Hattersley's statement must be read against this background if the need for further talks is to be understood. As Hon Members know the majority view in Gibraltar has leaned towards an acceptance of Britain's trustworthiness. But this has not prevented in the past a number of representations co-ordinated by movements taking place in respect of other issues which have tended to divide us from Britain. My hon and Learned Friend Mr Peter Isola, who chaired a committee in 1965, knows, for instance, the concern expressed by the Integration with Britain Movement then in respect of the separating influence of various pieces of legislation in the United Kingdom and he knows that ministerial reluctance to contemplate change has always been present. We had to press my Hon Friend very hard, in fact, in constitutional committee for the Government, which he represented at the time in the committee, to be able to accept that there was a need for change, a need for talks. There is a parallel situation at the present moment and I hope that ministerial reluctance to considering talks will be reviewed in the light of what I am saying but there has always

been, and naturally so, ministerial reluctance to important changes being contemplated, still less embarked upon. Mr Speaker, there is a view which says that the preamble is enough, that we do not need to discuss our future. I do not hold, as you have heard, with this view. This view would state that it is up to generation after generation of Gibraltarians to take the decision in respect of Gibraltar. But there are factors which are at work which will undoubtedly work against any future generation of Gibraltarians taking a decision free of pressure, international and perhaps even pressures from Britain and certainly from Spain. The link, nonetheless, is our greatest safeguard at the present time but it has many and very obvious limitations. The option clause of the Treaty of Utrecht and Britain's treaty obligations which as Honourable Members know the Secretary of State had quoted in a reply to the GRO, have been from the very first used to circumscribe and delimit the right of the people of Gibraltar to self-determination. The choice put to us, as Hon Members will recall, at the referendum on which the link was based, was between being British or Spanish with certain specific conditions attached. Speaking in Parliament, Mr Speaker, just before the referendum, Mrs Judith Hart and Lord Shepherd denied us free association with Britain and independence as alternatives because both, in the view of Her Majesty's Government, were deemed to conflict with the treaty of Utrecht. It is significant that integration was not similarly ruled out at that time on those treaty grounds although the other two alternatives were. Integration was not ruled out either at the time of 1968 talks. All Hon Members will recall the final communique following the 1968 talks and the final paragraph read: "The United Kingdom representative stated that HMG were not prepared to accept the integration proposals in the foreseeable future but they recognised that there is always scope for development in any constitutional relationship. They record that it had previously been stated on behalf of HMG that it might be necessary and desirable at some future date to consider afresh the relationship of the metropolitan country with its remaining territories.

In Her Majesty's Government's view the time had not yet come! That was 1968 with Lord Shepherd. In other words, integration then was by no means ruled out. I have also here a minute of a meeting with Lord Shepherd on the 5th September 1969 where he said he observed that in time Gibraltar might attain the reality of integration through the Common Market although.....

MR SPEAKER:

No, now we are definitely deviating. I hope you are not going to quote everything that has been said about integration because otherwise we will be here until doomsday. We must come down to the orbit of the question and I am going to be very strict from now on. I have given you a fair amount of latitude to speak on the motion but most of the time has been taken, with due respect to you, on matters which are relevant to the issue of Gibraltar but not to the issue before this House. I would ask you to continue but to bear my remarks in mind.

HON M XIBERRAS:

Mr Speaker, may I explain the relevance of it.

MR SPEAKER:

No. It is for me to decide whether something is relevant.

HON M XIBERRAS:

Mr Hattersley as you know, Mr Speaker, if I may refer to the memorandum again, Mr Hattersley says.

MR SPEAKER:

If you are doing it for my benefit, don't. If you are doing it for the benefit of your motion, do.

HON M XIBERRAS:

I am simply doing it, Mr Speaker, to explain a most important issue, where Mr Hattersley has relegated integration, the only available choice Mr Speaker....

MR SPEAKER:

But that is not the matter before the House, with due respect to the mover, and that is what I will not allow you to do and I must rule you out of order. I am not going to accept any further arguments. I have made a ruling and that is the end of the matter.

HON M XIBERRAS:

Mr Speaker, may I refer to the motion. We are deeply concerned at the terms and implications of the Hattersley memorandum. Part of the Hattersley memorandum....

MR SPEAKER:

I am not going to accept any arguments as to whether you should refer in detail to matters which have been said as to the desirability of integration or not so let us not waste time, Mr Xiberras, and let us get on with the motion.

HON M XIBERRAS:

Mr Speaker, in an attempt not to waste the time of the House, may I refer to the Hattersley memorandum....

MR SPEAKER:

You may, perhaps, to further the motion but for no other purpose.

HON M XIBERRAS:

The motion, Mr Speaker, talks about the implication of the Hattersley memorandum. The proposals taken to Mr Hattersley, as the House is aware, were proposals described by Mr Hattersley as proposals for closer integration and these

integration and these proposals were, in fact, turned down by Mr Hattersley which I would consider to be an important implication of the Hattersley visit....

MR SPEAKER:

If you are going to question my ruling I will call you to order and ask you to stop your intervention, with due respect. If you want to continue with your motion you are free to do so.

HON M XIBERRAS:

Mr Speaker, with respect, I am continuing with my motion.

MR SPEAKER:

Then make it obvious that that is what you are doing and that you are not questioning my ruling.

HON M XIBERRAS:

I am not, indeed, questioning your ruling, Mr Speaker.

MR SPEAKER:

Fair enough, then.

HON M XIBERRAS:

Mr Speaker, may I return to the terms of the memorandum and state that in reply to the joint proposals which were described by Mr Hattersley as being proposals for closer integration, Mr Hattersley said that integration - the last remaining United Nations option for the future of Gibraltar which is the subject of my motion - was neither practical nor desirable. Mr Speaker, both Lord Shepherd and Mrs Judith Hart....

MR SPEAKER:

You are going back to say what you intended to say and which I ruled out of order and I am not going to allow you, Mr Xiberras. Let us be clear on that one otherwise I will ask you to sit down if you are not prepared to accept my ruling. You are deliberately, with due respect, trying to say what I have stopped you from saying and I have ruled that you are not to say so and that is the end of the matter.

HON M XIBERRAS:

Mr Hattersley, in fact ruled out integration although integration had been admitted as a possibility for the last 8 years, for about the same time as free association was admitted as a possibility by Her Majesty's Government between 1963, when Sir Joshua Hassan and Mr Peter Isola represented at the United Nations and 1968 when Mrs Judith Hart ruled them out formally as conflicting with the Treaty of Utrecht. I can inform the House that in the course of a meeting - perhaps the Hon and Learned Chief Minister will confirm this - Mr Hattersley said that integration was cut because it conflicted with the Treaty of Utrecht. I think this is a very important statement, that it conflicted with the Treaty of Utrecht. The matter was not put in the Hattersley memorandum but the point I would wish to make is that in fact now, Mr Speaker, we have three United Nations options ruled out by virtue of their supposed conflict with the Treaty of Utrecht which is a different consideration from saying that integration is not in Her Majesty's Government's interest and would therefore not be contemplated for political reasons. The language of the letters from the Secretary of State after the Hattersley Memorandum indicates at the same time that Britain's treaty commitments have taken a very prominent role in Her Majesty's Government thinking on the matter and I think it is a matter for grave concern and a good reason to have talks that all three of the United Nations options for Gibraltar should have been ruled out by virtue of their conflict with the Treaty of Utrecht. Integration has now been relegated to

the same standing or non-standing as free association and independence. Mr Speaker, in 1973 the Chief Minister must have had some indication of this because talking in the CFA conference in London at which I was an observer, he explained that he had advocated free association for a good number of years no doubt with the consent of Her Majesty's Government, that there has sprung up

HON CHIEF MINISTER:

I don't want to make this debate longer but the Hon Members says that I had been advocating free association no doubt with the consent of Her Majesty's Government. He has no right to make such an allegation. I don't require the consent of Her Majesty's Government to advocate what I think is right for Gibraltar, and he knows it. So what is this nonsense about "talking, no doubt with the consent of Her Majesty's Government." I don't ask the consent of Her Majesty's Government to say what I want whether it is in their favour or against them, and I think he has no right to make such insinuations which have no foundation in fact at all.

HON M XIBERRAS:

Mr Speaker, if the Hon member wishes to say that he had not had the consent of Her Majesty's Government then I am informed and I take the point.

HON CHIEF MINISTER:

No, it is not a question of whether I had the consent. That would imply that I required the consent or that I asked for the consent. The answer is that I don't touch on these matters with Her Majesty's Government when I decide what I think is good for Gibraltar.

HON M XIBERRAS:

Well, in any case, Mr Speaker, it is a bit though hypothetical point at this stage because in 1973, Mr Speaker, I heard the Chief Minister say in London that in any case he had now

given up the idea of free association and that he was going now for something, a tailormade constitution for Gibraltar. The point that I wish to make, Mr Speaker, is that a tailor made constitution for Gibraltar is a departure from the original quest by the main political parties here to establish the future of Gibraltar in relationship with or through one of the recognised alternatives proposed by the United Nations in their various resolutions and that giving up or a temporary hiatus in the activation of the people of Gibraltar to a decolonised status was an important stage to have reached at that particular point. Mr Speaker, now we have as a result of the Hattersley memorandum all the major options which have formed the aspirations of the political parties in Gibraltar being turned down not purely for reasons of political inconvenience for Britain but because they conflict with treaty obligations. That means that we as regards Britain's treaty obligations are viewed by London, we cannot in fact aspire to any of the known forms of decolonisation which have been defended, some of them in the United Nations by our representatives, others advocated locally in Gibraltar. This is a matter for concern and this is a reason for talks because I do not accept - and I think perhaps that is why Mr Hattersley did not include it in his memorandum - I do not accept that integration conflicts with the Treaty of Utrecht neither did Mr Wilson when he spoke in America sometime ago as I told Mr Hattersley and I do not feel that integration in any way breaches the option clause in the Treaty of Utrecht which would make the territory of Gibraltar go over to Spain. Mr Speaker, it is interesting to note that the proposals taken from here to Mr Hattersley were considered by Mr Hattersley to be proposals for closer integration and this he said in his memorandum. I quote from it: "since the British Government" - this is quoting from Mr Hattersley's memorandum - "Since the British Government consider that closer integration is neither a desirable nor a practicable option and since there is no further scope for further devolution on the other hand the British Government cannot accept

that there is a need for constitutional change nor for a constitutional conference." The Honourable and Learned Chief Minister will no doubt recognise that, it follows quite closely what we told at the actual meeting. Mr. Speaker, therefore not only are we being debarred from following the three main paths suggested by the United Nations but we are also being told that there is no future in following any of the programmes advocated by political parties here, for instance, the political party of the Hon and Learned the Chief Minister who argued for a further devolution of power to the people of Gibraltar. Mr Hattersley is saying that this would not be possible, that there is no room for that and that getting closer to Britain is also out because any getting closer to Britain would be construed by Her Majesty's Government as being moves for closer integration and that, apparently, is against the Treaty. So the options offered by the Hattersley memorandum are purely and simply those of the status quo or by extension, a revision of the treaty of Utrecht since once the Treaty of Utrecht is revised then, presumably, we should be able to move in a direction of decolonisation and of course Mr Hattersley also leaves us the option of pursuing both free association, I would imagine, and also integration with Spain. Those options are not ruled out by the Hattersley memorandum, whereas on the British side all the options including options to halfway stages of constitutional development are ruled out quite clearly by the paragraph I have made mention of. The statement, Mr Speaker, which I have quoted from Mr Hattersley's memorandum is of course a complete non sequitur, it does not follow that there is no need for a constitutional conference simply because the British Government is not willing to contemplate on. It was the view of both the Chief Minister and myself and members of the committee that there was a need for constitutional change and that is why we took the proposals to London. Mr Speaker, the future of

Gibraltar under British sovereignty is defined by Mr Hattersley - coming to another point - by reference to the constitution, the part which I quoted earlier. It can also be added for the record that the Chief Minister already confirmed - may I say before moving to that point that free association was also ruled out by Mr Hattersley. It is not in the Hattersley memorandum but he said so quite clearly to members of the Gibraltar Trades Council on his return and he knows also that Mr Hattersley made it absolutely clear that if independence was out free association was also out, I do not know why Mr Hattersley did not include this in the memorandum but certainly the Chief Minister confirmed it on his return to the Gibraltar Trades Council delegation that came to see him. Mr Speaker, I said that one of the options open for the improvement of our status and advancement of our status was the possibility of changing the Treaty of Utrecht. I should make it clear that Mr Canepa, for instance, has proposed sometime ago in the Gibraltar Evening Post a modification of the Treaty of Utrecht based on guarantees for the future of Gibraltar given by both Britain and Spain and I must say that Spain has not reacted at all favourably to this idea. Spain has of course said that any revision of the Treaty of Utrecht would or should be accompanied by a return of sovereignty to herself. Therefore the options being made available by Mr Hattersley are the purely pro-Spanish options by implication, his having ruled out all the pro-British options.

Mr Speaker, Mr Hattersley also spoke about the economic future of Gibraltar. Paragraph 10 of the memorandum, I think, is devoted to this and some sentences of paragraph 10, I think, are worth quoting. In answer to the permanent economic link proposed by the committee, the memorandum says: "To go beyond this fulfilling the obligation to support and sustain Gibraltar and set up the proposed economic

relationship would tend to increase the dependence of Gibraltar upon the British Government to an unreasonable degree. In the British Government's view the people of Gibraltar like the people of all other dependent territories should as far as the circumstances allow at any given time enjoy freedom of choice and be able to exercise increasing responsibility in pursuit of their own interests as they see them. A permanent economic link with Britain would, besides being constitutionally anomalous in the United Kingdom, decrease and not increase the options which might eventually be open to the people of Gibraltar. A new form of dependence between Britain and Gibraltar would militate against Gibraltar's ability to take constructive advantage of any future improvement in the present situation."

Mr Speaker, this paragraph is a very serious paragraph in reply to a very basic proposal made to Mr Hattersley. The reasons given for rejecting them the permanent link are quite categorical in respect of the supposed conflict with Treaty obligation and also it is said that it would not be in Gibraltar's economic interest to have a permanent link of that kind. During the elections a number of Members who have been elected made clear that they took this paragraph to be an indication that the economic future of Gibraltar lay with Spain. I think that that is perhaps not the only conclusion that one can reach when reading this paragraph but nonetheless it is a possible conclusion and the language is absolutely unusual coming from a Minister of Her Majesty's Government. The paragraph must be taken in the context of the Iberplan Report and from the general feeling that one got speaking to Mr Hibbert when he came here that Her Majesty's Government regarded the present economic situation of Gibraltar as artificial and that the natural complement for the development of Gibraltar's economy would be the hinterland of Spain as had been said many years before in the United Nations from Señor Castiella's time onwards which I will not bore the

House with but I have fully documented evidence on this. Mr Speaker, this pure coincidence of the line of the Spanish Government with the new line of Her Majesty's Government in the sense that Gibraltar's economic future is to be complemented with the economy of the hinterland has had advocates even within Gibraltar. I remember the Hon Sol Seruya as he used to be, proposing this regional co-operation. And it is a matter for grave concern that statements of this kind which undermine our economic future and thereby our political future should be on the lips of a British Government minister at precisely that time when our overall future is in danger because of the events of Europe because of the possibility of changes in Spain. I would have thought that this was a time to be absolutely firm on the question of our economic future so that no one in Gibraltar would think that the British Government would act other than in our interests in the negotiations that will take place in the not too distant future, I would imagine, concerning Spain's integration into Europe. I am aware that the British Government is re-stating the pledge to support and sustain but as Hon Members know that pledge of supporting and sustaining received a rather odd qualification in the Hattersley memorandum and that was the qualification that it would continue for as long as the need arose as a result of the Spanish restrictions, and there now was a limitation which it had not been customary for the British Government to put forward. This also was a matter of grave concern for Hon Members during the election. In any case the policy of support and sustain, Mr Speaker, is not sufficient guarantee or sufficient safeguard. The Constitution Committee recognised this by proposing an extension to that policy and striving for a permanent economic relationship which would free us from the possibility of pressures from Britain if either the economic situation changed drastically in Britain or if it was no longer in Britain's interest to support and sustain us to the same degree as she had been doing up to now. The policy of support and sustain would be, Mr Speaker, badly interpreted and wrongly

used, our undoing. We could be subject to economic pressures without Britain having to define why we were being put under such economic pressures. For instance, there could be a decrease in the importance of the Dockyard for purely industrial reasons without any political motive being ascribed to this and there would be no consequent obligation from Britain to explain whether this had a political implication or did not have a political implication. The same is true of the constitutional link, Mr Speaker, as I have explained. Therefore, the policy of support and sustain can also be interpreted depending from where you look at it from our point of view as a convenient method of sustaining and supporting Gibraltar in the present difficulties until a solution is accepted by the people of Gibraltar when it would cease to exist and when we would be forced to look for our livelihood in a different direction which is already suggested by Mr Hattersley. Mr Speaker, therefore both in the political as well as in the economic we have reasons to be somewhat concerned and therefore there is a need to try to settle our future as early as possible without delay with Her Majesty's Government. Some people have said, Mr Speaker, that it is preferable to establish our economic future in these talks, or to have talks on our economic future rather than talks on our political future, and that we should make ourselves economically strong as a result of the proposed talks rather than concentrate on the political problems which in any case are not capable of being resolved that easily. I do not hold with that, I hold that the political problems should be settled first and as a result, as has always been the case in Gibraltar, the economy of Gibraltar should follow the pattern of the new political relationship. But the House should recognise that in both respects, in both the political and economic, there is a need for talks. We can be subject to pressures, political pressures, we can be subject by economic pressures which are motivated by Britain's political interest, or by Spain's

political interest or a mixture of both or we could be subject, Mr Speaker, to very natural pressures such as those of inflation and so forth which were uppermost in the mind of the Constitution Committee when we were elaborating the constitutional proposals. If we do not have an adequate means of dealing with these pressures even though they are not politically motivated, we stand in danger that the will of the people of Gibraltar will be weakened and that they will view with different eyes any proposed solution that it put their way. Therefore we must have some sort of relationship with Britain which assures, in my view that we are not subject to economic pressures which might influence this will. And this would be, of course, the purpose of the talks. In respect of citizenship, Mr Speaker, I think that the position is well known to Hon Members. There are changes being contemplated in Britain and these changes may very well lead to a revision of the whole concept of citizenship, a revision of the 1948 nationality laws....

MR SPEAKER:

We are not going to go into the question of citizenship. You are completely and utterly free to say that this is one of the matters that can be dealt with in the talks that you propose should be held but no more than that.

HON M XIBERRAS:

I am saying simply that the question of citizenship is one which cannot be left in the air.

MR SPEAKER:

What I am trying to say is that you are not going to go into the question of citizenship.

HON M XIBERRAS:

No, not at all, Mr Speaker, I have no intention of doing so.

On the question of citizenship Mr Speaker, there is a need to discuss the matter further. I am not at all satisfied and I thought it was inconceivable that any British Minister could not give me the assurance that if there were changes in the citizenship law in Britain we would not be treated differently in any respect and yet Mr Hattersley did not say this, as is known, and this is the cause for concern and this is the need for talks also on the issue of citizenship. In respect of citizenship, Mr Speaker, we must get at least the assurance which I have said I sought and was not given in London. The possibility of a Conservative Government being returned in Britain, Mr Speaker, adds urgency to this matter. The Conservative Government has already indicated - Hon Members are aware of the report by the Conservative group of lawyers on the proposals - have already indicated that they intend to do something even more positive than Labour in respect of a re-definition of citizenship and nationality and if in the general election which is to follow Britain was to get a Conservative Government, then there is absolutely no doubt that our position would not be as good even than what it was at the time of Hattersley and that was unsatisfactory enough. The AACR, I noticed after the talks, said that this was a matter that should be pursued so in this respect at least I think Hon Members on the other side would be agreed. Mr Speaker, on the future of the territory we need to have talks as well. The GDM has made it clear in their election manifesto, which I will quote: "The territory of Gibraltar and the people of Gibraltar are inseparable entities..."

MR SPEAKER:

We must not overdo the quotations because it is my prerogative under Standing Orders to see how relevant and how often one should quote. We have had very extensive quotations but we mustn't fall into temptation of quoting from every single document which is easily accessible to Members.

HON M XIBERRAS:

Yes, Mr Speaker. The GDM as you know, Mr Speaker, made a point of the splitting up of territory and people. I do not think, Mr Speaker, that there are grounds for immediate concern that the safeguards which are available to the people of Gibraltar in the constitution would not cover in practice the territory in the immediate future, that is, that Britain would not discard the territory of Gibraltar by Act of Parliament against the wishes of the people in the immediate future. But I do feel that Spain is pressing on this particular point and we need to assure our future in this respect. We need to assure our future in this respect, Mr Speaker, because Spain is asking now for historic sovereignty over Gibraltar, purely over the territory whilst guaranteeing the future interests of the people. There has been a process of gradually isolating the issue of the territory from the issue of the people, which Hon Members have been following, which has been taking place in the United Nations and in Spain itself and there are many people in Spain of various political persuasions who would be satisfied with simply having sovereignty over the territory. The position of people in respect to territory needs to be clarified even though, as I say, I do not think there are grounds for immediate concern. Mr Speaker, that this is considered a possible solution, the surrender of the territory and the keeping and protecting the interests of the people is considered a possible option in Britain, is apparent from "The Sunday Telegraph." This to my mind is clearly one of the possibilities that stands the greatest chance of success in the eyes of Spain. Therefore it is necessary, Mr Speaker, unlike The Sunday Telegraph suggestion, that the territory of Gibraltar should not be allowed to become a negotiable issue and that Britain will not allow it to become a negotiable issue a circumstance over which we would have no control in spite of the protection afforded by the preamble to the Constitution that this issue should be discussed in

coming talks. But as I say I will not go the full way with the GDM in saying that there is an immediate danger that the territory will be separated from the people, in other words that we would have a Spanish Gibraltar and a British population. Mr Speaker, I have much more to say but I can see that the course that my intervention has taken might be not conducive to clear thinking by Hon Members so let me put it this way. Let me sum up in this manner. The last Government was opposed quite strongly to the idea of immediate talks on the future of Gibraltar. It made its views known, the Chief Minister appeared on television and he said that we should all get together and try to determine what line the future should take, whether we could agree proposals and to this we would need some time. He has followed this up since the election with an invitation to all Members I believe in the House except one, not counting the ex-officio members to participate, in talks with him in order to try to establish an identification of the problem and later of course in order to see if we can arrive at some sort of consensus view as to what proposals should be taken to London and the devising of some sort of agenda. I have accepted this invitation for talks and I think that this motion might have, having gone its normal way, contribute to the identification of the problem which the Hon and Learned the Chief Minister is anxious to have. I should tell the Chief Minister that I am not prepared to go into a very long drawn out affair in the same way as we did in the Constitution Committee. It took one and a half years.....

MR SPEAKER:

Let us not start discussing the conditions under which you are prepared to meet the Chief Minister, not under this motion.

HON M XIBERRAS:

But I would say that the Chief Minister's proposal does not violently conflict with the terms of the motion under consideration. Moreover, Mr Speaker, speaking to this House he said: "Early in August, I made a public statement in which I described the procedure which in my view would best enable us to deal with this matter. At this stage, I would recall that the three essential elements which underlie the procedure which I then advocated. First of all, we must attempt, through the widest possible consultation with all sectors of the community, to achieve the highest possible degree of unity; secondly, we must ensure that the problem is given the deep and careful consideration which it requires and that we do not embark on any course of action in haste or prematurely; thirdly, we must always bear clearly in mind the fact that Britain is our friend and ally."

MR SPEAKER:

I imagine you are quoting from the Hansard of the ceremonial opening of the House.

HON M XIBERRAS:

From the Hansard of the 20th October, page 7. Lower down the page, Mr Speaker, there appears a sentence which

MR SPEAKER:

It is difficult enough to produce hansards. You can make comments on what has been said before but if you are going to quote from hansards it means that we are going to have two records of the same proceedings and we will make these proceedings unnecessarily long. You might refer to the passage and say where you differ.

HON M XIBERRAS:

Mr Speaker, the Chief Minister also made allusions to the kind of solution which he would see for Gibraltar, which I might call the European solution. I shall quote this, if I may, it is a very short paragraph, Mr Speaker: "In my statement of the 2nd of August I set out in some detail the kind of future for Gibraltar that I foresee in a European context, which will not only have the effect of "decolonising" us, and I know this is a very difficult word to define in relation to Gibraltar, but also have the effect of solving what has come to be known as the Gibraltar problem." Mr Speaker, that statement indicates to my mind something fairly set in the Chief Minister's mind. This European solution for which he makes two very important claims; "which will not only have the effect of decolonising us and I know this is a very difficult word to define, but will also have the effect of solving what has come to be known as the Gibraltar problem." It is a very definite claim which the Chief Minister is making in this respect. He is talking about something which will decolonise, and this after the whole of the Hattersley affair, the ruling out of the various options and so forth. The Chief Minister is saying that he has a solution to both problems, the problem of decolonisation and also the solution to the problem of Gibraltar.

MR SPEAKER:

I congratulate the Chief Minister.

HON M XIBERRAS:

I would do it as well, Mr Speaker, if he is able to do this. I think that that important statement needs to be considered by all in Gibraltar because once it has been made it would be absolutely ridiculous for Hon Members on this side of the House to press the point of talks without first listening to what the Chief Minister has to say on this matter. I should however tell the House that at no time in the course of the deliberations of the previous Constitution Committee did the Chief Minister put forward this solution. So even though we

spent one and half years at it, I for one am rather in the dark as to what he has in mind. But bearing in mind how specific the claim has been made, I think that all Hon Members should attend the meeting which has been proposed. Mr Speaker, I do not expect that the Government like the general wording of the motion. I know that there are some phrases which were used by one side of the candidates rather than the other. I think that these might be a bit emotive to Hon Members opposite but I ask them to bear in mind what the motion generally asks for. If there is some concern about the future of Gibraltar, if at least Hon Members opposite are thinking of a solution to the problem of Gibraltar and think that there is some virtue in pressing any suggestions that can be made at this particular time, then we are at one as regards purpose. We should be able to be at one as regards timing as well. We should be able to arrive at a period by which we would know where there can be agreement or there cannot be agreement within Gibraltar and this period should be a reasonable period of time in the circumstances. My final comment, Mr Speaker, is about the Hattersley argument that this was not the proper time in view of the changing attitude of Spain towards us to press for constitutional talks. Mr Speaker, as you know we have been expecting a tangible relaxation of the Spanish attitude for many years. All we have got since the "working together" process of Douglas Home and Lopez Bravo began, has been the restoration of telephone communications for a limited period. We have had what I might call different noises coming from across the way. We have had perhaps a different attitude, we have had an indication in the visit of Sencr Areilza of a promise that in a democratic Spain it would be easier to relax some of the restrictions, but so far we have had no definite tangible proof that this well meaning attitude is to be translated into facts, in other words, there is going to be genuine relaxation of the restrictions. But the relaxation of the restrictions, important as they may be, should not stand in the way of talks upon our future. It is important that we should not

go into a period of relaxation on the basis of an uncertain economic or political future. It is important, therefore, that we should, here in Gibraltar, try to strengthen our position at this particular time when there might be relaxation so that the Hattersley argument, to my mind, should be inverted and if there is a chance of the different attitude by Spain we should ensure that we are going to enter it from a position of strength and not in a position where our future is uncertain for any reason. Mr Speaker, we do not need, as a result of any preliminary talks, to arrive at concrete suggestions for constitutional change. We need talks in any case, talks about our future, talks to know as to what the British Government really feel about our future. We want the answers to the questions even more than we want, at this stage, the constitutional changes. The Gibraltar Trades Council represented to the Constitution Committee that we should in fact have asked Britain to suggest the means of our decolonisation and that the test of decolonisation should be acceptance by Britain of the fact that we were decolonised. The Committee in its wisdom, and I with it, did not think that that was the correct approach and I still feel that if we had gone to London in April of last year without specific constitutional proposals then we would have been rebuffed in the same way as we were carrying specific constitutional proposals. But something I do believe and that is that we cannot go again, we cannot afford to spend a long time elaborating constitutional proposals in these talks which I am putting to the House only for them to be turned down now. In other words the Gibraltar Trades Council can feel some satisfaction, I would imagine, human satisfaction, to the extent that now, but I think not before, now, their approach is sensible unless we can get almost immediate agreement on a point of view here within Gibraltar. I therefore feel, Mr Speaker, that it is a natural thing, there is almost an invitation from the British Government to talks contained in the letters from the Governor, it

is a natural thing for a new Government and new Members of the House to want to iron out any difficulties which exist with Britain. This is a new House, as I say. It is a routine matter for new Governments to consult on these matters of the future. It is important to have these talks and it is important to have them now. We need to do this before the movements which I have described get under way, and therefore I appeal to Hon Members, whatever they do with the motion, to maintain the spirit of the motion that our future must be discussed with Britain now. There can be many reasons for supporting this motion. Perhaps some Hon Members have no immediate concern that the future of Gibraltar is in danger, immediately, but they must admit that it is prudent to have talks with Britain after the Hattersley Memorandum particularly. We cannot allow the Hattersley Memorandum to stand as it is unclarified. It is a document which has been regarded as not good for Gibraltar, damaging to Gibraltar's interests not only by Gibraltarians but also the people outside Gibraltar and I appeal to Honourable Members, therefore, to support the motion each for his own reason and to ensure that talks will take place with the British Government within a reasonable period of time which I shall leave for Honourable Members to define in the course of the debate.

Mr Speaker then proposed the question in the terms of the Hon M Xiberras' motion.

The House recessed at 12.40 p.m.

The House resumed at 3.15 p.m.

Mr Speaker then invited Hon Members to contribute to the debate.

HON CHIEF MINISTER:

Mr Speaker, we had this morning one hour and 50 minutes to listen to the Hon Mr Xiberras on a matter with which he is I think so obsessed that if it were not for the rules of debate he might still be on his feet arguing. I know he has passionate ideas about this matter, he feels terribly strongly and I think sometimes much to the detriment of his clear judgement on the matters that are to be dealt with. If one had listened to him who had not been directly connected with the events of Gibraltar in the last few months one could not have thought that there had been an election in the meantime, that all the matters that he has thrashed out here were thrashed out in great detail at the elections and that the people of Gibraltar expressed their reactions to the various proposals put to them in a very clear manner. I do not propose to refer to copious notes which I haven't got, and I do not propose to cover the whole ground most of which has really nothing directly to do with the matter because what we have to do is to think in terms of the situation today, the 8th of December, 1976, and not as if we had just come back from the talks in London. A lot of things have happened since then and we must get ourselves up to date with them and live in the realities of the time and not in the tortuous metaphysics of the various matters which have been raised this morning. I took a few notes of matters of importance and they do not in my judgement extend to more than a few notes in 3 or 4 pages of foolscap to put, for the purpose of the records of this House, certain matters in their proper place and after that I will have something to say on the substance of the motion before the House. There is one point on which I have tried to call for the record, which I hope I will have before I finish, or an opportunity at a later stage, which I want to put right, and I am speaking purely from recollection, I don't think that the mover has yet got himself to live with the reality of the situation arising out of the visit to London and that is that there was there

a categorical statement by the Minister then in charge of Gibraltar at the Foreign and Commonwealth Office, that the British Government as a matter of general policy did not accept the idea of integration. It was not whether it was against the Treaty of Utrecht or it wasn't the Treaty of Utrecht, it was a matter of Government policy and it was said in no uncertain manner that the British Government would not subscribe to that policy under any circumstances. I am not going to get into a dispute as to what was said or what was not said but I have a very clear recollection in my mind that it was, in the words of the Minister, a reiteration of what he had said in Gibraltar when he was here. So let us not be too technical about this matter and let us forget for the moment whatever Sir Harold Wilson may have said when he was Leader of the Opposition. The clear indication of the British Government in the Hattersley Memorandum and at the talks was that as a matter of national policy in the United Kingdom, Britain did not subscribe to the idea of integration. I think most people honestly believing that integration was the answer have come to live with that reality, and if I may say so with respect, the Honourable Leader of the Opposition has come to live with that reality, that the British Government will not bend on that one. So that to raise a hare now that this was only because it was against the Treaty of Utrecht is, I think, missing the whole point of the policy. Whether the British Government is right or is wrong as far as this motion is concerned is neither here nor there. The point is a reality, a fact of life, that the British Government as a matter of policy has said categorically that integration with Britain is not acceptable to the British Government, as a matter of national policy, and that is a reality with which other people have reconciled themselves with but I am sorry to say that here we are after having had to give up, and I don't want to go into any unnecessarily unpleasant details of the past only insofar as it is necessary to put the matter in its proper perspective, it was quite clear from that

memorandum that the question of integration was dead and no doubt this is why, in fact, it had such an effect on the Party and it had such an effect on the candidature of the Party which didn't present a candidature at all and the Hon Mr Bossano, no doubt a convinced and avowed integrationist whose ideas on that I respect, was the first one to learn to live with the reality of the situation that it is no use pursuing something that you have been told that those who are the decision makers will not accept. Therefore you have to accept the situation from there and say: "Now, where do we go from here, what is the next best thing, what is the problem?" realising the situation. But here, months after the talks in London with that very clear statement, to come and tell us that the main reason, as has been presented by the Honourable mover, of the fact that integration is not acceptable is because it is contrary to the Treaty of Utrecht, is really pipe dreaming, absolute pipe dreaming. We go back to the root of the problem that arose as a result of the Hattersley Memorandum. The Gibraltar Representative Organisation, of blessed memory, has been substituted by the Gibraltar Democratic Movement which is represented in this House by 4 Honourable Members who had one aim of policy and that was to get elected and go to the British Government as a result of the last letter from the Secretary of State that he would talk to Ministers, to become Ministers to be able to tell the British Government what the British Government was refusing to accept before and that is to hear the GTC, to hear the GRO, and that it would only involve itself in a dialogue which elected members of the House on the matter of the future of Gibraltar. Realizing that situation the GDM came into being and there are 4 Members here who were elected with that main purpose. Their manifesto I haven't got with me, a lovely luxurious one, not the one we could only afford, two colours, beautifully printed, good

paper and everything. I hope they get a request from the Institute of Commonwealth Research for a copy of it because I had to send mine and I almost felt like saying: "This is all we could afford, if you get the other one, well, you know, there is money behind it and so on." Anyhow, I don't have to look at the manifesto, I know it. It is no use reading something as the Speaker has rightly pointed out on one or two occasions, reading something that is well known to everybody. That was the purpose of their mission, they were elected but now I have to fault them on one thing and that is that they were in a terrific hurry to do something about it. But the elections took place on the 29th of September, the whole month of October nothing happened, I committed myself on the 20th October to what I had committed myself at the election, to deal with the matter in the way I had indicated publicly in my ministerial statement of the 2nd August and I issued the invitations on the 3rd November for this process of consultation which I had already indicated and for which I can say with some modesty, I had obtained a considerable amount of support. It constitutes part of our manifesto which though not a luxurious one could be read and it stated this: "The future. We are naturally concerned about our future and our political history in the social, constitutional and external field is ample evidence of this concern. We do not, however, believe in and we are not prepared to be a party to creating or whipping up an artificial, fictitious, emotional crisis which emanates from political motives and which may obscure our better judgement and do untold harm to our people and our Gibraltar. As realists we must learn to walk the tight rope which is the so called Gibraltar problem without making a wrong slip. The stresses and strains of our partnership with Britain must be surmounted for it is on ourselves and our British friends that we depend for our survival. Our leader has made public our proposals to deal with the question of our future in a levelheaded and productive way as follows" - I won't quote it is well known - "as he stated at the time, while,

the problem is one which we would all like to see resolved as soon as possible, we have to give ourselves the necessary time to deliberate, consult and reach a consensus." Nobody can say that this was not an issue at the election, it was very much an issue at the election and I don't want to rub it in. I may have a lot of opportunities of doing so but I don't want to do it at this stage, I don't want to rub it in, we were returned with a big majority. At this stage I only want to say for the purpose of the record that we have a mandate certainly to carry out this. And I did it and on the 3rd November I issued the invitations which the Hon Member has mentioned. He said something which was not correct this morning, that I had invited every member except one. It is not correct to say that. I had invited apart from those whom I will mention in a moment, I had invited the Leader of the Opposition for himself and a member of his Party to come along and I had invited the Hon Mover and the Hon Mr Isola. The Hon Leader of the Opposition in his preliminary reply to my letter said: "I would feel obliged if you would let me know which public bodies have been invited to send representatives to the meeting you are proposing to hold. I would also like to know who is the Independent member who has not been invited to this meeting. Once I have this information I shall be able to let you know whether my Party and I will be in a position to attend the meeting or not." And my reply the next day was: "Thank you for your letter. I have invited the following to send representatives to the meeting I propose to hold; Chamber of Commerce, Trades Council, Transport and General Worker's Union, Housewives Association, Youth Association, GLP/AACR, GDM, and by that time, IWBF. - I'll come to that in a minute. - In addition I have invited the Hon Mr Xiberras and the Hon Mr Isola, I have not invited the Hon Major Feliza primarily because I wanted to maintain a reasonable balance among the number of members from the Government, the Opposition, and the Independents. There is also the fact that Major Feliza is only normally in Gibraltar when the House of Assembly is meeting. If, however, Major Feliza wishes to attend any meeting of the proposed committee which might be held when he is in Gibraltar I would of course be glad to arrange this."

HON MAJOR R J FELIZA:

I have not received such a letter or an invitation to attend.

HON CHIEF MINISTER:

This was a reply which I sent to the Leader of the Opposition when he asked who was the Independent Member who had not been invited. I gave him the reasons because at the meeting I proposed to have only three ministers and myself and I thought that 4 members of the Opposition, two representing four and the two others normally would have been a fair proportion. So it isn't really that I have not invited one member. The invitation was issued to four members to send two, apart from the Party side, and the other two in their role as Independent members. After that I had a reply from Mr Bossano where he said that he would be attending the meeting which we proposed to hold and also would be present with one other member of his Party in the House of Assembly and also that the Gibraltar Democratic Movement would be attending. Again when the original invitations were issued, I did not issue one to the IWBF as I was not aware that it was still in existence. It was pointed out to me by the Hon M Xiberras that it was that it had a membership and that he and the Hon Mr Isola were still members. I said I had no problem in inviting them. But the point I want to make about that is that this sense of urgency which arose from everybody on the other side when it came to doing something even though it may take a long time I have not yet, let me say, received a reply from the IWBF which was sent to Mr Gonzalez. It may well be that the Hon Mr Xiberras will tell me that the IWBF will be coming. He told me he would be coming but I would have thought that he is a different person from the IWBF as an entity, from a Member of the Opposition. I would have thought that the same as the Chamber of Commerce, the same as the Gibraltar Youth Association, the same as Mr Isola, the same as the Gibraltar Housewives Association, the same as the Gibraltar Democratic Movement, I would at least have received, if only to

confirm that the Party is still in existence, I would have received a reply from them saying that they were willing to come to the meeting. Perhaps Mr Xiberras may be representing them at the same time but that would not have been the object of saying: "Why haven't you invited the IWBP?" The point I am making about that is that all the sense of urgency and so on apparently disappeared once the elections were over. I stood to my principles, I mentioned it in my speech at the opening of the House of Assembly and shortly after the material had to be prepared, a lot of people had to be circulated, the letter was accompanied for the uninitiated with certain enclosures with the substance of what I had said and so on, and therefore it was a matter of a few days to arrange that. But I did it as soon as convenient after the formal opening of the House of Assembly as one could. In fact the meeting has not yet been held because I have not received the final reply of the Gibraltar Trades Council who were the originators of the GRO, who appear not to have been very much concerned about it and the Transport and General Workers' Union. If they don't want to come, well, this is their privilege. If they want to come they will be welcome and the meeting will be held. It may well be that the process that I had indicated appeared a little elaborate and not this sense of urgency that has been given, I accept that. I thought that was a more cautious way of doing it, but certainly the more cautious has even been for expeditious insofar as I have done something about it since we were elected. I have done exactly what I said I would do in the electoral manifesto, get the thing going to get a broad consensus on what the problem is about and as soon as I get the people concerned we shall have the first meeting. I won't deal with that for very long except to deal with one matter raised, by the Hon M Xiberras. The Hon Mr Xiberras has mentioned he is not prepared to spend one and half years like in the Constitutional Committee. Well, I don't want to spend one and half years but I am sure that the Hon

Mr Xiberras could help in the discussion not lasting one and half years if he were to cut the time of his interventions and if he were to control himself and say the same thing instead of 25 times, ten times, with that I would be happy. Not just 25 but 10 times would be enough and that I think would cut the time element in the study of the problem from about 18 months to about 6 months and that would be a very great help for everybody. I did not have the powers in the Constitutional Committee as the Speaker has here to control Members hence the reason for the year and half of the Constitutional Committee deliberations. But it happens to be the truth. If, in fact, Members are prepared to abide by standing orders or by a control as it happens at CPA conferences that Members' intervention are limited to a particular time - I am not attempting to do that, frank discussions take a long time, but sometimes they take a heck of a long time - he could be perhaps the biggest contributor in the process to accelerating whatever deliberations have got to take place in this matter. Again I think he is out of date. I think he has completely forgotten the correspondence between first the GTC and, secondly, the GRO with the Secretary of State about the matter. It is as clear as anything if you look at the correspondence. First of all they are not prepared to come to Gibraltar, they have never said that they are prepared to come to Gibraltar for talks at all. I am not saying that they shouldn't or they should but the point is that the correspondence does not say that they are prepared to discuss the problem raised by the GTC and the GRO, in that order. The only thing that I will say about those letters is that they were couched in much more acceptable language, I would put it that way, than the Hattersley memorandum at any time. I will have a few things to say about that in a few minutes. But, anyhow, however, kind those letters were they never meant that the Secretary of State was prepared to renew the dialogue with representatives of the people without specific proposals. It was quite clear that what he said was; "When you are elected you can come and talk to me."

I do not think that you will find that the renewal of a dialogue means an open agenda to discuss questions. They would want to know exactly what proposals are being made. The mover this morning gave rather a twist to the attitude that he had taken in the Constitutional Committee to the GTC proposals that it should be up to the British Government to say how Gibraltar was to be decolonised. After having opposed that idea in the committee as unrealistic he almost gave a twist to it this morning to say that perhaps there was some sense in that, perhaps we ought to put it up to the British Government to decide so, in fact, he has turned round from his previous idea on this matter and he is now apparently prepared to go with that idea. I am a realist and having been told that once, I certainly am not going to be a party to be told again what I have already been told this this kind of general open discussion is going to be either acceptable and even if it is acceptable, I do not believe that it will be fruitful.

HON J BOSSANO:

If the Hon Member will give way. He says that, he has been told that once, presumably by the British Government. I do not recall his having stated that before.

HON CHIEF MINISTER:

No, no, I am sorry, I stand corrected. I am very grateful for the correction. As I was saying it I appreciated that I had slightly misinterpreted my own thoughts. Having decided that once and it having been what I consider to be an acceptable principle in the Constitutional Committee. I do not think that the change of mind of one of the members of the Committee is going to be considered to be reasonable by the Secretary of State. For what it is worth, that is my view on the matter. We said in our manifesto that it was no use whipping up opinion and seeing ghosts all round in the intentions of the British Government towards

Gibraltar. I hope I am never found wrong on this matter. I have been saying this for quite a long time whilst others have been doubting the British Government's attitude towards Gibraltar. In fact that was the whole purpose of the creation of the Integration with Britain Movement, later to become the Integration with Britain Party, later to become nothing. That was the whole purpose of that movement and that was to allay the anxiety that was felt by many people about the intentions of the British Government towards Gibraltar. As I said in my short intervention this morning, thanks to the mover having given way, I am speaking for myself, I hold no brief from the British Government in this matter and I don't care what they think but I care about what I think and what the people who believe in me think and the people who believe in my Party think, which is what I think is the best for Gibraltar. And I do not think and I have never thought that we were going to be let down by the British Government. I said that in my speech of the 2nd August. There were three attitudes as I take it, in general, at the elections. Three attitudes with regard to that. One were those who wanted early talks with Spain and that was the main platform. Those who said we must make our position clear with the British Government, which was the GDM attitude, and those of us who said: "Yes, we must make ourselves clear with the British Government but at this moment we have no doubt that there is any danger to the people of Gibraltar in Britain letting us down." We took the middle course, we took the course we thought was the right course, which was "steady as you go." I don't want to say that too often because once the present Prime Minister who had been in the Navy said once "steady as you go," something went wrong and he has had that thrown at his face every time. I took the view then "steady as you go," that is the way we have to go it and that is, in my view, the way the people apparently thought was the wiser attitude to take which is the cautious way. Nothing that we have said indicates a sense of complacency at all. But certainly no sense of fear as to the United Kingdom's attitude and certainly no sense of a wrong urgency that would

make the position worse. Insofar as the other three were concerned, well, I think they were disposed off by the electorate in a much clearer way than some of the people thought would have been done and therefore that part of the thing is not relevant. In respect of that aspect of the matter, our attitude was not a question of never talk with Spain but that Spain must settle her own problem, keep her house in order then when the time comes, of course, there is no reason why we shouldn't talk but not talk now when, in fact, it was neither the right time nor were we in the right position to do so for obvious reasons. The people across the way have got other problems to deal with now however much they may shout about Gibraltar, and that is being seen every time. So that is why the Members of the Government cannot accept the motion as it is drafted. The spirit of it was, the sense of having to clear this matter once and for all, yes, at sometime. But it is a problem as I have said on many occasions that has bedevilled politicians, diplomats and people for 270 years. It has become more acute now for obvious reasons because the people of Gibraltar are more involved. Up to 40 or 50 years ago it was a matter for the Chanceries of Governments, now it is a matter of the people of Gibraltar. Even this morning, according to the BBC, somebody heard it in the Spanish news, the Socialist Party across the way in their conference in Madrid spoke about the fact that they took a moderate view and saying that the interests of the people of Gibraltar had to be taken into account. Castiella in a different fashion. So, therefore, I think the time is not right and much as one would hope that the things get right in Spain to have a

proper atmosphere for dialogue in which we believe but not necessarily at this time and not necessarily until the conditions are such that in our judgement it could be fruitful. I would just like to say one thing I said about the Hattersley Memorandum. The Hattersley Memorandum is not couched in terms which would endear anybody to whoever was responsible for its drafting although responsibility must lie in the Minister who signed it and it said certain things. But I do not attribute all the nuances and all the indications that were put to it, then and today, by the Honourable mover into what was said and I think that subsequent statements even the Secretary of State's statement apart from the fact that they have treaty obligations to comply with, I do not consider that that is even at the most on what the mover has said, if he wants to interpret that to say that integration is not on because they have treaty obligations and there is the Treaty of Utrecht and so on. First of all I don't think that he was referring to that. What he was referring to was: "We ^{have} treaty obligations in a general sense and we ^{are} responsible for the foreign affairs of Gibraltar. You chose that at the Referendum, we appreciate what you say and so on and we are prepared to talk with the elected representatives of the people but there are two sides and we have problems, problems in the matter ourselves." I do not think that that was motivated by any ulterior motive or design. I do not think, and I said so at the elections and I say so now, I do not think that harsh or inelegant as the wording of the Hattersley Memorandum is, the Hattersley Memorandum in my considered opinion was not telling us: "Well, your lot will be with the Spaniards in a few years time, what can we do about it." There was only one thing wrong in my view in the attitude taken by the Minister and that was that he didn't say that this was not the time for a constitutional conference, he said there was no justification for a constitutional conference and I made the reservation that it may well be that that was his judgement then but no community which was not completely

independent could stay static in its constitution. I said that quite clearly and I say so now. Of course I speak about further devolution and of course I made that reservation that if that was not the time, if he did not feel at that time that the circumstances or the proposals were acceptable, I did not give up the idea that there would be a better time at which to consider the future of Gibraltar. I am not prepared, certainly not prepared in the coming four years to remain completely static apart from whether these talks lead to anything or not. I am not prepared to say that we have got to accept that nothing has to be done in the constitution that might either annoy anybody or might not be good for Gibraltar. There may be areas in between that are acceptable but I will say that no community which is not completely independent, and this I told the Minister quite clearly, can resign itself to saying: "This is how you are going to be forever." That is not acceptable to me, it is not acceptable to our Party, it is not acceptable to the principles for which we have fought all the time. There must be movement, whether the movement is the movement that we would all like, or whether it is a slower movement than we would like, or whether it is slightly of a different shape, we must move along with the times, we cannot remain static while the rest of the world is moving about. So that I made quite clear and I make quite clear now. It was mentioned this morning - so many things were mentioned, I am trying to remember some of them - the reference that I made in my statement of the 2nd of August about the question of the concept of the European solution to the problem. Well, of course I said that I was studying the matter and that it was a way in which I thought would lie the solution. We have already heard the Hon Major Peliza terribly enthusiastic about the European movement and the launching of a local Branch for which we have all given unstinted and enthusiastic support and it is a long process. It is a long process and it is not going to be solved but it lies there in my view. The Hon and Gallant Member may or may not know but before he started to get in touch with the people of the Movement I had already made a certain amount of research and I had obtained from them quite a lot of material since my statement of the 2nd August and this is where the matter lies, I cannot take it any further at this stage but certainly that is a possible way out. What is not a way out and what I think the people of Gibraltar said on the 29th September was not a way out, was to confront the British Government. That does not mean

that it is not necessary to have dialogue and to have words and to have strong words if necessary with the British Government to get what we want, of course not, we have to fight for what we think is right. What we cannot do is unduly antagonise the people in whose hands and ours, jointly, our future lies. That is the extent to which one is prepared to go insofar as we think the problem arises. We have been considering this motion and in our view it will not achieve anything to call for urgent preliminary talks in Gibraltar between HMG and elected representatives of this House. I do not think that that will be achieved even if it were passed because I do not think that there is the necessary preparation that is required in order to meet. If the British Government were to be hypocritical about this and wanted to be hypocritical about this there would be nothing easier than sending out somebody and have talks without an agenda and say: "Well, boys, prepare your homework and come back to London and when you have proposals we will consider them." That would be a rather hypocritical way of dealing with this and this motion, if carried, and if it were to be taken in that way it could easily be complied with by sending somebody out and telling us what we have to do. I think that the Secretary of State's invitation in the last paragraph of the last letter was a serious offer to meet representatives of the elected members with concrete proposals as to what we thought our future was to be. It cannot be interpreted in any other way having regard to the whole history, to the Hattersley talks and to the whole of the correspondence that was exchanged between the Secretary of State and the GTC and the GRO. There are many sentiments in the motion which we share. We are deeply concerned, we are mindful of recent and expected developments in Europe, and of the renewed overwhelming pro-British response of the people of Gibraltar in the recent elections, and we are mindful of other sentiments in the resolution but we do not share the sentiments expressed in the concluding paragraph. I am therefore, Mr Speaker, moving an amendment to the motion. In order to avoid confusion Mr Speaker, I could have left quite a lot of the preambular sentences in the resolution adding words here and subtracting words there. I do not take credit for those sentiments which have been picked up from the resolution in the motion to make them myself but for the sake of neatness I have made a complete new resolution accepting as much of the terms of the

considerderanda of the resolution as possible but, of course, a substantial amendment in the last paragraph with which we don't agree.

MR SPEAKER:

You are moving and that all the words after "that" should be deleted and substituted by something else.

HON CHIEF MINISTER:

Yes, but I don't want it to be thought because it is all in one resolution that I have not taken some of the items that I have taken from this resolution I take them as acceptance of the resolution itself and not making them mine, I am accepting them but for the sake of neatness it would read: "This House mindful of recent and expected developments in Europe; of the renewed overwhelming pro-British response of the people of Gibraltar in the recent General Election; of the readiness of HMG to meet Gibraltar's elected representatives as communicated prior to the elections by the Secretary of State to the Gibraltar Representative Organisations; and of HMG's constitutional responsibilities towards Gibraltar; endorses the Chief Minister's proposals for the setting up of a committee of representative bodies with a view to carrying out an in-depth study of the political and economic future of the territory and the people of Gibraltar, as inseparable entities, prior to the submission of a memorandum to the Secretary of State and the holding of talks between Her Majesty's Government and elected representatives of this House." I have got not only the support of my colleagues in this matter but having regard to the results of the election we consider we have a mandate to carry out this matter in this way. I have already issued the invitations and I think that it is the only way one can proceed in this matter if we are going to go to a satisfactory conclusion. I do not envisage, if there is willingness on the part of the representative people who have been invited together with Members, to get on with their work. A lot of the fact finding can be done by staff as I offered at the beginning to the GTC. The staff available at the Secretariat can do a lot of the collating of opinion and so on, it would not all be done by the Committee. The idea also is that once the general committee meets they should have a smaller sub-committee to get on with the work and be able to get on with the subject. For that, Mr Speaker, we have a mandate. We put it in our manifesto, we were elected on that mandate and it is the mandate that the people of Gibraltar have given us the majority in this House and have given, if I may say so with some humility, the considerable majority of votes that I got. On that, Mr Speaker, I submit the amendment to the House.

Mr Speaker then proposed the question as in the terms of the Hon the Chief Minister's amendment.

MR SPEAKER:

May I sound a word of warning. I think it is going to be difficult for Members to try and divorce the issues endorsed both in this amendment and the original question. If I have an undertaking from Members that they will not abuse their rights I will be liberal and allow any Member who wishes to speak on the amendment now to raise any matters which he would have raised in the general debate. It will not debar them from speaking, at least those who have not as yet spoken on the main question before the House, to speak, but if they feel that they are entitled to speak both on this amendment and on the general question and repeat themselves I will be completely and utterly ruthless and, of course, apply the rule of tedious repetition and will call them to order on the second occasion. I think it would be unfair to inhibit members because it is purely an amendment and a subsidiary question which is before the House to speak, generally, on the particular issues before the House. I think that is a fair warning which I would give now.

HON J BOSSANO:

Thank you, Mr Speaker. I was in fact about to say that I find it rather difficult to speak about this amendment without at the same time speaking about the motion since, in fact, the amendment alters the motion almost completely and once the amendment was passed, presumably, one could no longer talk about the unamended motion and then there would only be the amendment left to talk about. I think I must of necessity in talking at this point refer to the points that have been made by the Honourable and Learned the Chief Minister, not just in the last few minutes prior to the introduction of the so-called amendment, but all the time and I think perhaps it would be better to start, Mr Speaker, from the point that he made when he started and the point that he has repeated 2 or 3 times just before he finished, namely, the mandate that ^{he} has from the people of Gibraltar to do things in a particular way.

As the Hon and Learned Member mentioned I am a realist, and although I have always believed and I continue to believe that the best solution for securing Gibraltar's future would have been integration with the UK, I have now, I hope mistakenly, come to the conclusion that this is not a solution that is available and I don't believe in pursuing lost causes. I believe in being practical however much I might like something else to happen we have to live in a real world. I have also resigned myself, Mr Speaker, to having the Honourable and Learned the Chief Minister wave his mandate at every considerable opportunity, so he has not surprised me that he has waved it several times today. But what surprises me is his mathematics, because if he considers that his 7,000 votes gave him a mandate to do this particular thing with the solving of the constitutional problem and the Hon Mr Xiberras were to consider that his 6,000 voters gave him a mandate to do the opposite and I were to consider that my 5,000 gave me a mandate to do something different we would finish up with the situation that either the people of Gibraltar don't know whether they are coming or going or else there are many more people voting than there are registered in the Register of Electors. So I don't think in fact that he can say that every single of those 7,000 persons who voted for him, and no doubt he will recall from the time that he spent that night in Mackintosh Hall that a lot of people voted for him and for me, a lot of people voted for him and for Mr Xiberras and those persons at least couldn't have been giving us opposite mandates. That is not conceivable. I think what the Hon Member has proved is that certainly he has got the greatest support in Gibraltar and he may choose to exercise that support that he has in doing things in a manner in which in his judgement is the correct way of doing things and that we have to accept because he has won the election and I accept it, I am practical, Mr Speaker whatever other failings I may have. As far as the result of the election showing that the people of Gibraltar do not want confrontation with the UK, I have to remind the House that of course none of the candidates fielded by the GDM were asking for the support of the electorate in a confrontation with the UK, it was a motive that was ascribed to us by others and, therefore, I do not think that I have got a mandate from 5,000 people who want confrontation because I have

never advocated it and therefore I didn't ask for the support of anybody for that. In fact, my view is, as it was then, that if we have a confrontation with the UK it will not be because we are looking for it, it will not be of our choice and it will not be of our making. But certainly if I am faced with a confrontation with the UK or anybody else for that matter where the interests of the people of Gibraltar are at stake I will not run away from it. I think also the Hon and Learned Member to be fair to us must appreciate that if the sense of urgency that we had in the months prior to the election has not been evidenced as effectively as it might otherwise have been, that is also a result of the way the people voted, because if the people had voted differently then that sense of urgency would have been reflected immediately in the new Government that had taken power. But if the Government that has taken power is one that doesn't have a sense of urgency about the matter then one would not be so naive politically, Mr Speaker, as to carry on shouting that it was urgent to give the Honourable and Learned Member the opportunity of waving his mandate yet again. But I may remind the Hon and Learned Member that I think the sense of urgency that I felt before the election was accurately reflected in my contribution at the Ceremonial opening of the House of Assembly and I can assure him that I feel that the problem is as urgent, that is, my sense of urgency is as real and as genuine now as it was before the election. The only thing is of course that I am in a less favourable position to do something practical about it than he is. The question of the dialogue with the United Kingdom that materialised as a possibility at the end of correspondence between, in the first instance the GTC and, secondly, the Gibraltar Representative Organisations, have not in my view, Mr Speaker, definitely been defined by the UK as following the line that the Chief Minister has suggested is the only one that might be acceptable to the UK although I accept it is a question of judgement and a question of interpretation and he has got this extra 2,000 votes to wave the balance in favour of his interpretation, there is no question about it. But in spite of the fact of the 7,000 votes his interpretation could still be wrong, Mr Speaker. I don't think we are going to be fortunate enough to have an infallible Chief Minister for 4 years just because he got 7,000 votes. The position of the Gibraltar Trades Council in

this matter was absolutely clear from the beginning and to my knowledge the Trade Union movement has not changed its mind because of the election results and I note that the Hon and Learned the Chief Minister said when he corrected himself that if it hadn't been discarded by the British Government, that in his view the approach advocated by the Gibraltar Trades Council when they made their submissions to the Constitutional Committee was not the best approach and his view had not changed since then and it is quite possible that because he has obtained the support that he has his view may have been reinforced. But it has not changed other people's views of the matter, that is, the view that I have then I still hold. The only thing, Mr Speaker, is that regardless of the number of votes that any of us got, I can be convinced that I am wrong and if I am convinced that I am wrong then I am quite, I won't say happy because nobody likes being proved wrong, but I am quite ready to admit publicly that I was mistaken and somebody else was right. Therefore, if, in fact, the Hon and Learned the Chief Minister can convince me that his approach is the best for Gibraltar then he can count on my support but he has to convince me and therefore I cannot endorse his proposals because I am not yet convinced and it would be wrong for me I think at this stage to vote in favour of the amendment that he wants which in effect is a commitment and I do not commit myself, Mr Speaker, unless I have every intention of fulfilling the commitment that I take on. I cannot do this and GDM representatives in the House of Assembly cannot at this stage endorse the Chief Minister's proposals. They are not new to us, we have considered them when they were first put forward by the Chief Minister. If we had thought they were the right proposals 9 months ago, or 6 months ago when he first made them we would have endorsed them then. If we didn't think they were the right proposals then the fact that he has won the election is not a sufficient argument for thinking them to be right now. I think the Hon and Learned Member will appreciate that there is a distinction between recognising that he is in power and he is in a better position to dictate to the rest of us than we are to dictate to him and,

HON CHIEF MINISTER:

If the Hon Member will give way. Let it be quite clear that the matters which we are discussing are too serious to talk about dictating. The matters are very, very serious and

in depth and therefore it is not a question of dictating it is the matter of judgement. It is arising out of a motion that this amendment has been put, it is not an attempt at dictating anything. Equally, we would not be dictated by the minority either which I am sure the Hon Member will accept is as valid if not more valid than the other one that we shall not be dictated by the minority in a matter of judgement. Therefore let there be no misunderstanding. The references to the votes were only for the purposes of establishing that the policies I advocated have had a considerable amount of support. The last thing one wants to do in this very important and vital issue for Gibraltar is to talk about each one dictating to the other. What we must try to do is find a consensus and if we cannot find the consensus then, of course, each one has got the responsibility of his own act. I am sure the Hon Member will accept my assurance that I have acted throughout in the way in which I said I would act and if other people want to act differently they are perfectly free to do so. What I cannot do is what the minority think I ought to do if in my judgement that is not right.

HON J BOSSANO:

I accept entirely what the Chief Minister has said, Mr Speaker, and I am very glad that he has said it. I was about to say that if it was a question of dictation he certainly is in a more legitimate position to dictate than others are to dictate to him but I am glad that this is not the situation in which we find ourselves because I think as he has said it is very serious and the best thing for Gibraltar is that we should be able to agree rather than we should have to dictate to each other. I am confident that in bringing the motion in its original form to the House, the Hon Mr Xiberras also has not wished to impose his own views on anybody else. He has also been, I am sure, looking for a consensus that will be acceptable to all of us. The Hon and Learned Member said that he hoped that he is not found to be wrong about the intentions of the British Government where he apparently has got greater faith in those intentions than others. Certainly he appears to have greater faith than I have. I am afraid that you will find, Mr Speaker, that within the Labour Movement there are very many critics of the present Labour Government who consider that regrettably in many areas of policy it is the mandarins of Whitehall just like presumably there are mandarins in the Government Secretariat in Gibraltar who very often rule the roost.

However, I have never been in Government and I am not in a position to judge but certainly I don't mind saying, Mr Speaker, that I hope I am wrong. The Hon and Learned the Chief Minister hopes his is not wrong and so do I. Not only do I share his sentiments entirely but I hope I am wrong. I prefer to be suspicious and to be proved wrong than to have the pyrrhic victory of being proved right and seeing Gibraltar go down the river. So I look forward in time to a secure Gibraltar which is not under threat from Spain and which enjoys full control over its own affairs consistent with its size and geographical limitations and that all my fears that this might not materialise will be proved wrong and that the Hon and Learned the Chief Minister may emulate Tito and live to 84 and be able to tell me until he is 84 that I am wrong or that I was proved wrong. But we can't be sure at this stage what is going to materialise and I am afraid, Mr Speaker, my own view of the developments in Europe to which the original motion makes reference is one which is not original in the sense that I haven't invented it or discovered it and is not unique to me. It is a view that is ventilated in the British press, in the Spanish press from time to time where, apparently, political leaders in other nations see the situation as having the same potential benefits for Spain that I can see. There was only a matter of a week ago, Mr Speaker, an article which analysed in depth the position of Spain vis-a-vis NATO in a Spanish magazine that usually is quite accurate and critical in its analysis of the changing relationship between Spain and Europe and the internal problems of Spain and according to this article the general view both inside NATO and inside Spain is that it is NATO that is more anxious to have Spain in than Spain that is anxious to join. I remember the phrase in the article in Spanish was "Quien corteja la nina?" and therefore the implication was that it was Spain who was in a position to lay down the terms that would be acceptable to Spain if Europe wanted Spain. There is no getting away from the fact that Spain wants to be in Europe as well but the situation is one where the two sides, that is, the Western European military political and economic unit is anxious to have Spain in and Spain is anxious to join. But the crucial question for Gibraltar is, which of the two parties is more anxious, because whichever of the two parties is more anxious is the party that is in a stronger bargaining position to tell the other party the sort of conditions that are required for joining and we are going to be among those conditions, certainly, we are going to be there if Spain is in a strong bargaining position, there is absolutely no question about that. We might have difficulty in convincing our fellow EEC nationals to make one of the conditions of the Spanish

entry to the EEC that she should treat Gibraltar and the Gibraltarians as civilised human beings and that she should act towards us as any normal neighbour does within Europe. We might have difficulty in convincing the EEC that that should be a condition put to the Spanish entry if the EEC is in a position to put conditions. But if the boot is on the other foot, Mr Speaker, if it is Spain that is laying down conditions nobody will need to convince the Spanish Government that one of the conditions they lay down will be that Gibraltar belongs to them and certainly part of the sense of urgency that I feel and that my colleagues in the Gibraltar Democratic Movement feel is that we cannot afford to run risks. We cannot afford to let the developments of Europe and Spain take their course and then find out whether at the end of the day the situation that develops is one which is favourable for Gibraltar or unfavourable for Gibraltar. We are convinced, and we make this absolutely clear in our election campaign, and I may remind the Hon and Learned the Chief Minister that we certainly paid a much greater emphasis on the constitutional issue than his party did. I think, if he will allow me to say so, his main platform in the election campaign was that if the people of Gibraltar wanted him as Chief Minister they had to vote for the AACR and I think he has proved that the people of Gibraltar want him as Chief Minister, without doubt thought I don't like having to say this, Mr Speaker, But our concern was and still is that we feel that as long as the situation is unclear from the point of view of NATO, from the point of view of the EEC, from the point of view of the internal convulsions that Spain is going through, our position is relatively strong, I think, Mr Speaker, I have said on television shortly after the Hattersley Memorandum arrived in Gibraltar that I had absolutely no doubt that if Spain were to go Communist tomorrow we wouldn't be the ones to be waving the Union Jack, we would have a plane load of UK Ministers coming to wave the Union Jack here on our behalf if Spain was Communist tomorrow because then Gibraltar would acquire tremendous strategic value for NATO. On the other hand if Spain were to join NATO tomorrow the strategic value of Gibraltar would be negligible because then whether Spain was British or Spanish, Spain would still be NATO it wouldn't change from one power bloc to the other, it would change simply from the administration of one NATO power to the administration of another NATO power. That is the stark, practical, undesirable reality of the situation in which we find ourselves and just like I face the stark, practical, undesirable reality of the Hon Member's victory I also face

that equally unpalatable fact about the precariousness of Gibraltar's position as regards NATO and Europe and the undoubted conviction that I have that however much goodwill we may enjoy in Britain, and I have absolutely no doubt that we enjoy a great deal of goodwill, certainly, I think we enjoy more than any other colony, nevertheless when it comes down to the hard facts of international power politics and the weight of NATO and the weight of the strategic interest of Western Europe, those who would defend us out of the concern that they have for us would have a very hard job indeed, Mr Speaker, and I don't think we should leave it until that moment is reached. This is really the essential motivating factor behind the sense of urgency and this is where my distrust of Britain comes in. My distrust comes in not because I don't think we don't have any friends there, on the contrary I know we have a lot of friends, but I think our friends will be of no avail to us if the situation develops along the lines that I have sketched out and those are the lines that I think are the most probable ones given the present developments that are taking place in Spain and given the present developments that are taking place in Europe. If my analysis is wrong then it will be a good thing for Gibraltar but as I say it isn't an analysis that I can claim originality for. I am not unique in thinking this, a lot of other people in a lot of other places have made the same sort of analysis and I share the view that this is the most probable outcome over the next few years in Gibraltar and this is why I think time is not on our side. If it were otherwise, if I thought, Mr Speaker, that a popularly elected democratic Government in Spain could adopt a different attitude to Gibraltar, if I thought that a popular elected democratic Government in Spain would be prepared to recognise our right to self determination, our right to have our own way of life and our right to live in peace with the rest of the world without the rest of the world poking their nose into our affairs, if I thought that that was possible then I wouldn't think that the entry of Spain into NATO would carry dangers for us, or that moving Spain closer to the EEC would have dangers to us. But I think that whoever gets into power in Spain, whether it is an extreme left wing Government, an extreme right wing Government or a middle of the road Government, on the question of Gibraltar they will all feel the same and their attitude will be the same, that Gibraltar belongs to them and they want it back. I have yet to come across a Spanish politician who in any public statement says otherwise. The most that I have heard according to some of the more extreme wings of the Spanish left is that they would allow Gibraltar regional autonomy within a federalist Spain and that certainly is not a solution that is acceptable to me and I don't think it is acceptable to many people in Gibraltar, quite frankly. There

are those who feel that Spain is on the verge of a utopian socialist state and that once that happens being a regional part of Spain will be living in the land of milk and honey. I think that is not going to materialise and if it did materialize they would be in for a great disappointment, that is why I don't share the view. I think there is in spite of all the harsh words that we often throw across the floor of the House and outside the House, Mr Speaker, there is sufficient in the feelings that we have on this matter to provide the starting point to see whether it is possible for all of us to work to achieve the same objective and I hope that as a result of the invitation that we have taken up from the Hon and Learned the Chief Minister we might move towards a position of looking at those areas where we are not in agreement and those areas where we are in agreement and see just how deep and how fundamental those differences are to establish whether they are irreconcilable and therefore we must accept that we must respect each other's views or whether they are not of so fundamental importance that it is not possible for one side and the other to perhaps slightly shift its ground and come closer together. I accept that there the degree of movement might reflect perhaps a relative position as regards the results of the election. So, Mr Speaker, I think that although I have no choice but to make it quite clear that we shall be voting against the amendment proposed by the Hon and Learned the Chief Minister and I would have voted in favour of the unameded motion, I hope the Hon and Learned Member appreciates in what I have had to say that it is not intended to take an intransigent or a dogmatic position but simply that at this stage that must be the way that we reflect how we feel but it doesn't mean that it is not possible for us to understand each other better. I think, Mr Speaker, that is all I wish to say and I feel that I have covered both the original motion and the amendment with what I have had to say.

HON A P MONTEGRIFFO:

Mr Speaker, I hope you will allow me at least the same latitude of liberalism, if I may put it that way, that you have allowed other Members if only because I am going to be very brief and I do not intend to speak at length on the matter and I don't intend to take part in this particular debate except to support the amendment that the Chief Minister has proposed before the House. Sir, perhaps I'll get it from both sides of the House if I say that though we have heard a lot about sense of urgency I think that most of the time unfortunately has been spent, and it was started by the Hon Leader Mr Xiberras this morning, by trying to score the debating points and trying to revive stinking corpses at that. I think it does no good towards what we all have in mind if this is the way in which we are going to start

approaching the whole problem. I think the time has come when we should wipe the slate clean if only because of the great concern that we all feel about the future of Gibraltar and about the need and the sense of urgency of coming to some sort of consensus amongst all concerned in this House and elsewhere - I am referring to the representative bodies who have been invited - and getting on with the job. There is no point in trying to go back in history as to what has happened though perhaps it is useful to look back in history to guide us as to what stand and what views we ought to take towards the future. Perhaps we all made mistakes in the past but let us try and do our best to see that we do not make mistakes in the future. Let us try and forget partisanship in what respects Gibraltar. The amended motion that the Chief Minister has brought to the House incorporates most of the ~~chillings~~ feelings expressed by the Hon Mr Xiberras but at the same time it is a compromise view to take into account precisely what I consider that the other side have already accepted, and that is the invitation that was sent by the Hon and Learned the Chief Minister to them which I am glad to say that they have accepted and they have accepted it on the basis of the proposals that he himself has ~~initiated~~ ^{initiated} on so many occasions. I would have thought that they were committed to that, they were committed to come along on that basis and talk about the future of Gibraltar. That is why I find it strange when this amendment precisely tries to meet both the feelings of the Hon Member who initiated the motion and also the manner of approach that we ought to take and which is being accepted by the fact that they have accepted the invitation and which the Hon Leader of the Opposition has already stated that even if he votes against this motion he will still carry on accepting the invitation and coming to the talks, I see no reason why we shouldn't find support for this compromise or consensus motion. I hope, Sir, that since there is a sense of urgency that we all want to give to this I would rather sit down and say no more and let other Members talk so that when we finish talking we can as soon as possible sit down to the real business of getting on with the job, of getting together and finding a common view to be able to defend whatever needs defending for the good of Gibraltar.

HON MAJOR R J PELIZA:

I would very much like to go with the Hon Minister for Medical and Health Services as well as the Chief Minister but I do not think I would be faithful first of all to my own honest and sincere thinking of the situation and, secondly, I think perhaps I should remind the House for the mandate that I too have in my own personal capacity to put in this House the point of view of those who voted for me which I hope the Chief Minister will accept I am entitled to do. It is very important to establish this because although he stood up to say that

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initiated

he didn't want to dictate I am afraid that that is the impression he gives when he starts flapping about his manifesto. We all know his manifesto, it wasn't a very good job and we all know that as well, but I don't see the reason why he should try and tell this House because they have the mandate that this is the way the Government should proceed particularly on this very important issue where I think we should come here now and deliberate with an open mind, there is always something to learn. I certainly listened very attentively to my Hon Friend Maurice Xiberras who I thought had taken a lot of trouble and I think spent many hours trying to produce a very well documented piece of paper which I thought gave us very sound information on which he was basing his views. Much more I would say than the 20 minutes that the Chief Minister spent saying the long time it had taken the Opposition to reply to some of his letters as if that was delaying the future talks. I thought, if I may say so with all respect, that was childish. And to spend 20 minutes of this House talking about that I would say is a much greater offence, if it was an offence, on the part of my Hon Friend trying to produce facts and figures for this House. To get on, Mr Speaker, and explain why I cannot go with the amendment and why I support the original motion. In doing so, Mr Speaker, I will have to overlap but I can assure you that I will not stand up to speak again unless something is raised which I thought perhaps I did not cover. In the problem that faces Gibraltar I have never been emotional, I have always been a realist and I think we should approach it with full realism and nothing more, nothing less. This is why I have never said, as the Chief Minister keeps saying, I have faith in the British Government. It isn't that I do not have faith in the British Government, it is that the British Government itself is not omnipotent and have got pressures and difficulties to be faced. But one very important point is that we the people of Gibraltar must constantly be pressing for what we think is right and in our interest. This is what I mean by not having faith in the British Government. This is happening in Britain all the time in every community in every aspect of life, and if it is necessary to hold a demonstration outside the Houses of Parliament to express a point of view that is done and no one is scared that that is confrontation with the British Government. The word confrontation was invented precisely by the Chief Minister himself and he is now trying to say that at the time of the election those who did not agree with him were advocating confrontation with the British Government. That is not so. What I say and I think most of the colleagues of the other parties that I heard said was that sooner or later we have to face the British Government. The time will come when we shall have to face the British Government and if that is confrontation, well, that is confrontation. I think I even heard the Chief Minister say here today

earlier that at one point before the 4 years are up if he does not get what he wants he shall have to face the British Government and that is not confrontation. So if you face the British Government now it is confrontation, but if you face the British Government in 3 or 4 years time that is not confrontation. I think that that is not a logical argument and where we differ basically is that some Members of this House feel that it is better to face the situation now than later and what I am going to say to this House is why I believe it is more important to face it now than later. If one looks at the history of Gibraltar one finds that it originally became what it is because it was useful as a base and it has been carrying on being useful as a base right through the last two world wars. What we do not know is will it carry on being useful as a base in the future? This is a big question mark and if it is not useful as a base will the British Government be prepared to carry on subsidising Gibraltar if that is necessary even without a base, without a Dockyard? Are they prepared to do that? Is that a realistic way of looking at the situation? This is the question that we have got to ask ourselves. If we believe that this will happen, happen what may, and that they are prepared not to have good relations with other nations and give up good trade and all the rest of it and even, perhaps, sacrifice their own defence just for the sake of abiding by the preamble of the Constitution then I say, yes, we can have blind faith in the British Government. But I am sure that no man who is realistic in this problem will accept that situation. In any case we do not know what the situation of Great Britain can be in 10, 20 years time we just do not know. It is absolutely essential that we safeguard our position as quickly as possible. My belief has always been that integration would do that because then our links with Britain would not be there because of the base but because we have established a different kind of relationship. And the fact that the Minister went out of his way publicly to say that integration was out of the question makes my argument all the stronger. The Hattersley Memorandum was not written by the messenger boy of the Foreign and Commonwealth Office as the Chief Minister gave to understand.

HON CHIEF MINISTER:

I didn't say that.

HON MAJOR R J PELIZA:

Well, the Chief Minister didn't ^{give} it all that importance.

HON CHIEF MINISTER:

If ever there is a Member who is able to twist everything to his advantage here he is the Hon Member who has just been speaking. I didn't spend 20 minutes talking about one matter which lasted 2 and a half hours and I did not say what he is attributing to me. I said it was drafted in very inelegant and undiplomatic language and that whoever may have written it in the Foreign Office the Minister must take responsibility. I didn't say it was an office boy. It is ridiculous and I think he is childish in making these silly accusations and smiling at people and thinking he is still trying to get the Union Jacks out because we are at election time.

HON MAJOR R J PELIZA:

Mr Speaker, surely, I didn't believe that the messenger boy had written this nor can he possibly believe that the messenger boy had written this. Of course not. But what I was trying to say is that he was not giving the full weight to the document and the full weight is that is it a paper from HMG and that this had obviously gone through every possible department. It had been under the microscope, every single comma every full stop has been weighed up. That is what I was trying to say and he knows perfectly well what I was trying to say. That is what I am trying to say, and that is the value that we must give to this paper, the fact that it is a document of HMG and it is a Memorandum not of the Minister but of HMG and it is HMG who says: "We do not want to commit ourselves to Gibraltar." This is what they say when they reject integration. The preamble of the Constitution has no value as comparable with integration with Britain, no value at all, to my manner of seeing it. But I am not going to go into the value of integration of that you can rest assured Mr Speaker, I have spoken enough about integration in the years past. We have got to realise that the world is changing and changing very fast. At this moment according to "The Economist" secret talks are going on in Brussels about the admittance of Spain into NATO. For sure they think that Spain will be in NATO soon after the elections. At the moment it is essential according to the article to who the heads of the military forces in Spain so that they concentrate on their military role rather than on their political role. Has the Chief Minister asked what will happen to Gibraltar if Spain joins NATO, will it be the policy of the British Government to start reducing the forces in Gibraltar? Will ^{the} Spanish forces start participating

in the defence of Gibraltar? Will they be making use of the Dockyard? Will Spanish labour be coming in to work in the Dockyard? Because we have no jurisdiction, we have no say in defence, and because we have no say in defence there is nothing we can do. But I think it very, very important that we should try and find out how they are thinking so that if it is necessary we take the matter up without delay rather than be presented with a fait accompli. That is one very important aspect and as I say it is likely to happen within a few months. I don't know the repercussions let us hope to God nothing will happen, let us hope it doesn't but I think at least we are entitled to know. That, I think, any reasonable man in Gibraltar cannot refuse. I would very much like to know if the Chief Minister has asked and if he has been given an answer. That I would like to know before we leave the House today because I would certainly feel much more at ease if I have a categorical answer from the Chief Minister today in this House on this question. This, Mr Speaker, is why I cannot support the amendment to the motion because the amendment to the motion has got only one objective, to delay and postpone, and my view is that delay and postponement is not on the side of Gibraltar. I believe that my Hon Friend, Maurice Xiberras, was extremely right in trying to produce a compromise which is in fact what his original motion is all about - preliminary talks - he didn't even say talks in my view to see if he could shift the Chief Minister from his entrenched position of procrastination which is all that he is doing. Mr Speaker, this is one reason why I cannot possibly vote in favour of the amendment. We see that in Spain itself there is hardly any change, notwithstanding a change of Government. On the other hand there is a lot of change in the thinking outside Spain, that I can assure the House and I think the House knows by the articles in the papers. People have become extremely more sympathetic to Spain all over the world but certainly in Great Britain. The feeling, generally, is that with a democratic Spain the Gibraltarians would be more agreeable to some sort of settlement and obviously first of all one has to say. Gibraltarians have never been against a settlement, we haven't closed the frontier, and if they come out to Gibraltar they will find our side open and their's closed. Some of them believe that we are Spaniards who have been living here since Gibraltar was occupied and have resisted integration with Spain because of the Franco regime but now that Franco is out of the way that we as Spaniards would not mind. This is the sort of conversation that I hear. Today I heard that from a German with whom I had lunch, because he happens to be one of the representatives of my firm. It is also interesting now that I mention it to see how an outsider sees the situation. He sees it very much the same as Rhodesia, in fact, he made that analogy to me.

He said: "Aren't you rather postponing the day? Are you looking for a Stalingrad as the Rhodesians have? Don't you think it would have been better if the Rhodesians knowing that this was going to happen they might as well have settled earlier rather than later?" I said: "I think you have got it all wrong. Gibraltar is going to survive." He said: "Are you sure? Don't you think that the pressure from NATO and Spain and the Common Market and all the rest of it will push you somehow into an agreement when you will have no say at all but be forced into it?" In fact, if I may say so, the argument of Mr J E Triay and similar other people with whom of course I don't agree. Sometimes we are here and we seem to forget - and I include myself in this because although I know the Chief Minister is going to say immediately that I am not here - well, even if I am not here I feel myself like being here and I think like you but I find that people who are all the time outside and have not got the contact with Gibraltar see it in a completely different perspective and therefore I feel it is vital to move quickly before that situation which everybody from outside is seeing and we are blind to, we try to avoid what they think is the inevitable. I don't think it is inevitable if I thought it I would have said so quite plainly and I would not have stood on the platform that I did at the elections. I am speaking now with all sincerity and I assure Mr Montegriffo that I am not trying to score debating points. I hope you accept that. I am trying to put across a point of view. In Spain itself there has been no change. We got it from the Partido Obrero Socialista Espanol and someone said already that they want the reintegration of the territory but they will consider the interests of the people of Gibraltar. We have it from Fraga Iribarne's Party who are prepared to hand over Ceuta and Melilla to Morocco for the sake of having Gibraltar in Spain. There have been demonstrations in Ceuta and Melilla. It shows you that the thinking is there and that as far as the Spanish parties are concerned they are prepared to go to any lengths so far, I am not saying they won't change their minds, to achieve that. Where lies the delicacy of the situation then? Why is it that Roy Hattersley refuses to give us integration? It is very simple, because they don't accept they can't, and they won't give us a final settlement with Great Britain without the consent of the Spanish Government. That is the problem. Whilst what we want is to forget about the Spanish Government. Great Britain is responsible for us and we must get together and find a solution to our problem. But the British Government is not prepared to do that. That is the way I see it, with all due respect to the Chief Minister and I think he will find that this will happen. After a few months or years of deliberation they may be prepared to allow the Committee system that may be, but I doubt very much unless we are prepared to fight very hard to arrive at a final settlement as far as we are concerned with the British Government that will secure our future once and for all without any question of any kind. As I see it

our only hope lies in the European Community and on that I think again I have not stolen a thought from the Chief Minister, that I think he will accept. I think he will accept that I have always believed in this, I always saw it coming and I thought that this was the only way. But I also believe for the same reason, that it is vital to move not just with the European Movement which is purely what you might call a pressure group. But the Gibraltar Government is supposed to be more and I hope it is more than a pressure movement and therefore I think we have got to move along two rows, the movement outside putting the pressure as it should and let us hope we can make a big success out of that - what I call the orchestration - and then I think we need the Government to press ahead without delay and this is another reason why I am speaking about preliminary talks. I am not talking about final talks but preliminary talks as my Hon Friend said here. We must move ahead fast....

MR SPEAKER:

I am delighted to see that we are coming back to the subject.

HON MAJOR R J PELIZA:

I am, Mr Speaker. It is vital in my view that Gibraltar if possible should participate somehow in the direct election of the European Parliament, that would be a very strong link. Unfortunately I think it is going to be difficult already on this occasion since in Britain all those parties interested are trying to push it through at any cost by May or June and that apparently is going to be very difficult so I doubt whether we can do very much at this stage but I think that if somehow we have it recorded that notwithstanding it will not be possible to do it on this occasion that it will be possible on the next occasion, that would make me extremely happy. Secondly, there is the question of the Common passport which again I don't think we are going to be left out but I no longer believe in leaving things in the air. I think it is vital that we should get proper assurance

and maybe the Chief Minister has got it already. If he has I would like it to be heard said in public. If he hasn't then I hope that he can do so. Mr Speaker, I remember a long long time ago, I think when I was a volunteer worker digging for the swimming pool in Eastern Beach when the Hon the Chief Minister invited me to his House when Julian Amery and Nigel Fisher came to Gibraltar. I remember Julian Amery saying to me: "Don't worry, the time will come when Spain will want something from us and this is when we can force them to give something in return and that will be the respect of the wishes of the people of Gibraltar. Well, the time in my view is coming and this is when Spain applies to go into the European Common Market. I have reminded Mr Julian Amery a couple of times of this so he knows I can remember but he is not the only man that we have to keep telling. Hon Members saw in the press the letter that I have from Mr Michael Foot who is the Leader of the House and I think it was very encouraging. I would have liked to have heard it even in more definite terms but I think certainly his heart was in the right place even if his diplomatic tongue did not allow him to go any further than that. I can read it to the House if you so wish as I think it is an extremely good letter as far as I can see it. So I have not forgotten doing that, that is another electoral promise that I am trying to keep, Mr Speaker. I am connecting it, however, with the Common Market because I think here is where we have the leverage to be able to get what we want. But we will not get it if all we are going to do now is get all the representative bodies, most of the Elected Members and I believe now including myself, Mr Speaker. So I do hope that we are not going to be spending our time talking round a table when all the things are happening outside because if that is what the Chief Minister is intending to do as I personally can only gather from the wording of the motion, personally I think we just haven't got a hope and what will happen is the inevitable, what the people outside Gibraltar believe is going to happen. I urge the Chief Minister, I urge the Government, I urge every Member of this House, I urge every representative body, every individual of Gibraltar to stand alert as from today and to start getting to do something immediately and if we have to face the British Government, well, we will have to face them. After all it will be in a most loyal cause, that of keeping the Union Jack flying on the Rock and I cannot see any greater reason for which we should confront the British Government if necessary.

HON M K FEATHERSTONE:

Mr Speaker, I trust you will give me the same indulgence to speak to both the motions, I won't speak again afterwards. There was a writer many years ago, whom I am sure the Hon Mr Bossano will recognise immediately, who said: "To all things there is a season and a time for all things under the Heavens" and he then went on to say there was a time of war, a time of peace, a time of love, a time of hate. I am sure if he

were alive today he would say there was a time to hold conferences with HMG and a time to refrain from holding conferences with HMG and this of course, Sir, is the crux of the situation in which we find ourselves today. It is timing which is the essence of the whole question. I think we are all in agreement with the Hon Mr Xiberras and the Hon Leader of the Opposition that we need to know our future with Britain, we need to have talks with Britain. But the time when we have these talks is the essential. If we had had a gentleman from HMG unknown to us but around in Gibraltar during the election period, he would have said: "What do these people mean by their future? We have one group whose future is bound up in talks with Spain, urgent talks. Another group whose future is bound up in talks with Britain immediately. Another group who say: "Wait, and let us work out in Gibraltar what we want." He would have said; "These people of Gibraltar at the moment don't even know what they want, so how can I come into the picture?" And if that gentleman had been sitting here in the House today he would still feel to some extent that there was a division, a rift in the thinking of the people of Gibraltar as to how they would tackle the question of their future with Britain. We have had the interesting intervention of the Hon Major Peliza who came out with the almost classic expression; "Mr Hattersley has said integration is not on and that makes me feel sure that that is the real solution to Gibraltar." We have had the Hon Mr Xiberras again plugging the line of integration. We have had the Hon Leader of the Opposition admitting he is a realist and admitting that integration is not on, the British Government has said so in no uncertain terms on many occasions not simply in this recent Hattersley Memorandum. The amendment proposed by the Hon Chief Minister is the obvious solution to our present dilemma. We must amongst ourselves in Gibraltar make sure what we consider is the right way in which our future with Britain - and it is I think agreed by everybody that we want a British future - the way in which our future with Britain is to be worked out. We must meet here, not only the Members of this House or those who are going or have been called to the meeting with the Chief Minister, but ^{the} other representative bodies who have been called who may/^{have} other and differing opinions. It would be futile to bring somebody from the UK who would come out here and listen to us, perhaps, squabbling amongst ourselves. He will go away and he would say to use a Spanish expression; "What is this, a patio of vecinos? They don't even know what they want themselves." Let us with a sense of urgency have our meetings here amongst ourselves, work out amongst ourselves what is the future that we see for Gibraltar and then ask a representative of HMG to come out and, as the Chief Minister has often said and has often done, sell the idea to him, lead Britain by the hand. We don't want confrontation systems, we want a system by

which we can lead to fall in to the ways and ideas that we have. I must admit that the Hon Major Peliza, who covered a very wide field and who is always pleasant to listen to, brought up one idea that I find very appealing and that is the question of a future situation of a European Community. This, in my opinion, may be the answer to Gibraltar. If in such a vast and differing group of nations, and I call them a group of nations, as the United States of America, because the West Coast and the East Coast although they speak the language think and work and live completely differently to those in the middle of the United States, if they could get together, if they could have a federal system under which you have a giant like Texas and a little place like Rhode island, then it is quite possible that in federated States of Europe or a United Europe you could have such large areas as France, Italy and such small areas as San Marino and Gibraltar. This might be the ultimate aim, an aim that perhaps we could sell to Britain as a long term aim that might come about sooner or later. But the situation at the moment is a situation of urgency to get together to work out our consensus, our ideas, what we feel should be our future and then to invite HMG here and say that this is what we want and convince them to give it to us. Therefore, Sir, I wholeheartedly support the amendment.

HON G T RESTANO:

Mr Speaker, I find it puzzling that the Chief Minister in his amendment should have deleted the sentence "that this House is deeply concerned at the terms and implications of the Hattersley Memorandum on Gibraltar and at statements made therein by HMG in letters addressed to representative organisations in Gibraltar." I think it has been recognised by the Chief Minister that the Hattersley Memorandum was in fact the cause for the concern which he appreciates there was in Gibraltar and, in fact, earlier this afternoon the Minister for Medical and Health Services said that he shared this concern with Members on this side of the House and also representative bodies have following the Hattersley Memorandum because the Hattersley Memorandum has given a categorical denial to the recognised possibilities for constitutional reform and the message came over loud and clear that what the British Government envisages is that we should have a rapprochement with Spain and I think the electorate has shown that this is not acceptable. It is also puzzling to me that urgent preliminary talks should have been taken away from the Chief Minister's amendment. In July, after the Chief Minister had come back from London with the Hon Mr Xiberras, the representative bodies met and, if I may quote from the Minutes of that meeting: "It was unanimously passed that the Association's represented at that meeting reiterated the view which it publicly expressed that talks on Gibraltar's future should be held in Gibraltar in the immediate future."

Mr Speaker, the proposer of that motion was none other than the Minister for Municipal Services, the Hon Major Dellipiani, so it seems to me that there is not the consistency which I would have expected from the Government benches. I certainly feel that there is need for urgent preliminary talks so that the British Government can be told quite clearly that the interpretation that has been taken by quite a few people in Gibraltar is not acceptable as to how the British Government sees the future of Gibraltar being worked out. That doesn't mean to say that we are going to accept whatever they may propose but at least we should listen to what they have to say, they must obviously have some views, and then I would agree that we should get down to deep thinking on the subject based on what the British Government might or might not wish to recommend.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I must congratulate the Hon Mr Xiberras for his rather long speech this morning. He is certainly very articulate, and I am not, and I must congratulate the Hon Leader of the Opposition for his analysis of the NATO link with Gibraltar and Spain and his analysis of Spain, the European Common Market and Gibraltar. I congratulate him although of course, I don't agree with him, but it sounded well the way he put it across. I think that I pride myself in that I am a sincere person and an honest person and if I say that I have never had doubts on whether Britain would sell us down the river I would be dishonest. I have had my doubts about Britain, many people have had doubts. It is very much like a marriage, really. How many times has one's wife doubted whether you loved her, or vice versa, and this is the sort of relationship I think that most people in Gibraltar feel towards Britain. We admire Britain and sometimes we don't admire Britain and we have doubts about Britain. But when it comes to the crunch I think everybody is really loyal to Britain and has faith in Britain. This of course is in answer to all the puzzles the Hon Gerald Restano has been bringing in this evening. I would remind him that I was not representing the AACR or the Government at that meeting and I had a mandate from my own Association as he himself had. But again it just proved that I have my doubts too. But I think the preamble to our Constitution, if one reads and studies it carefully, leaves no doubt, certainly in my mind, that Britain is sincere and that they will not do anything against

our wishes. I think that all of us in this House are in agreement that some kind of talks, whether you call them preliminary or of a more deliberate nature, must be had with Britain. I think like my colleague from Government has said it is a question of timing. I note the sense of urgency felt by the Opposition and sometimes by myself and by a lot of people in Gibraltar, I note that urgency, but what I say is that if we are going to talk with Britain we must talk with a proper agenda. We must go and say; "This is what we want, what are you going to do about it, what can you do about it." We have been talking now for about 3 hours and no one has said deliberately line by line what is it that we want from Britain. No one has said it. All we have heard is, certainly from the Hon Major Peliza, doubts about Britain's faith or the faith we should have with Britain. He did say the mysterious word integration and if integration is out it means Britain, more or less, is prepared to sell us out because integration is out. If Britain wanted to sell us out, no matter what link we had, whether you wanted to call it integration, free association, anything, if Britain wanted to sell us out she would sell us out despite any integration movement or free association. It is a matter of faith and what is coming out in this meeting at this very moment is that we are showing very little faith towards Britain. The amendments proposed by the Chief Minister is a logical step to take in any future discussions with Britain. The Chief Minister has already laid down the ground work for these preliminary meetings between ourselves, the representatives of Gibraltar. All we are waiting for now, I gather, is for the Integration with Britain Party member and the Gibraltar Trades Council and the TGWU to reply to the invitation. Whatever comes out of this House this evening must be a genuine attempt by all of us to compromise in a solution which will be to the benefit of Gibraltar keeping in mind that without faith in Britain nothing really counts.

HON P J ISOLA:

Mr Speaker, I would certainly echo the sentiments of the Hon Member who has just sat down. There is obviously a need for compromise among the different sets of people having different attitudes as to the way this particular motion can be resolved or rather what comes after it because it is quite clear it must be obvious to everybody except the most insular and narrow-minded members of our community that Gibraltar has to speak whether it likes it or not with a united voice when it is talking outside

Gibraltar, when it is talking in its relations with the United Kingdom, when it is talking in its relations with any other country in the world. It is absolute nonsense for the people of Gibraltar to carry on on the basis that they can stick to whatever they want and not be prepared to sit round a table and try and come to a common denominator among us all as to how we talk and how we act in our relations with the United Kingdom and what is to my mind far more important as to how we re-act after our talks with the United Kingdom. Because otherwise, Mr Speaker, Gibraltar's chief enemy could be itself. I am very grateful to the Hon Leader of the Opposition for his analysis of the situation which frankly I found rather depressing. Others have been congratulating him on this but I found it very depressing indeed and if I were to share his analysis I think I would be having other thoughts in the matter. In fact, he caught on on my Hon and Gallant Friend Major Peliza who started off on a pretty depressing mood but gradually, as is so often the case, he gradually convinced himself and then of course his optimism was then thrown on all of us, gradually convinced himself there was a future, that there is reason for hope and we may well yet be saved. Mr Speaker, when we are talking of this question of talks let me say straight away that I accept a lot of what my Hon Friend Mr Xiberras said in his motion but he knows I do not share the views and I think he agrees, too, that there can be ^{no} talks with the United Kingdom until we have sorted out our own position in Gibraltar as to our attitude to those talks. I was very glad to hear from him in the course of his address that he would welcome the meeting of representative persons and bodies. I was also very glad to hear that the Hon Leader of the Opposition although he feels himself bound to reject the proposed amendment, is also going to participate in these talks among elected representatives and the one appeal I would make to him would be to use his undoubted and very powerful influence in trade union circles to persuade the Gibraltar Trades Council and the TGWU to respond to the initiative or respond to I think the general wish expressed in this House that everybody representative of opinion in Gibraltar should meet together and try and come out with, not a solution to our problem because unfortunately the solution of our problem does not lie within our power but at least come out together and work out a common front on the problems that have arisen as a result of the Hattersley Memorandum and the problems that lie and which we have to live I think whether we like it or not for a considerable time to come. Mr Speaker, I think if we analyse the situation, I know it is a bit prosaic to say it, but there is no final solution and we know it to the problem of Gibraltar unless there is a consent to that solution on the part of Britain, on the part of the people of Gibraltar and on the part of Spain however unpalatable that may be. The final

solution cannot come until the general agreement because as has been said already in this House today that all the political parties in Spain - I am sure it's not all of them because there are so many, I don't think all of them have expressed a view - but most of the political parties in Spain, certainly the Francoists and everybody else, have said they will claim Gibraltar, that Gibraltar is part of Spain and should go back to Spain and I think we will see this attitude in any Government in Spain in the foreseeable future. So that puts paid to a final solution to the problem of Gibraltar unless of course the people of Gibraltar have different ideas as to which way they should travel, I don't think they have, but that puts paid in the foreseeable future. But I think the most that we are seeking and the most we can reasonably seek I think in our known appreciation of the situation is that a Spanish democratic Government, a Spanish Government elected on popular suffrage, on universal suffrage, a Spain committed to the ideals of Europe and committed to the European Economic Community must inevitably accept that the people of Gibraltar have rights, must inevitably lift the restrictions that surround us, must inevitably change its attitude to the people of Gibraltar, must inevitably change its attitude of aggressiveness, of economic isolation and so forth and I think unless they are prepared to do this I cannot frankly see how they could join the European Economic Community. I know something always goes wrong, as far as we are concerned it seems to, anyway, but I cannot see how they can become members of the European Economic Community without at least subscribing to the main principles of that community one of which is freedom of movement and freedom of passage and so forth. So I think that in looking at the situation as it must develop in the next 2 or 3 years I don't think we should be that pessimistic. I think we have got over our roughest bit and I think we can look forward to an improvement in the international situation. But as so many Hon Members have already said we are not masters of that situation, we cannot be, we are too small, we have to rely on people sticking to their word, sticking to their assurances and on people accepting principles universally accepted by the international community. The point has been raised about NATO, it seems from what I have heard that if Spain joins NATO then we are in trouble. Well, we may be, we may not be, NATO, Mr Speaker, also has certain principles that NATO countries have to accept. One of them is the democratic principle I believe, and to give a little consolation to my Hon Friend on my right I heard this morning that the Spanish Socialist Party who were having a conference in Madrid said they were going to throw the American bases out of Spain. So it looks as if they win the elections Spain will not go into NATO. I don't think

they will go into NATO if they throw the Americans out. I believe they are quite important partners in the affair. But there again I would not agree with the analysis of the Hon Leader of the Opposition who is extremely good in his analyses usually, I must say, but I would not agree that Europe is longing for Spain to come into Europe and that Spain has something to offer Europe that Europe badly wants. I think business perhaps but that's about all as far as I can see and I do know there is a movement amongst certain European Economic Community countries not to admit any more full members to the EEC and I don't know whether the veto of one country still exists to stop any other country coming into Europe. I understand that any single country can stop any other country coming into Europe and again I cannot see Britain which is one of the strongest partners in Europe, I cannot see Britain telling Spain; "You can come into Europe and your attitude to Gibraltar doesn't worry us, we are not particularly worried about the Gibraltarians, its time they joined you, anyway." I can't see that happening in the Britain that has evolved over the centuries and in the Britain that has talked to us through its elected Government, through its elected representatives and so forth. I cannot see it happening unless we ourselves by our attitude and by our acts provoke that sort of situation and I am sure that none of the Hon Members in this House would wish that situation to arise. I am sure it won't arise as far as the people of Gibraltar are concerned. But I think, Mr Speaker, that we are talking of the international situation. We must not just talk of the difficulties in our international situation, we must also see that there are few plus marks in our favour. This does not mean that we must give expression to the genuine desire of the people of Gibraltar as they have expressed in the last election, the general desire of the people of Gibraltar to be re-assured once again as to where their future lies and how their institutions should be developed and how we should ensure for ourselves as much as possible our British future. I think there are things that have to be said because this is a serious problem this and I think that if we are to understand each other it is better that we understand each other's points of view. The question of confrontation was mentioned in the general election, in the campaign. I genuinely believed, perhaps wrongly, that the programme of the Gibraltar Democratic Movement in that election was a programme of confrontation with Britain and I had my reasons for saying that and very shortly it was that in the Hattersley Memorandum he had discarded integration. Later in press conferences and all the hullabaloo that occurred after it, it was also clarified that the British Government had also discarded free association and independence and as far as I know, Mr Speaker, the only forms of decolonisation known to the international community are those three, independence, integration and free

and free association. The very first aim of the Gibraltar Democratic Movement, as set out in its manifesto, was that the present colonial status of Gibraltar is an affront to the dignity of the people of Gibraltar and the movement will press for the decolonisation of Gibraltar and this is why I said that in my judgement - I might have been wrong - that policy pursued so soon after you have been told no decolonisation was a policy of confrontation and I didn't think and I don't think today that such a policy would be for the benefit of the people of Gibraltar and, in fact, would endanger the very security that the Gibraltar Democratic Movement was seeking to achieve for Gibraltar, and that is why plainly these were my views and that....

HON J BOSSANO:

If the Hon Member would give way. Mr Speaker, perhaps the Hon Member would care to explain to the House how it is that he doesn't come to the conclusion that it is a legitimate aspiration for a colonial people to demand decolonisation and it is an illegitimate position for a colonial power to deny it, particularly the colonial power that is committed internationally to the process of decolonisation and that if there is a possibility of confrontation in a situation where a colonial people are seeking decolonisation and a colonial power denying it, surely the onus of responsibility must rest with the colonial power. Perhaps he can explain why he chooses to put the responsibility on the people of Gibraltar and not on the British Government.

HON P J ISOLA:

Well, Mr Speaker, it is very interesting what the Hon Member has said and these are the sort of things that I think can be very usefully discussed in a committee because I think we have to clarify our position on this. My short answer to the Hon Member is that although obviously it is the aspiration of every colonial people to be decolonised unfortunately being a realist as he himself has said in his speech, there are problems in the decolonisation of Gibraltar. It is not a simple, straight, decolonisation issue for many reasons. One are British Government responsibilities to the international community as he has mentioned, British Government responsibilities under treaties and British political responsibilities. These are the realities. He himself told us how he became convinced that integration was out. Why did he become convinced that integration was out? Because the British Government had said it was out, so he said; "I am a realist and I accept it." Why does he accept that and why does he not accept that they also said that Independence was out and free association was out? I am not doing this in a

spirit of criticism because I think that unless we all agree on what we are going to do when we talk with Britain and what we are going to do after we talk with Britain we are non-starters. I thought I should explain that when you are looking at the Gibraltar situation you have to look at every possibility, you mustn't just look at what you feel and what you want which may be a very legitimate aspiration but you have also got to look to what in your judgement you can get and what you should do if you don't get and what are your alternatives if you don't get. I think these are the ways in which to look at the Gibraltar problem as it affects Gibraltar and Britain. Because as far as we are concerned we can cry till the cows come home about our rights under the United Nations Charter and we can get a very short answer but the Charter that you are appealing to, the body that preserves that Charter, the United Nations, have resolved a number of times how Gibraltar should be decolonised which, of course, is not acceptable to us. So there is a certain amount of community of interest I think between keeping the Gibraltar and the British position, our relations between Britain and Gibraltar, in keeping them at a level that is not boiling level. There is a need to understand each other's position. I believe that we know what we want in Gibraltar, we know what we want, we know how our future lies and I think by and large we are all agreed some of us more than others. But we also have to look at the other party who determines our future. We have to understand their obligations, we have to understand their problems, we have to understand their political postures the same way as they have to understand ours and they are probably very difficult to understand on occasions, but they have to understand ours and we then have to get down together, talk, and decide our attitudes not with a view of what publicity it will give us here but as responsible leaders of the community and I include there not just Hon Members of this House but I include there the main Gibraltar Associations like the Trade Unions, the Chamber of Commerce and others. We have got to meet up with that and we have got to seek solutions here ourselves and we can't hide behind phrases like: "That man didn't do what I told him to do, that man is a palomo, that man is only thinking of integration, that man is only thinking of free association," because if we do that, Mr Speaker, in the present situation, if we are concerned about it and we do that sort of thing we will not get a solution, we will not get a common front, we will not deserve a solution, we will not deserve a common front. So, Mr Speaker, having said all that I would say that it seems to me from what I have heard that we are all agreed that there should be talks with Britain. I think from what I have heard we are also all

agreed that there is a necessary pre-requisite before we have those talks with Britain that we should decide among ourselves what our attitude should be and I agree with what the Hon Mr Xiberras has said and I agree that there may not be a need to have a very long talk about this. I think the need that exists is for the different people to identify their attitudes and to identify their attitudes as far as the talks are concerned as to what they are going to seek to achieve and identify their attitudes after the talks and I think that is more important than before the talks because if we are to judge what the British Government has said - and the British Government doesn't say things without considering the matter fairly carefully - we can expect no quick turn round of the British Government's position at all. The most that we can expect, I would think, and this we can discuss among ourselves, the most we can expect is more clarification of the British position, let me put it that way. But I think to expect the British Government to turn round to Gibraltar and say; "Well, now that you have all come I will decolonise you immediately, which would you like?" is just living in a fool's paradise and to put that over to people is creating the situation under which you raise their hopes and then dash them to the ground. I think that the Constitution Committee did a lot of useful work as to what our aspirations were and I think we should build on that work rather than start again. I think that there was a lot of common interest and common expression of opinion, I think what we were missing in that Constitution Committee, again with respect to the Hon Leader of the Opposition, was a very constructive attitude on the part of the Gibraltar Trades Council. I think they, with respect, contributed very little because they just said; "decolonise us" and left us with the problem of how it should be done. But I think with a more constructive participation of the GTC in the talks between ourselves I think that we could arrive at the a Gibraltar position, we could arrive at attitudes and we could arrive at what should happen after, before and during the talks. Having said all that, Mr Speaker, on the amendment and on the motion you will gather that I agree to both.

HON J B PEREZ:

Mr Speaker, I have given careful consideration to all the points raised by the Hon Members of this House both on the motion and on the amendment. I think it would be fair comment to say that all Members seem to be agreed that there is in fact a cause for concern about our future. I think this underlines the speeches of all the Members who have spoken in this House. Some Members have aspired to the view that it is due to the Hattersley Memorandum, others have mentioned, I think it was the Hon Mr Xiberras, the article in the Daily Telegraph and in The Times in the Editorial, were it read that it would be good for all concerned, meaning Britain and Spain, if Gibraltar was recognised as a negotiable issue. Others,

the Hon Leader of the Opposition, has stated that it is the preamble to our Constitution which provides our insecurity. But whichever view, whichever point one takes, we are all agreed on this, that there is a cause for concern. Even the Hon and Learned Chief Minister in his statement in the House aspired to this view that there is a cause for concern. He said in his statement that ^{he} was not prepared to accept that nothing needs to be done as to our Constitution and I think he cannot deny this. He also said that the solution that one really required is a European solution. He said that this is where he thinks it lies, a European solution, and furthermore the amendment itself by the Hon and Learned the Chief Minister shows that he is in agreement that there is a need for talks. But, Mr Speaker, this feeling of statements in the House and his proposed amendment brings out the present policy of the Government which in my submission is one of complacency. They intend to sit back and hope for the best. They have a blindfold over their eyes and I think this is bad for Gibraltar. We are the affected people and it is up to us to take the initiative. We cannot wait, we cannot sit back and let other people solve our problems. It is our problem, the Gibraltarian's problem and the Gibraltarian problem requires a Gibraltarian solution and this solution must be found by us. Mr Speaker, we cannot wait for positive developments in Spain. For if and when Spain becomes democratic which I have no doubt that it will and sooner than we expected six months ago, Spain will be seeking to enter N ATO and the Common Market, and it is here where I strongly feel that we run the risk of becoming an insignificant group of people trying to destroy European unity. We are a mere 25,000 and compared to the European population this is nothing. This is why I feel that I cannot agree to this amendment because I feel we must do something now. Time is running against us and in my submission the way of going about this would have been by voting for the original motion laid by the Hon Mr Xiberras that the House unanimously show their concern as to our future, to let Britain know our feeling of apprehension and concern and to get an assurance from HMG that before Spain attempts to go into N ATO or the Common Market one of the conditions to be imposed on them is that they will respect the wishes of the people of Gibraltar and for this reason, Mr Speaker, I cannot agree to the amendment.

HON A W SERFATY:

Mr Speaker, I cannot understand how the Hon Brian Perez says that we must find a Gibraltarian solution without Gibraltarians first sitting around the table to discuss the whole problem. I cannot understand it. The Hon Mr Peter Isola said that we must speak with one voice. I cannot see how we can speak with one voice if several representatives from Gibraltar without first studying the

problem in depth go to London or speak here in Gibraltar with somebody from the British Government to discuss this matter....

HON J B PEREZ:

If the Hon Member will give way. Mr Speaker, the point I was trying to make is that time is at present against us. We have to show and to state quite clearly to HMG our feeling of apprehension and concern and we must do it before it is too late. Once this has been done and we have made this clearly and clearly stated to HMG. Once we get this assurance from them of a condition that they would impose on Spain on the entry to NATO and the Common Market, then we can discuss what the Gibraltarians really want. But we must be wary of falling into a trap whereby we are going to let ourselves drift with the tide until it is too late.

HON A W SERFATY:

My answer to that, Mr Speaker, is that we have had assurances from the British Government. Those of us who have faith - and that is why those of us who have faith lead a happy life in Gibraltar - in the preamble and in the assurances of the British Government, those of us who have faith all we have to do is to prevail on the Associations who have not yet answered the Chief Minister's invitation to answer it pretty quickly, to get around the table quickly, to discuss the matter and then to go to London. That is all I have to say, Mr Speaker.

HON DR R G VALARINO:

Mr Speaker, after so much talk I feel I do not have much to offer but I must say that I will vote in favour of Mr Xiberras and oppose the amendment as the most important issue which is the Hattersley Memorandum has been completely left out of the amendment. That, in my opinion, is the issue and the beginning of everything that is happening here today. This Memorandum has left us little choice. It has left us no choice as the Hon Mr Bossano has pointed out and I feel it is necessary and immediate that talks with the British Government are initiated. Those little pearls of wisdom I leave to the Government.

HON M XIBERRAS:

Mr Speaker, I would like to say a few words on the amendment. First of all let me clarify that it is completely incorrect that either

myself or the IWBP have not replied to the invitation. Before the GDM in fact replied I had already in the normal way I have been accustomed to communicate with the Chief Minister on many issues, I indicated verbally to the Chief Minister my willingness to attend this meeting. The second point is that sometime later I indicated for convenience that the IWBP representatives were also willing to attend. But is just so that we don't get another Hon Member on the other side making the same incorrect statement and trying to lay the blame for any delay in these talks upon either myself, who has brought this motion to the House, or on the IWBP. There are a good number of matters, Mr Speaker, which I shall be dealing with in rounding up the debate but I would like to say in relation to the amendment that it does not, despite the announced purpose of the Government, it does not contribute to a consensus in any way whatsoever. The House knows that at every available opportunity I have tried to bring about a consensus in this House not only in this overall issue but on other issues and we have had, in fact, a very good example if I may say so yesterday in the debate on the MOD/CPSA issue. But what intention can one gather from the statement in the amendment; "endorses the Chief Minister's proposals for the setting up of a committee of representative bodies etc, etc" backed by the assertion pure and simple that the Government has been elected to power, has a mandate and therefore we on this side presumably must endorse the views of the Government. How can we for a moment believe that the Government is aiming at a consensus when it is asking the Opposition to accept the position of the Government in the election almost word for word without taking into account anything which has been said in my very lengthy contribution this morning or in the Leader of the Opposition's contribution. Mr Speaker, I do not see a genuine attempt to form a consensus here. The other point has been amply made by the Hon Mr Restano and the Hon Mr Brian Perez whom along with the Hon Dr Reggie Valarino I congratulate on what I might say are their maiden speeches. I must single out, I think all Members will agree, the contribution of Mr Brian Perez which has been clear and excellent. In fact I agreed with a lot of what he had to say, but this will come later. Mr Speaker, how can the Government not put in some rejection in this amendment of the Hattersley Memorandum, this is the point. Even in the meeting in London the Chief Minister was able to say more against Mr Hattersley's or HMG's views than he has said at this meeting. But, surely, there must be a rejection. Surely it should be said in this House that the people of Gibraltar

whatever they do about their future reject the Hattersley Memorandum or at least that they are concerned by it. That they are concerned by the terms and implications of the Hattersley Memorandum or even by the terms of the Hattersley Memorandum. But is there good faith in the Government and was there good faith in London from the Government representatives if now, after all the concern in Gibraltar, after a concern which has been accepted by the Chief Minister, the Chief Minister refuses even upon considering my motion to include this part, this vital part of my motion in his proposed amendment. Is that good faith? Mr Speaker, I was going to try as I normally do, to arrive at some sort of consensus on the points, to try to move some sort of amendment. It is not to my mind worthwhile doing it in the face of the terms of the Chief Minister's amendment. I shall reserve other comments for when I round off the debate on the motion as a whole.

HON A J CANEPA:

Mr Speaker, I hadn't intended originally to contribute to the debate because, quite honestly, I didn't want to find myself in a situation where I was going to be repeating whatever had been said previously and I was quite content to listen to some very excellent contributions that were being made in the knowledge that the Chief Minister probably in his introductory remarks and later on and also additionally the Hon Mr Featherstone had really put the approach of the Government in very clear terms. However, whilst associating myself with the remarks of the Hon Mr Xiberras and in particular insofar as the Hon and Learned Mr Brian Perez is concerned, on his maiden speech, it is really Mr Perez who, as it were, has waved a red rag to a bull and has brought me into the centre of the arena. Mr Perez said that he would vote against the amendment and in favour of Mr Xiberras' original motion primarily because no assurance was being sought - I'll come to the Hattersley memorandum in a moment - no assurance was being sought from Britain that the condition of Spanish entry into the Common Market would be that unless she lifted the restrictions on Gibraltar Britain would exercise her veto. The original motion of the Honourable Mr Xiberras says nothing about this at all and therefore what the Hon Mr Brian Perez should have done should have been to say that he was going to vote against the Chief Minister's motion, that he was going to vote against Mr Xiberras' motion and was proposing an amendment including that condition as a pre-requisite

to any contemplation of Spanish entry into the EEC or NATO for that matter. Insofar as the fact that the Hattersley Memorandum doesn't figure in the amendment of the Chief Minister I think it is essential to underline the fact that yesterday a great deal was being said about the House losing influence when it became unreasonable, losing its influence when it became over-partisan, the necessity to keep the balance and so on, I think, Mr Speaker, we could be aggravating matters by a condemnation of the Hattersley Memorandum at this stage. After all that we have said about Mr Hattersley since June and in the general election, I think we would be aggravating the position if such a statement were to be specifically included in the amendment of the Hon and Learned Chief Minister.

HCN M XIBERRAS:

Mr Speaker, if the Hon Member will give way. It is not a condemnation, the motion simply asks for concern at the terms and implications. It is not a condemnation.

HON A J CANEPA:

I think Mr Speaker that there is a danger in antagonising the British Government when we reach the stage of having talks. And I say this, Mr Speaker, because to my mind, and I am sorry to have to say this because I know Mr Xiberras won't like it, to my mind the Hattersley Memorandum was couched in the very inelegant and to some extent offensive manner that it was couched in, precisely because of what happened following Mr Hattersley's visit to Gibraltar. In my view Mr Xiberras challenged Mr Hattersley by the attitude that Hon Members in the Opposition in those days took here in the House when they walked out and subsequently to that. Mr Hattersley had come to Gibraltar and he said in unequivocal terms that integration with Britain was not acceptable as a matter of policy to the British Government. I can understand that the then Hon Members opposite found that very unpalatable and I can understand the manner in which they re-acted because this was a cardinal issue to the whole existence of the Integration With Britain Party and we know what happened since then. And because of the events following that Mr Hattersley did not approach the representations that the Gibraltar delegation was making when it went to London in the way that a responsible Minister of the Crown should. In other words, personal motives up to a point, in my view, entered into it. I think that Mr Hattersley was determined that he was going to finish with the idea of integration with Britain once and for all.

MR SPEAKER:

Order, we are not speaking to the motion now.

HON A J CANEPA:

So much, Mr Speaker, about the Hattersley Memorandum. Quite honestly I feel I have said enough. The Hon Mr Perez feels that there is a great deal of urgency and that we on the Government side are complacent about the whole problem of Gibraltar because tomorrow Spain is going to be in NATO, tomorrow Spain is going to be in the Common Market. Do we really think that? Are we serious when we say that it is as straightforward a matter as all that for Spain to be in the Common Market and in NATO? Are we forgetting the number of years that it took Britain to enter the Common Market, to negotiate her terms of entry, even to initiate negotiations in spite of the fact that at the head of successive British Governments you had eminent European figures like Mr Harold McMillan and Mr Harold Wilson. Do we imagine that whatever hotchpotch is going to emerge out of an election in Spain next June, the sort of Government that is going to emerge, whoever the new Prime Minister is going to be is immediately going to command the necessary support for Spanish entry into the Common Market to be a foregone conclusion within a year or two? I don't think, Mr Speaker, that I am complacent. I think I live in the realm of practical politics which is, with all due respect, what the Hon Mr Brian Perez does not. It is not in the realm of practical politics for Spain to enter into these international communities overnight and as a betting man, though not to the extent of the Hon the Attorney-General, I am prepared to bet on that. I am prepared to bet, Mr Speaker, that in this present decade Spain will not be a member of these two organisations. Mr Speaker, over the years, Britain has been endeavouring to give up her colonial commitments particularly those that have become somewhat thorny. I think, Mr Speaker, that Britain will say no to a Spanish application for entry into both NATO and the EEC. I think that Britain will say that a pre-requisite is that Spain should behave in a civilised manner towards the people of Gibraltar and respect, not our interests, respect our wishes to continue to live our way of life. But Britain may not say no to Spanish entry if we become an unnecessary problem to Britain. If we allow our relationship with Britain to deteriorate to such an extent that Britain could have a problem with Gibraltar similar in nature to Cyprus, similar in nature to Northern Ireland, we are sunk, we are in trouble. In that case Britain may well feel that she should give up Gibraltar as one other undesirable colonial commitment. There is a great deal

of goodwill amongst the British people towards Gibraltar, a fund of goodwill. They do feel friendly towards us, they do feel committed towards us, but that is only because we are reasonable chaps and that is only because we subscribe to a British way of life and to British ideals. The moment that we subscribe to other matters then the situation may well change and that is what we have to be careful. So on those terms and under those conditions provided we maintain our good relationship with Britain, I think that Britain will place before Spanish entry into the Common Market the necessary conditions that we would all like to see. That Spain should be wooed at this moment by certain nations is understandable. Spain is like a beautiful girl that has been shut away in the darkness for very many years and suddenly she appears in the daylight of the market square and all the young beaus - the Spanish word I think is better, mozos - suddenly see her beauty and naturally they are all very attracted. That is what is now happening with Spain. Of course everybody wants to woo Spain after her isolation of the Franco years but the steps which Spain is taking towards democracy are very, very tentative. They are very, very tentative, indeed, the situation is not a stable one, I don't think that the situation that is going to emerge after a general election in Spain is necessarily going to be a stable one and we are not in such a hurry, Mr Speaker, to have talks with Britain that we cannot sit around the table in Gibraltar for a year, if necessary, to thrash this out. And having thrashed the matter out and having reached a consensus then go to Britain with a real chance of getting somewhere and not being rebuffed again, coming back to Gibraltar and finding a deteriorating situation. I commend the amendment of the Chief Minister.

MR SPEAKER:

I will now call on the Chief Minister to reply to the amendment.

HON CHIEF MINISTER:

Thank you, Mr Speaker. I have got a note here at the beginning which ties up with something that was said later on by the Hon Mr Perez whose speech I welcome as a maiden speech of a young colleague in another profession and from whom we can expect, I hope, great things. Insofar as the thinking and contents of it of course I cannot congratulate him because I don't agree with a word he said but it is his contribution that is welcome as a new Member of this House.

He said that we had complacency and therefore that we had to vote in accordance with the terms of the motion to have talks now. What I would like to know is what happens if we vote this resolution? What happens if we were to vote the original resolution of the Hon Mr Xiberras for urgent preliminary talks in Gibraltar? We pass this resolution, we ask for the talks, they give you exactly the same answer as they gave you before when they were asked for and they say: "You bring me an agenda." We have what the Hon Mr Canepa has just said, a deteriorating situation, and more fertile for the Doubting Thomases that Britain is really against us. Therefore it is impracticable to ask for talks now as a matter of urgency when we don't know what the talks are going to be about. It is just not acceptable. They have gone through all this before. The Hon Mr Restano who made a point which has been answered by Mr Canepa but I would answer it myself, too, spoke about the Gibraltar Representative Organisation, but the GRO is dead now. These were representative organisations that were called in at a particular time for a purpose and they are dead. Not one of these representatives of the GRO people ever had a general meeting of their members to know what was wanted. It was all a bit of a fuss in order to create this animosity about the Hattersley Memorandum and it petered out, it had to peter out because it had no core, it had no roots in public opinion. It was just a number of people with posts who were taken in and signed letters to find themselves important in having their names reproduced when the letters were published. The Hattersley Memorandum I would not have put it perhaps as coarsely as my Hon Friend on my left has put it, but there is a lot in the Hattersley Memorandum for which the Hon Mr Xiberras is responsible, of course there is. Because however cold one would look at this matter, however detached you can be, each man has got a little heart and each man remembers when he has been slighted, when he has been abused, when he has been condemned. He has that in his heart and he never forgets and that is true. I did not remember that but in any case there were other good grounds for it. I did not remember the walk-out that we had here by the previous Opposition because of the Hattersley Memorandum. The other thing of course was that when he was here and said exactly what he told us in London in his office surrounded by his officials when he said here that Integration was not on it was described by the Hon Mover as an intrusion in our internal affairs. He had a perfect right to say that and in fact this was the attitude he took in London: "Now I am at home, now I am in my ministry I am now telling you all the things you said in Gibraltar I have no right to tell you." He didn't say that but that was the attitude. Of course it was the attitude. How could he forget that he had been here and had made a statement of Government policy and he had been challenged. Therefore part of the animosity was created by that. The other part of the unpleasant language could

have been avoided if we had worked out a communique in which each side would have put what he felt about it and could have had an influence on how the other side was going to put its case, but that the Hon Member refused to have anything to do with it. There was no pressure, he said at the time. Of course there was no pressure. Everybody was sitting down quietly after dinner and the paper was sent round to see whether that would be done and the Minister postponed a commitment that he had the following morning to see whether we could come to some terms and all that happened was that the whole of the previous day's proceedings were attempted to be started and the Minister wasn't going to have it. Unfortunately that led to what I consider to be inelegant language but I do not accept and though I know that there was concern I do not accept the implications and I have never accepted the implications put by some people on the Hattersley Memorandum that we were being thrown to the Spaniards. If I had believed that, and I obtained pretty quickly clarification on that point, if I had believed that I would have hit back at Hattersley and at the Secretary of State and at the Prime Minister if it had been necessary but that wasn't my interpretation of the matter and events have proved that people have faith in what one thinks. I think that there was one point to which the Hon Mr Isola dealt with regarding something that the Hon Leader of the Opposition had said which I think has been slightly misinterpreted. First of all I do not think that the fact that a Spanish Political Review says that Europe is more keen in having Spain into NATO than Spain herself wants to come, with the greatest respect the writing of one particular review, particularly a Spanish one, however advanced it may be does not, I think, make the problem a clear problem. There are articles and everybody comments on these matters and Spain, as has been described, is news today. Of course it's news, there are problems there and when there are problems there are news. That is why, I wanted to make that point because certainly on the question of Europe the very opposite is the indication that one has. The indications are that Spain will have to satisfy many, many conditions before she is acceptable and certainly by voting for the motion of the Hon Mr Xiberras it is not a precondition, as the Hon Mr Perez said, that that would mean that Britain would not accept Spain into the EEC unless there were assurances on the question of Gibraltar. That doesn't arise anywhere. It is a thought and it is something which, in fact, was the battle cry of the Hon Major Peliza in the course of his election campaign. I give credit to him for having put that. Whether eventually it does good or in another way it might have been dealt with separately is a different matter but that is a point which he has made that that should be a condition. I can tell this House that before Britain joined Europe I had already made that

reservation that the question of Gibraltar when Britain did join Europe should be a pre-requisite. I said that to Sir Alec Douglas Home quite clearly before Britain was even in Europe in 1969. Anyhow the point is that the motion doesn't take that matter any further. There is another inconsistency in the Hon Mr Perez's intervention when he says we must find a Gibraltarian solution to the problem. That is somewhat inconsistent with the aim of the GDM manifesto which is that we must be decolonised quickly. Now I agree, not with the manifesto but with what he said today though it is against the manifesto on which he was elected. Some reference was made to what I said at the CPA Conference in London in 1973 about the question of a tailor made Constitution. I believe in that and I urged it at the CPA Conference not for Gibraltar alone but for all the small territories which are represented in the Commonwealth Parliamentary Association which have problems which arise out of these hard and fast rules about decolonisation of the 1961 Resolution in the United Nations which gave those 3 alternatives which were meant in respect of the big Continents of Africa and Asia and so on and they were not then thinking of smaller territories. All small territories have found their difficulties on this question of decolonisation and that is why I urged at that Conference the idea that the smaller territories should find tailor made Constitutions that would then be urged upon the Government to urge upon the United Nations to accept as a criterion for decolonisation in lieu of the hard and fast rules of the 3 alternatives which were given in respect of big countries. I will not say anything about what the Hon Mr Isola has said because I agree with everything he said and therefore I think he has made a very realistic analysis of the situation. I know he is going to vote for both so it doesn't matter whatever I say about it but it is true that there are problems about Gibraltar and one wonders why are there so many such problems about decolonisation of Gibraltar which has not arisen in the case of decolonisation of other territories and that is because Gibraltar was made a colony by statute, I think it was in 1839, because the point is Gibraltar was not a colony in the sense that all the colonies that were seeking independence were, where the colonial power established a community so to speak in rivalry with the indigenous population, the indigenous population flourished, the community remained there and then the problem arose about Britain being an intruder into that territory and it had to be taken out. In the case of Gibraltar of course it was a question of conquest and treaty within Europe, it was not a colony and in fact it was not made a colony by statute until much later, it was a conquered territory.

In fact, at one stage one of the Spanish representatives at the United Nations had wondered whether Britain had been right in sending reports to the UN under the Charter as all powers which had dependent territories had to do for Colonies because in fact it had not been a colony, it had been acquired by Treaty, and the analogous situation was raised by this representative, though it has had other repercussions in other ways, about the fact that the USA never provided any reports on the progress of the territory of the Panama Canal and that was exactly the same, territory acquired by a country by Treaty with another country or by conquest. But I think at the time when Gibraltar was made a Colony perhaps nobody could have foreseen that 140 years later this would have turned against us and would have turned against the people of Gibraltar in that we got that stinking name which has become the stinking name of the 20th Century and that is the word "Colony". That is why when recently a visiting priest spoke at the Rotary Club and spoke about future voyages in outer space, spoke about having colonies here and there of people and I said: "For God's sake whenever there is going to be any settlement in outer space don't call them colonies because then they will have to come under the Committee of 24" but Colony in that sense was a settlement of people. "Time is running against us," was one of the statements of the Hon Mr Perez. Well, I wonder. Time, of course, is of the essence in these matters but the point is whether you hurry and you fall or you make haste slowly and these, I think, are the alternatives for this House to decide. The Hon Major Peliza referred to a letter he had received from Mr Michael Foot the contents of which I read in the papers and which I welcome. But if you look at that letter carefully you find that it follows the pattern of every letter that has been written since the Spanish problem arose in Gibraltar on any matter that has been raised with the Minister - stand by the pledges, when the time comes we will remember you and so on - there was no departure there. The Hon Member may say that it was put in diplomatic language. He may have been told much more than the letter says, we are all told much more than what the letter says, but the letter doesn't say any more than a repetition of the many times that Britain has given assurances to the people of Gibraltar. So, Mr Speaker, there was another point that was made by the Hon Mr Xiberras and I would like to allay any anxieties he might feel about this, the fact that I have put it in the motion the terms of the invitation. The invitation is to discuss on those terms, it is not to bully the House as he almost indicated to impose our policy. But, equally, he will remember that in the course of the whole of the campaign he was urging very early talks and I was urging precisely what I am urging here today. I am not only

doing that because I think it is the best that I can do but it is the best that I can do to honour the commitment I undertook when I stood for election. I commend the amendment.

Mr Speaker then put the question in the terms of the Hon the Chief Minister's amendment and on a division being taken the following Hon Members voted in favour:

The Hon I Abecasis
 The Hon A J Canepa
 The Hon Major F J Dellipiani
 The Hon M K Featherstone
 The Hon Sir Joshua Hassan
 The Hon A P Montegriffo
 The Hon A W Serfaty
 The Hon H J Zammitt

The following Hon Members voted against:

The Hon J Bossano
 The Hon Major R J Peliza
 The Hon J B Perez
 The Hon G T Restano
 The Hon Dr R G Valarino
 The Hon M Xiberras

The following Hon Members abstained:

The Hon P J Isola
 The Hon J K Havers
 The Hon J J Caetano

The amendment was accordingly passed.

HON MAJOR R J PELIZA:

I would like to say a few words of course even before I touch on this, Mr Speaker, and that is that the impression that is given by the other side of the House is that here we are wanting to go into this question like a hull in a china shop and that of course is not the case. No one is suggesting that we should all go our own way. I think, by and large, over the past 3 years to say the least the Government and Opposition have been sitting together producing what was a unanimous proposal which is the one that Mr Hattersley rejected so I don't see why the Government seems to be so hilarious about first of all the decision that Integration was not acceptable but at the same time accepting that the unanimous proposal of this House has also been rejected and it is on that issue I think that certainly most of us on this side of the House are clearly objecting and when we say we must resume talks with the

British Government as in fact it was suggested by the British Government itself, we don't mean that we are going to rush in each one pulling its own way. I don't think anyone on this side of this House means that. In fact, the preliminary talks are intended precisely to be able to sound, if I am not mistaken in my appreciation of the motion, to sound the trends of the British Government today as against what it was when Mr Hattersley gave his reply. This I think will give us a very good opportunity to sound how they are thinking now after the popular protest in Gibraltar against the manner in which he treated the proposals. I am really at a loss as to why the Government is trying to give the impression that the Opposition, or most of us in the Opposition, are trying to act wildly because that of course is not the case. But on the question of the European Community in which I feel may lay the answer for our future, on that question I can see a ray of hope and this is why I am a little more optimistic about the whole issue. What I would like to do is to read the letter which I got from Mr Michael Foot who we mustn't forget was the Leader of the House of Commons when he wrote it and is today. The letter emanates from the Privy Council Office itself, so he was not writing to me as an ordinary Member of Parliament which he could well have done which would have more or less expressed his own personal opinion rather than his opinion as Minister of the Government. I think the mere fact that he has put it in his official letterhead obviously carries a bit more weight and I hope the Chief Minister accepts that because this is in our favour, not against us.

HON CHIEF MINISTER:

I said that that it was couched in the usual favourable terms.

HON MAJOR R J PELIZA:

Of course favourable but I think a bit more significant. There are two ways of being favourable, one is....

MR SPEAKER

We are not going to discuss the spirit in which the letter is written. I think you are entitled to read the letter because it has been referred to.

HON MAJOR R J PELIZA

I think, Mr Speaker, a lot has been said here basically on whether we have got blind faith in the British Government or whether we should be a little bit more realistic and demand more than just blind faith not only from this House but also from the people of Gibraltar. I think they are entitled to that, not just blind faith and this is what I am trying to do. The way the Government talks about faith in the British Government happen what may I think is absolutely irresponsible if I may say so. Coming down to what I think is more definite, when I read The Times and saw that Mr Foot had made a statement at the Labour Party Conference in Blackpool I thought that he said something there that I should try and clarify from him and I am going to quote from my letter a very short bit, Mr Speaker, and then I will read his letter because I do not think one makes much sense without the other. This is what I said; "I have read in The Times of today (7th October 1976) that according to the Spanish newspaper "El pais", you said, before an Anglo Spanish audience in Blackpool; "that London would not support any official Spanish application for the EEC membership so long as our comrades the members of the PSOE, Partido Socialista Obrero Espanol are not satisfied with the democratic conditions offered to them in the Spanish state" end of quote. The Times continues; "and apparently Mr Foot was only repeating in public what Mr Callaghan and Mr Crosland had already said to Senor Gonzalez in private. I carry on now with the letter and quote "what I would like to know is if Mr Gonzalez was also told (or could be told if this was unfortunately omitted) that part of this democratic test was Spain's respect of the wishes of the people of Gibraltar to remain British in a British Gibraltar. I am going to read that part of Mr Foot's reply that really concerns the EEC itself; "On the question of Spain joining the EEC the Spanish authorities must be well aware of the implications of membership and of the need to achieve democracy before they make an application. The point I made to Senor Gonzalez in Blackpool was that the British Government would have to be convinced that the democracy was genuine before any application could be considered. I did not think it was necessary to go into the other points which would form part of the subsequent negotiations including the one you

mentioned. It is too soon to say whether an application for membership of the EEC will, in fact, be made by the Government of a democratic Spain and certainly too soon to say what the exact circumstances will be if and when an application is made. I can, however, assure you that the British Ministers will have the position of Gibraltar firmly in mind if the question of Spanish membership is formally raised." So it means here that if there are further negotiations the point I mentioned is going to be taken up if he keeps his word and I have no doubt that Mr Foot will. This is not just the ordinary one that we get about the preamble of the Constitution, it is not the preamble of the Constitution of which we are tired of hearing and I think if we establish a permanent ~~relation~~ with Britain there would be no need to keep repeating that. It is precisely because of our insecurity that that preamble has got to be repeated.

MR SPEAKER

I call on Mr Xiberras to reply to the motion as amended.

HON M XIBERRAS

Mr Speaker, I must confess that the general tone and standard of the debate has been well below par in my estimation, I may have contributed to this in being over ambitious in presentation and in trying to outline the issues to make debate as informed, as intelligent, as possible. Unfortunately, things took such a turn that this in my humble estimation has not been the case and there have been many other occasions, on subjects less important to Gibraltar, where the House has been able to contribute in a more constructive manner. Mr Speaker, I think a good part of the blame is, as I say, on the Government side. We had a similar approach from the Government benches on the very important motions on the permanent economic relationship and Brother MacMahon and so forth where the Government did not take at all seriously that important subject even though some months later they were to accept the whole proposition in toto and incorporate it in the joint proposals submitted to Mr Hattersley. However, the Chief Minister chooses to wave to the people of Gibraltar the stinking corpse, or corpses, should I say, because apparently everything is dead in Gibraltar except the Chief Minister and his colleagues and their deals as a Party, everything else is absolutely dead and no one has a mandate

for anything except the Honourable the Chief Minister and his 7,000 votes which totted up with the several thousand of his colleagues add up to a grand total of, I do not know how many but however many they are they give the Honourable the Chief Minister a mandate, in the Chief Minister's estimation, to do anything at all in this House. Mr Speaker, I remind the Honourable and Learned the Chief Minister as in fact the Honourable Mr Bossano already has and I think the Honourable and Gallant Major Peliza, that I obtained 6,000 votes in the election, only 1,000 votes less than the Honourable and Learned the Chief Minister, without a Party dragging behind me a dead corpse apparently and with not half the experience the Honourable and Learned the Chief Minister has and I made it absolutely clear to the people of Gibraltar that in voting for me they were rejecting, they were refusing to accept the terms of the Hattersley Memorandum. So I think, Mr Speaker, that what I call the mono issue Election on my part is ample proof that the people of Gibraltar are not complacent, are not happy with the situation, and the remarks of the Honourable Mr Canepa speaking to the amendment takes me completely by surprise. He is almost as favourable to the views of the Right Honourable Roy Hattersley as his leader was in London. I can assure the Honourable Mr Canepa that it was not so much a question of a clash of personalities or even an attempt by me to resurrect something that Mr Hattersley had apparently ruled out, what did annoy me at that meeting was, and I use the word "annoy" because I think the Hattersley meeting was in great measure a set-up, was that Mr Hattersley when he came here clearly stated after the Chief Minister and I had read the two main joint proposals, i.e., the citizenship proposal and the permanent economic link proposal, said quite clearly after saying that complete integration, complete, mind you, integration was out, he said; "the British Government is prepared to consider anything which is the corporate view of the people of Gibraltar." And we spent nine months after that preparing a corporate view. I have also in my possession letters from Sir Frederick Bennett to one Michael Brufal in which some-time before, some ten days before we actually went to London on the 22nd April, Mr Hattersley had informed Sir Frederick Bennett that there was nothing that he could do with the proposals and yet he did not inform us in Gibraltar that this was in fact a complete reversal of the enjoiner, as I have called it on another occasion, for us in Gibraltar to submit joint and corporate proposals. That is annoying, that to my mind is a betrayal not of my aspirations but also of your aspirations and those of the Honourable Mr Canepa who contributed more

than the Chief Minister did, may I say, to the Constitution Committee. There, Mr Speaker, I do show annoyance because I do not know to what extent, if any, the Honourable and Learned the Chief Minister was aware of what was being prepared for me. It has been described

HON CHIEF MINISTER

Mr Speaker, I must ask for leave to intervene. If the Honourable Member at this late stage in the debate is suggesting that I had anything to do with the reply that we got when we went to London I would ask him to withdraw that because I had nothing whatever to do with that and whatever Mr Mike Brufal or Sir Frederick Bennett may know if I had known that I would not have spared my time and visit to London. This is a most serious allegation which of course like all the others have been refuted but to make it at this late stage is certainly not fair and very unworthy of him who wants the standards of this House to be so high that he was disappointed by the nature of the debate because we all did not speak for an hour and 50 minutes.

HON M XIBERRAS

Yes Mr Speaker, 1 hour 50 minutes. Twenty minutes as I said of the Chief Minister's intervention were devoted to a number of incorrections, I think the word is, and to things which do not enlighten the people of Gibraltar as to what their Chief Minister wants about their future. Mr Speaker, I was merely quoting something which the Leader of the Opposition described in public as a stab in the back more graphically. Mr Speaker, nonetheless, what are the differences between the two sides? I always listen with great respect to the Honourable Peter Isola, my colleague over a very long period of time, and whether I agree with him or I disagree with him as I say I listen with very great respect. The Chief Minister, of course, is very anxious to get Mr Isola's agreement to the general proposition of the Government. I do not think that the Chief Minister, in fact, interpreted what Mr Isola said absolutely correctly. I do not think that he did. I feel, Mr Speaker, that the Chief Minister in the whole matter of the future of Gibraltar, is concerned mostly with the position of his Party rather than the future of the people of Gibraltar.

HON CHIEF MINISTER

That is a very unfair thing to say at this stage.

MR SPEAKER.

Order. That is an improper allegation which I think you will have no trouble in withdrawing.

HON M XIBERRAS

I have no trouble at all, Mr Speaker. Mr Speaker, even though I am sure I have a more unanimous audience now I decry the fact that the Honourable Members on the other side have chosen to

MR SPEAKER

You have withdrawn the allegation.

HON M XIBERRAS

I have indeed, yes. I do not think the Honourable Mr Canepa heard it before he left. However, Mr Speaker, there is a lot of party politics in this as the Honourable and Learned the Chief Minister mentioned himself in reference to the GDM position and as I admitted myself when I spoke about the stridency of their election campaign but, nonetheless, what is the difference between the two sides apart from one being present and the other absent in the present circumstances.

Which reigned
some time ago, in
the spirit of
compromise,
understanding

Mr Speaker, in the spirit of compromise and consensus, I thought that the difference was very little and I thought that the Honourable Mr Isola was bridging the gap admirably. We could bring them back by introducing an amendment.

HON MAJOR R J PELIZA

Is it possible to bring an amendment?

MR SPEAKER

Not at this stage. I am delighted to be able to say no.

HON M XIBERRAS

I hope the Honourable Mr Canepa is not in the street by now.

MR SPEAKER

Order. We will have no reference to a Member who is not in the House. We will continue with our discussions.

HON M XIBERRAS

Mr Speaker, the difference is, quite honestly, a difference of intentions on one side and on the other side. The amendment of the Chief Minister had it read that there should be talks in Gibraltar to see if we can arrive at some common solution is absolutely acceptable to every single Member on this side of the House. Now, what most Members on this side of the House, and I would dare say all Members on this side of the House, are not willing to do is to delay the issue, in other words, to go into, as the amendment suggests, into in-depth study of the economy and constitution which we have been doing, in fact, in the Constitution Committee, as the Honourable Mr Isola said, for nearly one and a half years. In 1½ years we have examined statistics, we have had the Government service supplying information, facts, figures, looking at the Isle of Man Constitution, talking about the future of Gibraltar, and our hesitation on this side after, mind you, Mr Speaker, having agreed to attend this meeting, is simply that the Chief Minister wants to start the whole thing again and perhaps the Chief Minister might have realised that in putting forward the amendment in the terms in which he has put it forward, he was arousing the suspicions in the minds of the Honourable Members on this side all over again. But if they are concerned about the future of Gibraltar, if they would like to have talks as early as possible, if they would like to work, and we are going to work, in order to arrive at a concensus, then there is no difference except one of intention. But instead, most of the arguments of the other side have been deliberately aimed, and hence my riposte, Mr Speaker, at attacking integration, as if I were defending integration qua integration at the Hattersley talks. My concern, Mr Speaker, may I say, was simply that the last available United Nations recognised method of decolonisation had been wiped out.

There was nothing left apart from closer links with Britain or greater devolution of power and not just in the particular circumstances of the Hattersley meeting, April 1976, and I assure the Chief Minister I do live in this day and age, but for all time, as it were. The Honourable Mr Isola put it quite clearly when he started delimiting the right of self-determination of the people of Gibraltar by almost acknowledging that Spain would have a say in the settlement of our future. This is not the future as we are positing it on this side of the House. We are not talking about a rightful political influence that Spain should exercise in the area, we are talking about our relationship with Britain, Mr Speaker, and in that Spain should have no say. But according to the Hattersley Memorandum even though Spain was not present at those talks she was a reality in that meeting and that is the concern. Mr Speaker, the original motion of course did not speak about the constitutional future of Gibraltar, it spoke about the political future of Gibraltar and it is not my concern - that is another reason for not supporting the motion as amended - it is not my concern to go back with a set of constitutional proposals because I find it very difficult to imagine what set of constitutional proposals are possible after we have racked our brains for a year and a half trying to find something which was a halfway stage, something which advanced the position but would not annoy Spain, that British Governments could defend, that was sensible and good for Gibraltar. And now we are going to start an in-depth study, no Mr Speaker, of the constitutional proposal. What we are looking for, as the Honourable Mr Peter Isola said, is almost a tactical approach. What do we do before we go to the meeting and what do we do after the meeting, that is what we have to discuss. But I, for one, am attending the meeting of the Chief Minister not with the idea of going all through to get absolutely watertight proposals as I have done with him for a year and a half, but of seeing what his general approach is, what we can do, what other Members can contribute to this, what it is fair and prudent. I emphasised this word, Mr Speaker, throughout the elections and in my opening address, with prudence, that is the mandate of the people of Gibraltar, to go forward prudently and the Chief Minister is giving little indication that he is thinking of moving forward. I hold my view in the elections to have been the middle view, a prudent progress towards clarifying our differences with Britain and on the basis of this clarification moving to some sort of constitutional progress on the basis of political assurances, because we do need these political assurances Mr Speaker. Therefore we are placed, Mr Speaker, as the

Honourable and Learned the Chief Minister knows because I have used the phrase long enough, for over a year and a half, with a question of trust, a trust which I thought existed up to the constitutional proposals but which I no longer thought existed after the Hattersley meeting. We in Gibraltar are again between the political parties faced with a question of trust, this time not between two parties but other parties as well, and if the Chief Minister having altered this motion completely where there was to my mind no need to do so, there was absolutely no need to go for the motion with a carving knife, if the Chief Minister wants to see progress in Gibraltar, if he is concerned about the future about the things that are happening on which we each make our own assessment but none of us can be absolutely right, there might be things round the corner we do not know of, but it is an honest assessment of the situation, if the Chief Minister wishes to make progress then my advice is to build up on the trust between Honourable Members of this House on this issue. Let him convince Honourable Members in this House that he is not engaging in delaying tactics only to have our work turned to nought by an uncooperating British Government after a good period of deliberation and work. That is what I would hoped that this motion would have done, to build up a common view and a common trust in the intentions of Honourable Members in this House. Unfortunately, we have had an onslaught against Integration which was not proposed at all in the motion, which was merely put in for the reasons that I have explained and we have had this post electioneering spree from the Chief Minister which is common in him whenever he does not want to say anything, whenever he does not want to tell people what he is thinking he is always willing to draw down the other side even though in his estimation the other side is completely down. Mr Speaker, the motion has not served the purpose which I thought it might have served I regret to say. I think to round off that one reason it has not is that the Chief Minister's meeting did not take place before the motion. If we had had the meeting with the Chief Minister before hearing this motion in the House then, perhaps, either the terms of the motion might have been stronger on the one side and we would have disagreed openly or we might have approached a consensus and the people of Gibraltar would have been able to hear publicly that there was such a consensus. I, Mr Speaker, am not going to place myself as the Honourable and Learned the Leader of the Opposition has suggested that I did. I am not going to place myself in a vulnerable position again, but I can assure the Chief Minister that I have,

and I think Honourable Members on this side of the House, generally, a mandate, I have a mandate to pursue this issue, I have a personal mandate and a clear mandate and I intend to do it for the good of Gibraltar to try to arrive at a consensus. And if I feel that any party in this is not making a genuine effort on the basis of the views that have been expressed here to arrive at this consensus and if the future of the people of Gibraltar is being left in abeyance while we politicians quarrel, then I shall have no option but to bring another motion to the House in which case I will condemn whoever is acting, in my view, in a manner not conducive to the furtherance of the interests of the people of Gibraltar.

MR SPEAKER

Well, I will then put the question in the terms of the Honourable M Xiberras motion, as amended, which read: "That this House, mindful of the recent and expected developments in Europe; of the renewed overwhelming pro-British response of the people of Gibraltar in the recent General Election; of the readiness of HMG to meet Gibraltar's elected representatives as communicated prior to the elections by the Secretary of State to the Gibraltar Representative Organisations; and of HMG's constitutional responsibilities towards Gibraltar; endorses the Chief Minister's proposals for the setting up of a committee of representative bodies with a view to carrying out an in-depth study of the political and economic future of the territory and people of Gibraltar, as inseparable entities, prior to the submission of a memorandum to the Secretary of State and the holding of talks between HMG and elected representatives of this House."

On a division being taken the following Honourable Members voted in favour:

The Honourable I Abecasis
The Honourable A J Canepa
The Honourable Major F J Dellipiani
The Honourable M K Featherstone
The Honourable Sir Joshua Hassan
The Honourable A P Montegriffo
The Honourable A W Serfaty
The Honourable H J Zammitt

The following Honourable Members voted against:

The Honourable J Bossano
 The Honourable Major R J Peliza
 The Honourable J B Perez
 The Honourable G T Restano
 The Honourable Dr R G Valarino
 The Honourable M Xiberras

The following Honourable Members abstained:

The Honourable P J Isola
 The Honourable J K Havers
 The Honourable J J Caetano

The motion, as amended, was accordingly passed.

The House recessed at 7.45 p.m.

THURSDAY THE 9TH DECEMBER 1976

The House resumed at 10.40 a.m.

HON J BOSSANO

Mr Speaker, I would like to ask leave of the House not to proceed with my motion and if you will allow me I would like to make a short statement in explanation.

MR SPEAKER:

Yes, of course. May I say that there is no need for leave of the House because the motion has not been proposed. What are you saying is that you do not intend to proceed with the motion.

HON J BOSSANO:

Thank you, Mr Speaker. The motion standing in my name, Mr Speaker, of which I gave notice, seeks the support of the House in condemning the decision of the UK Departments which was implemented sometime ago and which has resulted in some 300 odd Gibraltarian workers being denied access to their place of employment. Perhaps I should make it quite clear that in deciding not to proceed at this stage with this motion I am in no way indicating any change of heart on the matter, that is, the GDM still condemns the decision, a decision which in our view has been most harmful to industrial relations in Gibraltar and a decision which should never have been taken. I am heartened by the speeches that some of the Members made in connection with the other motion introduced by the Honourable Mr Xiberras in thinking that this motion would have

enjoyed the support of the House as well. I recall in particular the phrase used by the Honourable and Learned the Chief Minister that he thought the UK Departments had been intransigent in their attitude. However, since the other motion has been passed and since it is our desire above all else to see the dispute resolved satisfactorily, if a better atmosphere can be created by not proceeding with this motion, I do not know whether it can or not, but if that will help then I believe the right thing to do is not to do anything which might give an excuse for not sitting down to discuss the problem, an excuse which to my mind would not be justified but one must not give the opportunity to anybody to use this as an excuse. However, I would like for my own satisfaction and for the satisfaction of those involved in the dispute to clear up, Mr Speaker, for the benefit of the House precisely what the situation is just in case we find ourselves with something presented as a new initiative which is not

MR SPEAKER

We must not go into the subject matter of the motion unless the motion is going to be heard. You can give whatever explanations you like as you have done so far for not moving the motion but we cannot have the motion and at the same time have a say on the subject matter. I am afraid that the rules do not allow that. What you have said by way of explanation is completely and utterly correct. You are explaining what has motivated your decision not to proceed with the motion.

HON J BOSSANO

Mr Speaker, what I was about to say is also part of the explanation in that as far as I am concerned I would like in fact the Honourable and Learned the Chief Minister to confirm what is going to take place and I would also like to make quite clear to the House precisely what the state of play is at the moment because in withdrawing this motion my primary motive is to see the problem resolved and I would not like the House to think, for example, that what has already been rejected is a possible solution. I think it is very important that it should be on record in the House because the House is seeking a new initiative in this matter and the actual position is

MR SPEAKER

If you are seeking an assurance from the Chief Minister

of what you both consider the position to be now, that I think would be in order if the Chief Minister gives it for the purposes of withdrawing the motion but we are not going into the merits of the situation as it stands now.

HON J BOSSANO

Not the merits of the situation but I have, Mr Speaker, in fact as you will appreciate, discussed the matter with the executive of the Union involved in this matter and I have told them that I would be making this point in the House so I would appreciate if you would allow me to do so because it is an intrinsic part of the reason why I am withdrawing it and this is that the MOD has in fact from the beginning offered the employees involved the opportunity of returning to work if they were to withdraw their industrial action and, therefore, repetition of that would not be a solution to the problem. They have also been offered, of course, a staff inspection which is something for example that the Government did to the GGCA and that did not produce a solution. If that was repeated that would not produce a solution either. I would like the House to know that those two things would not be new initiatives and that if for example the UK Departments were to come out with one of those other things as a result of the stand that the House has taken, the House should not^{be} misled into thinking that something has materialised which has not materialised, those two things have been there all the time now. What I would like the Honourable and Learned the Chief Minister to confirm is that my understanding of the situation is correct in that the Government or he will in fact take a personal interest in this matter and will give it the highest priority and that it will be dealt with as soon as we finish the business of the House and that he will spare no effort and be prepared to take it to whatever level is necessary in order to persuade the UK Departments of the need that there is to resolve the dispute in the shortest possible time and that in order to resolve it obviously a solution must be found which is satisfactory to both sides. It cannot be something that the UK Departments want, that is, they must go further than they have been prepared to go so far. I would also like him to keep me informed of developments and I would like

MR SPEAKER

You are seeking the assurances contained in the last motion.

HON J BOSSANO

As I understand it that is what materialised from the last motion and I would like confirmation that my understanding of the situation is correct. I will give way to the Honourable and Learned Chief Minister.

HON CHIEF MINISTER

No, Sir, I cannot give an undertaking that this will be dealt with immediately after the finishing of these proceedings because the whole matter was dealt with yesterday morning and therefore it has already been done, that is, the terms of the resolution which was passed on Tuesday evening were conveyed by a formal letter from me to the Governor informing the Governor of the actual terms of the Resolution and with three or four paragraphs in which I tried to describe the feeling of the House pending the production of the Hansard and asking the Governor to deal with the matter as a matter of great urgency which I know he is doing. So far as the proceedings in this House are concerned I have already carried out the wishes of the House as resolved in that Resolution. I do not think that it would be treating the House with any amount of respect and I do not believe they would try to attempt to deal with the wishes of the House by reiterating something that has already been rejected. I do not want to use any words because I am sure that that will not be the case and I would consider it less than the respect that the House merits to try and say "Well, we offer you what we offered before", because the Resolution was passed fully conscious of those two facts that the Honourable Member has mentioned and therefore one would expect something new but since the terms of the motion were in the sense of an attempt at getting the parties together and conciliation which was really the terms of the motion, we would expect some positive reaction to that which would at the same time be sufficient inducement to the other side responding to getting down and finding a way out. I certainly will keep the Honourable Member informed as I will keep the President of the Association informed on any developments.

MR SPEAKER

May I say that the preparation of Hansards were tackled immediately after the debate, it is advancing steadily and we hope to be able to produce the Hansard of the debate early next week which I think pays tribute to the staff of the House of Assembly who are working in the evenings to do it.

HON J BOSSANO

Well, Mr Speaker, I thank the Honourable and Learned the Chief Minister for confirmation of what I had assumed to be the case and I therefore will not be proceeding with the motion at this stage.

MR SPEAKER

Then we will call the next motion on the Order Paper.

HON G T RESTANO

Mr Speaker, I have the honour to move the following motion: "That this House take note that:

- (1) talks have been held in Madrid about Gibraltar's future without prior consultation by the British Government with both sides of the House of Assembly;
- (2) notification of the holding of these talks was made to the Leader of the Opposition only at about the same time as the talks were about to commence;
- (3) His Excellency the Governor had no knowledge 11 days after the talks had finished of what had occurred and was therefore unable to enlighten the Opposition and Gibraltar as a whole;

considers this course of action to be deplorable and requests Her Majesty's Government to hold no further talks with the Spanish Government touching on Gibraltar's future at any level without first consulting the elected members of this House, and to commit itself to keeping the House fully informed as to what transpires at such meetings".

Mr Speaker, as the House is aware talks were held in Madrid on the 12th November complying with the consensus of last December at the United Nations General Assembly to reach for the British and Spanish Governments to hold talks in order a negotiated settlement over Gibraltar. The talks that were held in Madrid were obviously part of the continuing process complying with the consensus but it must not be forgotten that these talks are about our future, it is our future which is being talked about in these talks and we know well what Spain's demands have been over the years, over 270 years in fact, they want sovereignty of Gibraltar to be passed back to Spain and they have paid scant respect to the wishes of the people of Gibraltar. I think over the years they have made so many disparaging remarks about all of us. I will quote just one or two if I may from the White Paper; "the consent or otherwise of the Gibraltarians to what Spain proposed to Great Britain is legally and politically irrelevant to the international solution of Gibraltar." They consider us to be completely irrelevant. It is furthermore stated that there is no profound link between the inhabitants of Gibraltar and the territory. This is what the Spanish Government has to say. They also say: "Nevertheless, whatever the goodwill of Spain she cannot accept that the complete solution of the problem of Gibraltar should be held back through the obstinacy of their inhabitants!" Again no acknowledgements of any wishes of the people, just her own wishes. They do not recognise the people of Gibraltar.

They also say: "Recognition of Spanish sovereignty should represent no difficulty since the consensus of the Committee of 24 when calling for the ending of colonialism in Gibraltar referred not only to the status but also to the situation of Gibraltar, that the interests of the inhabitants should be borne in mind as the inhabitants - say the Spanish Government - have no specific interest in the isthmus, any excuse made in their name regarding this area lacks all foundation." This we know is the attitude the Spanish Government has taken over the years. The attitude of Gibraltar's leaders, on the other hand, since the blockade began has in fact, been consistent. A booklet was published in 1964, it was published by the Elected Members of the then Legislative Council, its title was "The Future of Gibraltar" and in its introduction it says: "That at the present state of Gibraltar's re-development it is necessary to consider the matter from two points of view, the termination of Gibraltar's colonial status and the question of its sovereignty." These two aspects of the problem are discussed briefly in the pages which follow. "The views expressed are those of all the Elected Members of the Legislative Council of Gibraltar under whose signatures and authority this publication is issued. It therefore expresses the wishes of all sections of the community". We have three Members of this House who were signatories to this document and the Members of the following Legislative Council confirmed that they endorsed what had been published by the previous Legislative Council. In expressing the views of the whole of Gibraltar the Members said that the soil of Gibraltar should belong to no-one but the people of Gibraltar and that the people of Gibraltar do not desire to be united with Spain; that sovereignty over Gibraltar is not a matter for discussion between Britain and Spain, that is why Gibraltar objected to the suggestion that talks to decide Gibraltar's future should be held between those two countries." The question of sovereignty over Gibraltar must be decided solely according to the wishes of the people of Gibraltar. If the people of Gibraltar wish to be associated with Spain then Britain would have to surrender Gibraltar to Spain if the principle of self-determination were not to be abused. Similarly, if the people of Gibraltar wished to be associated with Britain as they do, as they did then, and as they have done always, then Spain's territorial claim to Gibraltar must fail." As far as I know there is nothing that has been said since 1964 by the representatives of Gibraltar to make one think in any way that there has been any change in the attitude, certainly of this House, or of the elected members. The British stand at these talks have

always been very favourable to Gibraltar and to the wishes of the people of Gibraltar and the fact that the wishes of the people of Gibraltar were of paramount importance was argued by the United Kingdom representative at the United Nations, Mr King, but in the recent months there has been a new aspect which has come to the fore and which came out of the correspondence which was held between the representative organisations - which the Chief Minister seems to think is dead but I can assure him that it is not dead - and the Secretary of State. And the element which has changed is that we asked for confirmation that it was for the people to judge what their interests were and we were told that whilst the British Government also had a duty to abide by its responsibilities for Gibraltar when possible constitutional change comes under consideration. Some of the responsibility in question derived from Treaty obligations. Whatever anyone else's interpretation of the interests of Gibraltar may be, it is our interpretation that it is the wishes of the people of Gibraltar which have to be taken into paramount account and in holding talks which are about our future this obviously has to be taken into account. We know that a new consensus has been passed at the United Nations asking the British and Spanish Governments to continue holding talks. We do not know what has transpired at these talks. When talks were held in November there was no prior consultation with Members of the Opposition and we understand that there was no consultation with Members of the Government, and perhaps this can be confirmed by the Chief Minister. Notification that these talks were going to be held was given to the Opposition on the same day as the talks commenced and we understand that the Chief Minister was only informed that these talks were going to be held the day previously. This, of course, is not a satisfactory state of affairs. Eleven days after the talks had finished the GDM saw His Excellency the Governor to ask him what had happened at these talks and he informed us that he had no knowledge of what had occurred. This, I think, is not giving the people of Gibraltar the respect that they deserve by the British Government and I consider that this course of action is to be deplored and since there is a new consensus for talks to continue, I would ask the House to request HMG to hold no further talks with the Spanish Government without prior consultation with both sides of the House and to commit itself fully to keeping the House informed of everything that transpires as soon as possible after those meetings. Thank you, Sir.

Mr Speaker then proposed the question in the terms of the Honourable G T Restano's motion.

HON ATTORNEY GENERAL

Mr Speaker, Sir, I would like to make a statement on the content of the motion which I may say, my statement that is, has the full approval of HMG. Under the Constitution the responsibility for external affairs affecting Gibraltar lies with HMG who are answerable to parliament in the United Kingdom. HMG take local feeling very much into account and for the purpose of ascertaining this the practice has been to consult, through the Governor, the Chief Minister and the Leader of the Opposition on foreign affairs affecting Gibraltar. It is necessary that such consultation should be confidential. It is against this background that HMG have to decide when the Elected Members of the House of Assembly should be consulted. The terms of this motion are such that its implementation would prejudice the conduct of diplomatic business affecting Gibraltar. Her Majesty's Government have made it clear that the wishes of Gibraltarians are a paramount consideration in relation to Gibraltar's future. Should the situation arise in which substantive negotiations could be held with the Spanish Government, HMG would consult the Gibraltar Government but a common basis has not yet been reached upon which such negotiations could begin. The recent talks in Madrid took place as part of a continuing dialogue within the context of United Nations Resolutions and Consensuses. The Chief Minister was kept fully informed by the Governor but because the Leader of the Opposition had not felt able to give the Governor as unequivocal assurance that he would respect the confidentiality of any information which the Governor imparted to him, he was not given advance notice.

HON J BOSSANO

Mr Speaker, if I may ask the Honourable Member to give way. I take it that the Honourable Member is reading a statement based on information that has been provided to him. Perhaps I can tell the House that in the presence of my colleagues I asked His Excellency the Governor whether he would have been in a position to give me any further information had the question of confidentiality been any different and he said no. This was in the presence of three witnesses.

HON ATTORNEY GENERAL

Her Majesty's Government are, of course, ready to take full account of Gibraltarian opinion expressed in the manner described. HMG stands by the pledge in the preamble to the Constitution that it will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes. On a point of record the interpretation placed by the Gibraltar Democratic Movement that HE the Governor had no knowledge of the talks is not borne out by the record of the Governor's meeting with the GDM. This shows . . .

HON J BOSSANO

Member

Mr Speaker, I think it is important that Honourable/will give way so that when he makes a statement of fact which I am

HON ATTORNEY GENERAL

I am not giving way.

HON J BOSSANO

Well, I think it is most unfair of the Honourable and Learned Member not to give way. He is making an incorrect statement and he is not allowing me to correct it.

MR SPEAKER

Order, order.

HON ATTORNEY GENERAL

This shows that in answer to a question about the Agenda for the talks the Governor said that he had no information available for the GDM other than what he had already told them. That is the conclusion of my statement, Mr Mr Speaker. If, during the course of the debate any legal points should arise perhaps you might accord me the privilege of replying to them if necessary without, of course, taking further part in the debate.

HON J BOSSANO

Mr Speaker, I wanted to make a point of clarification and that is why I wanted the Honourable Member to allow me to stand up. If I were to make a submission now it would deprive me of the right to speak after I have heard what other members have got to say on this matter so I am not prepared to speak at this moment in time.

HON A P MONTEGRIFFO

Mr Speaker, on behalf of the Government, we are opposing the motion for a variety of reasons and perhaps one of the reasons has been put forward by the Honourable proposer of the motion when he said that no talks should take place that does not take into account the wishes of the people of Gibraltar. Sir, it would be unrealistic to assume that we could tie down Britain on whom we have delegated the right to look after our foreign affairs taking into account the wishes of the people of Gibraltar and the advice that is given to her, that she should not be able to abide by the Resolutions of the United Nations at least on this one, because otherwise we would be ourselves at a disadvantage. We are at the receiving end and it was very clearly stated yesterday by many Members, especially from the other side of the House, that Britain is dealing on the issue of Gibraltar in the context of a hostile world, so that hostility would be greater and would, no doubt, be showered on our own shoulders even more than to other of the parties concerned. So I think that it is lacking realism, a realism that was mentioned yesterday by some Members also in talking about the relationship with Britain. Prudence was also mentioned and I think the Honourable Member's motion lacks two things, realism and prudence. It would take us absolutely nowhere if we were to say that Britain before having these routine talks would have to consult us as to what she ought to say or not to say when we all know, and it was announced prior to the talks in Britain and I think in Gibraltar, that the talks were without prejudice to the legal position of Britain and that Her Majesty's Government's pledges to the people of Gibraltar were not affected. They were only routine talks to keep up with United Nations Resolutions. As to whether or not the Opposition was informed I cannot say. Certainly I know the Chief Minister was informed and I am going to tell him not with a paternalistic approach that perhaps they might follow the same procedure that we have followed, not only under the present Government but at the

time of the Coalition when at the beginning Sir Joshua Hassan and Mr Peter Isola were the two men entrusted with dealing with foreign affairs on our behalf, we used to feel a little bit fidgety that we were not kept fully informed as to the details. But gradually as time went by we appreciated that by getting together and provided that those who represented us were given the right advice, the advice that emanated from the Elected Members of the Government at the time and of the elected Government of the present moment, there was no danger because at least our leader has said on many occasions that he could keep the confidentiality, that he could always give advice in the context of the advice he received from the parliamentary group and the Party and the feelings of the people of Gibraltar and that the confidentiality would cease the very moment that he suspected that Britain was doing something that would be against the interests of the people of Gibraltar. Therefore even if he were not to tell us anything in the sense that nothing has happened then that is sufficient for us, we know that nothing has happened. That there has been no reason for him to break the confidentiality is again for us a satisfaction and I would say a confirmation that Britain is keeping to her pledges and therefore I would not create the drama that makes some of us masochists and create unnecessarily anxiety and suspicion where there are none. I know many times it has been said specially of those who carry this burden of confidentiality that they know something, that they are in collusion with Britain and the people of Gibraltar are going to be sold down the river and they are keeping quiet about it, but the test of time has proved that this sort of approach, this sort of criticism has been proved wrong time and time again. Therefore I do not see why we should do anything that might prejudice our position more than benefit our position. If there were to be ministerial talks at which our future was going to be discussed then of course they should not discuss it without consulting us and without being present under the conditions that the Honourable Mr Xiberras mentioned yesterday. We must be there with Britain and ad idem with Britain in order to present a united front. But I do not think that at this particular moment of history dealing with this specific kind of talks we ought to be too dramatic about it and expect that there should be no talks at all. Diplomacy is not an open forum, it is a reality, it is a reality of life. The future of Britain is at stake and the people of Britain and even part of the Government are not always told what is going on at the

level of foreign affairs. Diplomacy is a bit hypocritical and sometimes one has got to put up a facade in order that we do not get a worse comeback and because of all this that I have mentioned we cannot accept the motion and we will have to vote against it.

HON P J ISOLA

Mr Speaker, I would go along with a lot of what the Honourable Mover has said insofar as general principles are concerned. There is no question about it, that when talks actually affecting our future, when the subject matter actually affects our future in real and practical terms, that there should of course be consultation between the leaders of the Government side and the leaders of the Opposition. I say leaders in the plural, Mr Speaker, because we have the official Leader of the Opposition who leads his 4 Members and then we have our Honourable Friend Mr Xiberras who I think more properly reflects the views of the 3 Members here where foreign affairs are concerned. I would agree with sentiments but it is not a motion that can be supported in the context in which it has been put forward. We have had the statement made by the Honourable and Learned Attorney General which is a statement from HMG with which we may or may not agree but certainly it puts forward the position of HMG and that is a position that we all know. HMG is responsible for the foreign affairs in relation to Gibraltar and HMG is responsible to the British Parliament for what they do in these foreign affairs if they make mistakes they are answerable for it, answerable to the British Parliament and of course answerable to the people whose interests they are supposed to protect. That is one point and I think that is something that has been accepted by the people of Gibraltar and if I may say with regard to talks that have taken place, if we look at the history of talks that have been taking place between the British Government and the Spanish Government, talks at ministerial level - let us forget talks at lower levels - but even talks between officials, the history of them show that the talks have always been broken off by the Spanish Government or Spanish officials in utter desperation because they have said time and time again; "You are playing with us, you will not talk turkey, i.e., you will not talk sovereignty." And I think that all of us who have over the years been concerned with the problem of Gibraltar especially since the United Nations started getting interested in the affair, that is from about 1963, all of us who through different stages have been

involved with this matter have found that the British position with regard to sovereignty over Gibraltar has been absolutely clear and they have told the Spanish Government in their talks clearly on this matter and they have now put it in to the Constitution in the Preamble in 1967 which has been read here time and time again, which has been referred to in debate and which has to be given all the weight that it merits and deserves and which again has been repeated by the Honourable and Learned Attorney General in the statement made on behalf of HMG. So that the talks that have been taking place it is quite obvious to me are talks that have taken place in accordance with the obligations of HMG in the United Nations in the Consensus which I think she joined in and usually joins in to keep the tone of it down as much as possible and it is understandable, are talks in connection with this consensus. So let us not get hot and bothered about it, let us not start screaming "traitor", let us not start alarming people in Gibraltar about these talks. I think the Leader of the Opposition has to learn that as Leader of the Opposition he has a special responsibility to the people of Gibraltar as a whole and his responsibility is to reassure them about their future and not to tell them every day that their position is in danger and the British Government are going to sell them down the river purely because he has a particular union problem on his hands. I would appeal to the Leader of the Opposition to make a distinction between his duties as a union leader which are very important in relation to the people of Gibraltar and to the conduct of their internal affairs, to make a distinction between his responsibility as a union leader which probably might have prompted his absence from a particular ceremony, and to make a distinction between that and his responsibility to the people of Gibraltar as a whole elected on a platform, not on a trade union platform but elected on a particular political programme. I think one has to say things one feels sometimes

HON J BOSSANO

The Honourable Member should put a motion, Mr Speaker, if he wants to discuss all my affairs.

HON P J ISOLA

No, I do not. I am only saying that I suggest that there

is a distinction to be made here and a distinction which I am sure the Honourable Leader of the Opposition appreciates. This is why I say that I understand the feeling of the mover and I agree with a lot of what he says that anything that affects our future is a matter of paramount interest to us but we must put things in their proper perspective. I do not think many people in Gibraltar have been particularly worried about these talks, Mr Speaker. I heard about them and it did not worry me at all. I knew this must be the consensus. Round about December every year Gibraltar comes up in the United Nations. There is a consensus every year because there is a Resolution in the United Nations that Gibraltar should be returned to Spain so every year about November or October they ask what has happened and they have their talks. Unfortunately unless we want more adverse resolutions in the United Nations telling Britain to give it up straight away, unless we want more international pressure on Britain we better agree that they meet together and talk and as usual once December and Christmas is over I think it usually finishes. Maybe they go on talking, but foreign affairs is in the hands of Britain and we have to rely on the assurances they have given us on fundamental issues and expect them to consult with us on that and they have given us the assurance again today that they will do so. Mr Speaker, on the other point that was raised I can understand the Leader of the Opposition being upset at not being consulted, I can understand this, but again I can understand the British Government's position entirely, that if he is to be consulted on delicate diplomatic exchanges he must accept the responsibility that that carries with it and that is the responsibility of confidentiality. Whether he breaks that confidentiality or not is a matter for him. If he thinks that what he is being told to keep confidential is something that betrays the people of Gibraltar, that betrays their best interests, then he will be under an obligation and under a duty to disclose that to the people of Gibraltar and of course take the consequences, obviously, but he has to learn - I am not preaching, please do not think I am - but any political leader has to learn and I am sure he does in his Union, he learns things in confidence in his committee in the Union and he does not go around telling every member he sees in the street. He has to make a judgement on it and this happens, I think, every where in life. And when you are getting right to the top where you are being consulted and you are being kept informed on matters that are essentially confidential and have to remain confidential in the interests of diplomatic relations

and in the interests of the proper conduct of foreign affairs, then I think you have to accept confidentiality and if you do not accept confidentiality you cannot be expected to be told things that you would be told if you kept confidentiality. I think this is a burden that has been carried by other leaders in Gibraltar. It has been carried by myself, it has been carried by my Honourable Friend Mr Xiberras and it has been carried by my Honourable Friend the Chief Minister and I do not see why the present Leader of the Opposition should be an exception to this, I just do not see why. I would hope and I think it is necessary that he will accept confidentiality because I think it is essential that the elected leaders of the people of Gibraltar, those representing their Parties and their Groups, I would hope my Honourable Friend Mr Xiberras should be consulted as well. It is essential that they should know and that we should trust them to put forward our proper point of view. But it is impossible, Mr Speaker, to expect Her Majesty's Government to give details of negotiations, delicate negotiations and exchanges to people who are not prepared to accept the principle of confidentiality. It is not done in any part of the world, it is not done in any of the Republics that we know of all over the world. If people could say everything they hear in confidence it would be chaotic. It would be anarchy and I am sure he does not want anarchy in Gibraltar. I am glad to hear, Mr Speaker, the Honourable and Learned Attorney General renew the pledge of HMG. We have these renewals mentioned time and time again and I think it is refreshing to hear them whenever there is a slight doubt or a slight problem. I think it is helpful. It has been renewed again today and I do not know whether the Honourable Mover, perhaps it is too much to ask him in view of what is being said by the Honourable and Learned the Attorney General on behalf of HMG, whether he might not consider it proper to withdraw the motion and not force a division on the House. But let me reassure him that although I shall vote against the motion; let me reassure him that a lot of the sentiments that he has expressed in moving the motion are shared certainly by myself and I am sure by a lot of other Members of the House.

HON SIR JOSHUA HASSAN

Mr Speaker, I would like to congratulate the mover on his speech and I hope that it will be the of wider attempts at motions which are much more acceptable to the

House than the one on which he has kicked off in his political career. Naturally all the statements he made at the beginning were statements of the Spanish claim to Gibraltar. This is a subject which of course is very close to my heart and I would be able to talk about it for quite a long time because it is a matter which I have been living with together with my colleagues since the restrictions were started in 1963. I am very glad that he has brought out that booklet issued in 1964 which if I remember rightly - I have not seen it for a long time - has our actual signatures reproduced in the booklet as they were made and in fact we used that for lobbying in the United Nations. It was a document which helped us in putting our case in the United Nations but there was a change since 1964 to 1966. The attitude taken by HMG from the beginning of the restrictions was a policy of no talks under duress, no talks whilst the restrictions were on. That was the attitude taken in 1963, in 1964 and in 1965. The pressure in the United Nations was mounting. In the context of the United Nations speaking is what they are there for and it means nothing if you do not change the principles and we were ad idem with the Government of the United Kingdom that that was the right policy, the policy of no talks under duress. And if there was one difference that there has been, certainly that I have had with the British Government in the 14 years since the restrictions apart from minor skirmishes of a minor nature, has been that departure and and history will say what happened and what we did when that departure took place because we said; "We have agreed with your policy that there should be no talks under duress but now you are changing your policy and if the policy was right you should pursue it." But the pressure of world public opinion that Britain refused to talk in the light of the Resolutions of the United Nations, Britain agreed to the talks that were started I think it was on the 1st May 1966 when the now deceased Senor Castiella went to London for the first time. That was the first time that formal talks were held by the Spanish Government with the British Government over Gibraltar. The reason that was explained to us, we made the necessary noises, not in public because it was not in our interest to make them in public at the time because we did not want to show the Spaniards that we had a quarrel with the British Government because we were alone in the world because the majority of the people at the United Nations had voted deliberately in favour of Spain. Once that attitude was taken it was taken under the pressure of

world opinion and on the basis that they will talk but they will maintain the commitments that they have and they have done that not only in respect of Gibraltar but they have done that in respect of other territories where, as Mr Xiberras was saying yesterday, there are people who also have doubts about the Falkland Islands and so on and occasionally there are noises in parliament about this. But insofar as Gibraltar was concerned we obtained the most solemn assurances at the time of the talks that the British Government maintained the principle of the right of the people of Gibraltar to determine their future and with whom their future lay. And it is after 1966, after the talks which failed absolutely, that Lord Carradon made the famous speeches in the United Nations in 1966 and 1967 and if I may say so I never saw in the Fourth Committee anybody being listened to even making a speech refuting the arguments of the majority of the people of the Arab countries, of the South American countries, of the Iron Curtain countries, maintaining the right of the people to determine their future. The policy of the British Government may have been at times slow, may have been at times not understandable by some people but it has been on the question of Gibraltar a straight path of both Governments. There has been no getting away from the straight path. I know that there are stresses and strains and there are times when there are as described by Major Dellipiani the doubts that arise and the quarrels that arise between friends and between people in close relationship. That is the only difference between the booklet that was read this morning in respect of 1964 to 1966 and thereafter. Our signatures to those who are still in public life and those who have left public life are still being honoured to the hilt. That does not mean, as the Honourable Mr Isola said, that there are not from time to time obligations which HMG has got to take. I have been burdened to maintain confidentiality on these matters. It is a burden which falls on those who have the responsibility to lead people and I have been carrying it in one form or another from the very beginning and I hear people even in my Party talk of certain things, I test what the opinion is, I test what the possible reactions of other situations can be, perhaps they do not even know that I am asking them in order to be able to assess my own view of what it is, and I make no apologies for saying that I maintain that confidentiality on the terms described by Mr Montegriffo and so long as the process that is being done by the British Government

is the process which has been marked out in general terms of policy in public. Variations on the theme as to what happened at what meeting and what was said by one or the other is really irrelevant. I was not consulted or informed about the talks the day before they were held, I knew about it quite a long time before I would say about 10 or 15 days before. In fact, as soon as the date for the talks to be held arrived in Gibraltar I was informed of it. I make no apologies for saying that I knew it beforehand. I knew what they were about as anybody knows now what they were about except that I knew it a long time before. I knew that there was nothing fresh, there was nothing that was going to be done that was not done on previous occasions. There was the time when two officials, Sir John Beith and Sir John Bennett went to Madrid and I think at that time the talks lasted just one morning. In this case I believe it lasted over lunch, I suppose. But the subject is compliance with the previous year's requirement of the consensus which says that the parties must talk. And if they want to keep the temperature down in the United Nations in order not to exacerbate public opinion or the opinion of the groups in the United Nations against Britain for holding on to Gibraltar because the people want them to be here, then they must comply with the letter of the Resolution which is that they must say that they have met because that is what the previous year's Resolution or Consensus said, that they have met. That has been done, as Mr Isola has described, time and time again and it does not take the matter any further, it does not alter anything, I think the statement of the Honourable Attorney General said that "should the situation arise in which substantive negotiations could be held with the Spanish Government HMG will consult the Gibraltar Government", and I can assure you that if it was anything in which the Gibraltar Government was being consulted that meant a departure from general policy, that was a matter on which one could not if it would lead to possible substantive change of policy keep confidential because that would then be betraying the people whom you have been protecting precisely by the confidentiality. In practice this has worked well because the British Government has maintained their stand on Gibraltar, they have consulted the leaders. In the period we mentioned there are four who have been consulted under those circumstances and if we are to know what is/ what we want, if they are to be satisfied that the responsible leaders knowing the background on a confidential basis are in a better position to give

going on, if
they are to
know

advice on matters not on the principle which has been safeguarded by the preamble, by the reassurances, but on matters on which, perhaps, the people of Gibraltar are in a better position than anybody else to advise the British Government. Even with their best intentions they want to know the new answers, they want to know the variations of anything that could have any effect on any particular part of even routine talks and if they did not do that then we would be justified in saying that the people of Gibraltar were not being consulted. But to pretend if the motion were to be carried and were to be respected by the British Government, that Gibraltar's future should not be discussed at any level without first consulting the Elected Members, would it be said that if there was an airspace overflying incident, an incident in the Bay or something like that which affects, because anything that affects Gibraltar affects the future of Gibraltar, that they cannot get their Commercial Counsellor or they cannot get their Naval Attaché, they cannot get anybody to go and speak about it to the Spanish Government because all the Elected Members of the House of Assembly have not been previously consulted as to whether that should be done or not. Because anything that happens, anything that happens about Gibraltar affects the future of Gibraltar and therefore the Resolution tries to cover so much and so unrealistically that really it certainly cannot find the Support of the Elected Members of Government. So far as the British Government is concerned, well, they have made the decision quite clear. I am not going to quarrel with what happened where I was not present, that is not my problem, that is the problem of the Honourable Leader of the Opposition and his colleagues of the GDM and somebody else. I can only speak for the elected Government of the people of Gibraltar and I can say that I have been honoured with the confidence for a long time and trusted with the confidence and that the trust and the result of it appears to meet with the wishes of the people of Gibraltar.

HON J BOSSANO

Having heard the Honourable and Learned the Chief Minister, Mr Speaker, I think that I should perhaps now return to the disgraceful performance of the statement made by the Honourable and Learned the Attorney General which to my mind should be a matter of concern

MR SPEAKER

Disgraceful is a word which I do not think we can condone in this House.

HON J BOSSANO

Well, Mr Speaker, I consider it to be a disgraceful statement. Harsher words than that are used in the House of Commons with impunity. I am surprised that the word disgraceful is not allowed.

MR SPEAKER

I go by the parliamentary bible, Ersking May which has been produced by the House of Commons.

HON J BOSSANO

Perhaps I may use the word scandalous. I do not like contradicting your ruling, Mr Speaker, although I must say you have appeared to have allowed the Honourable and Learned Member, Mr Isola, a certain amount of latitude in his talking on the motion.

MR SPEAKER

I have given him as much latitude as anyone else.

HON J BOSSANO

I have no intention of criticising Mr Isola's conduct because the Standing Orders say that this should be only in a substantive motion and I suggest that if Mr Isola wants to do the same about my conduct he should do that as Standing Orders provide. However, I may say that he seems to be availing himself of every conceivable opportunity to attack and to show his obvious annoyance at the fact that I happen to be the Leader of the Opposition to which, Mr Speaker, I do not attach the same importance as he obviously does. I have never been particularly concerned about the status of any particular position, I consider myself to be a mere spokesman and not in any particular way above anybody else in the House of

Assembly so, perhaps, that might make the Honourable and Learned Member a little more happy. I am also of course a little bit concerned that the Honourable Member without having heard what I had to say about the Honourable and Learned Attorney General's statement, should have obviously accepted it completely even though he has seen that I had been denied the opportunity by the Honourable and Learned Member not giving way of correcting the wrong impression that has been created by the statement. But I am very grateful to my colleague, the Honourable Mr Restano, for having brought this motion to the House and having produced a statement from the representative of HMG in the House of Assembly which clearly shows the fact that HMG does not like to have things brought out into the open as this motion is seeking to do and therefore of course since they do not like we shall be doing it with monotonous regularity from now on. The position, Mr Speaker, as regards this question of confidentiality in order to put the Honourable and Learned Member's mind at rest and I was cautious enough to take three witnesses with me, Mr Speaker, when I went to see HE the Governor just in case the recollection of what took place should be different. But I would have hoped that I could count on the Honourable and Learned Mr Isola's comradeship as a fellow member of the House that he should give me at least the benefit of the doubt in this matter.

HON P J ISOLA

If the Honourable Member would give way, I did wait after the Honourable Mr Montegriffo addressed the House thinking that the Honourable Mr Bossano would like to spring to his feet but I understood he was going to wait until he heard other Members views and that is why I gave him my views. If I had a right of reply I would no doubt be able to perhaps say that I understand his explanation is very reasonable but I understood him to say he was going to wait to see what other Members had to say and that is why I spoke.

HON J BOSSANO

Well, Mr Speaker, the way that he has referred to the things suggested to me that he was not keeping an open mind on the matter until he had heard me at whatever stage that might have been, that he had already decided

that I was in the wrong. As I said the policy of the Gibraltar Democratic Movement is that the people of Gibraltar should be kept as fully informed as possible about everything that goes on and I told His Excellency the Governor consistent with that policy that I could not in fact pre-commit myself to making a statement that everything he would say to me would be confidential and that it was up to him to tell me when he had to say something whether he regarded it as something that had to be treated confidentially or not and then, we could decide whether the matter was necessary that it should be kept secret because as far as I am concerned it should not be the other way round. It should not be that everything is secret and there should be the odd exception where the people are informed but that there had to be a very good reason why the people of Gibraltar should not know and I find it incredible that the Honourable and Learned Member should apparently be quite satisfied that these are just normal talks which take place every year and there is nothing special about it and yet the people of Gibraltar cannot know about them. So if there is nothing special about it then there should be nothing confidential about them. And if the Honourable and Learned Chief Minister also agrees that there is nothing special about them then I would have thought it would be quite a routine thing for His Excellency the Governor to give me a ring simply and say; "The normal talks that take place at this time of the year are going to take place." And there is no need for all this secrecy and all this question of confidentiality if, in fact, that is all that is taking place. And because of this possible excuse of confidentiality I made it a specific point of asking His Excellency the Governor whether there was anything that he was not telling me which he could not tell me because he was not absolutely sure whether I would keep it confidential which he would have told me had it been otherwise and he said, no. So, in fact, in the presence of three witnesses he made it quite clear to me that even if I had been willing to give him a blank cheque on confidentiality he would not have told me anything more than he had already told me. Of that I have got an absolute crystal clear recollection, Mr Speaker, because I made a point of ensuring that I knew whether there was something going on that I had not been told which I had not been told, in fact, because I was not prepared to give the sort of commitment that apparently the Honourable and Learned Member says everybody else has given in the past. I want to make it quite clear that when my Party

went to the Polls, each and every one of us committed ourselves to a policy of open government which places a responsibility on those who wish to keep something from the people to make it the exception rather than the rule. That is still our policy and His Excellency the Governor knows that to be our policy and therefore it would have to be something very special and very exceptional for the people of Gibraltar not to be told about it. As far as I am concerned the people of Gibraltar are entitled to know that there are going to be talks if it is just a question of routine talks taking place once a year where nothing important is going to take place and they should be told that that is all that there is to it. If, in fact, they are not told and they only find out after the talks have started - the talks started in the morning and the news was released at 10.30, Mr Speaker - and they find out after the talks are taking place then, in fact, a lot of people are going to become suspicious about what is going on because of the confidentiality and the secrecy surrounding the whole episode. So I would have thought certainly the ideas of confidentiality need to be revised. If it is something important and something delicate, as the Honourable and Learned Member has said, that there are delicate negotiations which can be upset by being aired out of time and out of place, then of course they should not be aired out of place. There are a lot of things that are delicate but it has nothing to do as the Honourable Member seems to think with my participation in the Trade Union movement any more than whatever he has to do in his profession has anything to do with the role that he plays in the House of Assembly. There is obviously a paralled view that I express inside the Trade Union movement to the view that I express inside the House because I am the same person and I cannot think different or wear two different hats and come up with opposing views in two different places, Mr Speaker, but as a member of the House of Assembly I am speaking on behalf of those who voted for me primarily, and there are other people here to speak on behalf of those who voted for them and I do not see why any one of us should expect anybody else to say anything different in the House from what they said prior to the election results being announced. Therefore the stand and the commitment that we took on in our campaign was made so clear that nobody who voted for any member of my Party could be in any doubt as to how we feel about the issue of Gibraltar, about the question of the talks and about the evolvment that we expect and the

information that we expect to be made available to the people of Gibraltar. I do not like this business, Mr Speaker, for the Leader of the Opposition to be informed all alone because it may give the wrong impression that I am worried about being Leader of the Opposition and people will not recognise it. But if, in fact, there is an established tradition that His Excellency the Governor either consults or informs the Chief Minister and the Leader of the Opposition, either he should decide to pack it up and not do it any more in the future in which case that would be the end of that, or else he should do more than pay lip service to it and I think, Mr Speaker, that for His Excellency to call me in and tell me; "Look, there is a Press Release embargoed until 10.30 - which of course I did not divulge until half past ten in keeping with the rule of confidentiality - which I am going to read to you." And I said: "Well, thank you very much for consulting me." Of course it saved me the trouble of switching on the radio at 12 o'clock Mr Speaker. If that is what consultation is all about then, quite frankly, a lot has been made about it in the past which does not merit the importance that has been given to it. If, in fact, all that is happening is that the thing is being paid lip service to then I prefer, being basically an honest person that prepares to face, as I have said before, unpalatable realities so I do not delude myself that something else is taking place, I would prefer that they should stop informing me or consulting me whatever it is altogether than just to do that. I am heartened to learn that the Chief Minister knew about it ten days before because I asked His Excellency whether the Chief Minister has been consulted at all before the talks took place and he said, no, and I expressed surprise

HON CHIEF MINISTER

If the Honourable Member will give way. I was not consulted about the talks, I was told that the talks were going to be held a few days before, I was told that they had been arranged and they were going to take place. I was not told; "Can they be held?" This is not the point. The point is they are going to be held. If I may take this opportunity with the leave of the Honourable Member to say that if a communique is going to be released in Madrid and London at the same time, it is confidential until both parties decide to make it public and that information 3 or 4 or 5 days before it is going to be made public is confidential.

HON J BOSSANO

Yes, Mr Speaker, and presumably also an hour before. I suppose His Excellency the Governor presumed that my opportunity to rush about in the hour before it was going to be released if I had had the information was not as great as if he had told me three or four days before. But I would have thought that there was no danger, Mr Speaker, if His Excellency said to me; "This is going to be made public in 10 days time and obviously you should wait for the people who are going to make it public before you make it public." I would have thought that common sense should tell the Honourable Member and indeed His Excellency that that is not the sort of confidentiality about which so great stress is being made. Presumably that is not where delicate negotiations are taking place or the sort of references to which the Honourable and Learned Member opposite says members on this side of the House have previously given a commitment. I accept that if there are delicate negotiations then I should be told; "Look, they are delicate negotiations. If you want to know about them you can only know on these conditions." And then it is up to me to say: "Well, I would rather not know or I accept the conditions that you lay down." And I would take full responsibility for exercising my judgement as to whether I choose to be kept informed or not. But to be told half an hour before the information is going to be released presumably through fear that if I was told any sooner than that I would rush around with a placard telling the whole of Gibraltar that there was going to be talks that day, is really a bit much to swallow. The decision of the Members of the House on this matter, of course, Mr Speaker, is nothing new. The question of talks taking place and of the members being consulted about the talks has been aired in the House before and it is interesting to be able to look back and see what Members have said previously to see whether anybody here changed their minds in the process of time. I know that circumstances change and people do not always think in 1976 as they thought in 1973 or in 1964. And it is a good thing that the House should be brought up to date on these things because it would be very wrong if the House thought that all of us still felt the same way and I quote from the Questions and Answers of the 18th of December 1973, Mr Speaker, almost exactly three years ago where the Chief Minister said: "I have not changed at all my attitude towards the matter - talking about talks with Spain, this is - I think it would be absolutely useless and unnecessary to start talks on the

same premise as the previous ones were broken down by the Spanish Government because they were broken down on the basis that the aspirations and demands of the Spaniards were not acceptable to the people of Gibraltar and therefore not acceptable to the British Government. So long as that remains my attitude does not change and that will be my advice to the British Government." Therefore, we think, Mr Speaker, that if the Honourable and Learned the Chief Minister has got views about talks and is in a position to offer advice, the least Her Majesty's Government should do is to seek his advice from time to time and that is why we think that Her Majesty's Government should not just tell the Chief Minister: "We are going to talk to Spain about Gibraltar on such a date at such a time." They should also say: "Have you got any views about our talking to Spain." They are, of course, as we know, responsible for Foreign Affairs and they may in their better judgement disregard the views of the Honourable and Learned Chief Minister just like they disregarded the views of the Honourable Member and the Honourable Mr Xiberras when they went over with the constitutional proposals because they have said and they have constantly reminded us of that and the Minister of State, Mr Crossland, reminded the Gibraltar Representatives Organisation that it was in fact the prerogative of Her Majesty's Government to exercise their judgement as to what was best for the people of Gibraltar, what was in the interest of the people of Gibraltar. That is the position as Her Majesty's Government sees it, it is not a position that I agree with, I think we are old enough now to be able to exercise our own judgement as to what is good for us. I note that at one particular meeting of the GRO the representatives of the AACR at that meeting also shared that sentiment that we should make it quite clear that we are capable of judging what is good for us and I know that in fact members on the other side of the House quite often express some very strong sentiments in the Lobby and yet when they come here in fact the realities - perhaps it is the practicable realities of being in Government, I know that argument has been used - but it is easier, Mr Speaker, to talk in a particular vein when it is not being recorded in Hansard than it is when it is but as far as myself, as far as the members of the Gibraltar Democratic Movement are concerned, we shall be in fact maintaining in the House of Assembly the position that we have maintained during our election campaign and the position that we maintain whenever we talk about this matter anywhere. It is our view that it is wrong whether these things are routine, whether it happens every year, whether anything important is taking place or not, that they should in fact take place without us knowing in advance that they are going to take place and without an explanation being given to us, just like the Honourable and Learned Member, Mr Isola, has given that explanation here. He may know that that is the reason or he may think that that is the reason but he has not been told that that is the reason. It may be that he assumes that to be the reason on the basis of his greater knowledge of this matter or of his experience. But as far as I am concerned if that is the explanation

HON P J ISOLA

If the Honourable Member will give way. If he accepted the test of confidentiality I am sure he would soon acquire the same experience.

HON J BOSSANO

Mr Speaker, if that is the case it appears that all I have to do is to tag on behind the Honourable and Learned Member and I will find out all I want to know without having to accept the test of confidentiality.

HON CHIEF MINISTER

If the Honourable Member would give way. Precisely because certain information is confidential one cannot say what it is. The fact of being consulted itself is not confidential. It has been made public today by the Government that that is the policy. The fact that I knew about the talks a few days before is a fact. What happened when I knew about the talks and what was said then becomes part of confidentiality. I was not called just to be told: "This is going to happen" because there was confidentiality in it and I was not prepared to discuss what that is otherwise I would be breaching it. All I say is what I have always said, that so long as there is no new situation I will not mind if there are talks so long as I know that the British Government is maintaining its stand and if the Honourable Member looks back on the record he will also look at Question No.183 of 1973 where I said exactly the same thing.

HON J BOSSANO

I am very grateful, Mr Speaker, for that fuller explanation. This is the difficulty one finds oneself in the House of Assembly that either one allows the Honourable and Learned Chief Minister to speak last or else one waits for the Honourable and Learned Chief Minister to speak before, he says very little and then eventually little bits come out that enlarge on the situation. So it appears that the Honourable and Learned Member - this is even more serious than I thought, Mr Speaker - and I am sure that Members of the House will look upon the matter with the seriousness that it deserves. It appears that the Honourable and Learned Chief Minister was told something more than just that the talks were going to take place.

HON CHIEF MINISTER

No, I did not say that. I said that I was told that the talks are going to take place but I was not told just that alone as he was told half an hour before I imagine as a matter of ^{courtesy} as the Leader of the opposition because he would not keep the confidentiality but I am not going to say that all that happened was the same that

happened to him except that it happened 5 days before. If I say anything different then I am breaking the confidentiality.

HON J BOSSANO

Mr Speaker, presumably he is not breaking the confidentiality by telling the House that something more took place without telling the House what took place. It therefore would appear, Mr Speaker, that he was told more about the talks than I was told and, therefore, in spite of that, in front of three Members of the House who were with me, His Excellency the Governor said to me that there was nothing more that he would have told me even if the question of confidentiality had not arisen. So, therefore, it would appear that the Honourable and Learned the Chief Minister was told something which he considers he was told because he was able to give a commitment on confidentiality whereas I was told by His Excellency the Governor that in my case confidentiality or no confidentiality all that I would have been told was that a meeting was going to take place and I have three witnesses who heard His Excellency say that. So it would appear, Mr Speaker, that all this question of confidentiality is to a certain extent a red herring if one puts the statement of the Honourable and Learned Member next to the statement of His Excellency the Governor because it would seem that confidentiality or no confidentiality if HMG has got greater trust in the Honourable and Learned the Chief Minister than they have in me presumably, they will tell me what it suits them to tell me whatever the degree of confidentiality I am supposed to be enjoying. That is the reality of the situation and therefore let us not say that I am not being told, Mr Speaker, because of confidentiality. If that is the crux of the matter then either we all all recognise it in the House of Assembly and presumably some of us here consider it to be a jolly good thing, if I can use that expression or else we might be upset, as comrades in the House, that a Member of the House

MR SPEAKER

I think the right word is colleagues.

HON J BOSSANO

Well, the Leader of the House of Commons, Mr Michael Foot, would use the word "Comrades". If Erskine May requires revision in this particular respect I am sure the Leader of the House of Commons will see to it. It might upset some Members to think that notwithstanding whatever I have to say on confidentiality the reality of it is that the amount of information that would be made available would be more limited to a very much greater degree. That would appear to be a conclusion that one could derive from what the Honourable and Learned the Chief Minister has said and what I was told about the information that was available. It also puts in doubt the interpretation of the Honourable and Learned Mr Isola about the routine nature and the non-importance of these matters because the more confidentiality that is

attached to it and the more information that is available to just one man the less likely it is that this is a purely routine thing at which nobody says anything and one would expect nothing to be said if in fact the situation is a situation in which I would say I am quite familiar with in another sphere, a situation where you have got a deadlock between two parties and they sit down at the table and they have got nothing to say to each other. That is, theoretically, the situation that is supposed to exist, that the Spanish Government only want to talk about sovereignty over Gibraltar and the British Government prefer to talk about anything but sovereignty over Gibraltar and presumably they cannot find anything to talk about notwithstanding the many meetings that they have. It is for this reason that the House and in particular, if I may say, the previous Leader of the Opposition the Honourable Mr Xiberras, has on a number of occasions made very strong speeches in the House of Assembly concerning the undesirability of these talks for as long as the question of sovereignty is still of paramount importance, for as long as Spain is continuing to maintain its claim of sovereignty over Gibraltar. That, in fact, was the view of the Honourable the Chief Minister and the Honourable and Learned Mr Isola in 1964 where they said that sovereignty over Gibraltar was not a matter for discussion between Britain and Spain, that is why Gibraltar's future should be held between these two countries and that, 12 years later, is still the situation. The only thing that has changed, of course, is the political spectrum in Spain and the beginning's sympathy that we enjoy as a consequence of that. That is the most serious development that has taken place, in my estimation, Mr Speaker, in recent times in connection with this, that all those who could understand in the time that the Generalissimo used to be across the border, all those who could understand our opposition to any question of sovereignty being discussed with Spain find it less difficult to understand now. This is why if the talks are not yet entering the phase of preparing the ground for the negotiations to take place - and I think there was a part of the statement read by the Honourable and Learned the Attorney General that said that the talks had not yet laid the ground for negotiations to take place, or words to that effect - then presumably that is what the talks are seeking to do. What the talks are seeking to do but have not yet succeeded in doing is to find common ground between Britain and Spain. If the Honourable Member can quote from the statement.

HON ATTORNEY GENERAL

"Should the situation arise in which substantive negotiations could be held with the Spanish Government, Her Majesty's Government would consult the Gibraltar Government but a common basis has not yet been reached upon which such negotiations could begin."

HON J BOSSANO

Actually, Mr Speaker, that statement has been made after the talks

and I take it that the talks have failed to produce a common basis that is why it has not yet been reached but if it has not yet been reached then, presumably, what the talks are seeking to do is to try and reach this common basis. They may never reach it or again they may, but if one does not know what the agenda is, what the starting position of either side is or what the position is after the talks have finished then one is no nearer to knowing whether the common basis has yet been reached or not now than one was before and I am very grateful to my colleague, the Honourable Mr Restano, for bringing the motion because at least we know something now that we did not know when we went to see the Governor and that is that the common basis has not yet been reached as a result of these talks. At least we know now a little bit more and it is not confidential because now the whole of Gibraltar can know about it. If we had been told that in confidence then, presumably, we would have had to go around keeping that information to ourselves so I am glad that we know that little bit more now than we did before. Therefore I think that even though the motion is obviously going to be lost it has achieved a useful purpose and in view of its success, as I say, the Opposition will be periodically bringing up motions of this nature to enable the Honourable and Learned the Attorney General to make statements of the type that he has made which I hope will not contain the inaccuracies that this one contains, I hope the information will be double checked before it is brought to the House, and which will in fact enlighten Members of the House somewhat more than they are being enlightened by the current process. The view of the House is apparently, Mr Speaker, going to be interpreted when this motion is voted as to one where the Gibraltar Government, presumably, will exercise its majority in the House and will be in fact indicating to the people of Gibraltar and to the British Government that they have no wish to be consulted about any talks that may take place and they have no wish to have their views listened to and I think it would be a good thing if even if, they vote this motion out they should make it quite clear that that is not what they wish because even if I am kept in the dark I would at least prefer that the Honourable and Learned the Chief Minister should not be kept in the dark. I would of course prefer not to be kept in the dark but I prefer that he should be given the opportunity of putting forward his advice but if he is not in fact wanting to do that then I am sorry that he should not want it. If he does want

it I think he should make it quite clear even if he votes against the motion because what the motion is seeking is that all of us should be informed.

HON CHIEF MINISTER

Mr Speaker, if the first paragraph of the Attorney General's statement had not been made I would have protested, that is to say, if it had not said that the practice has been to consult through the Governor the Chief Minister and the Leader of the Opposition on foreign affairs affecting Gibraltar. If that had not been said or there had been no indication that that was going to be the case, I would have said that that was a departure of the policy and I would have probably had an amendment to bring to the motion to fit in to the practice as I understand it now. Of course any interpretation that either the Honourable Leader of the Opposition or anybody wants to give to our voting against that is the privilege of whoever interprets it but why we say that this is unacceptable is because I think that it would be impossible for Her Majesty's Government to protect the people of Gibraltar in her responsibilities for foreign affairs if she had to have what they call "open Government" on everything affecting Gibraltar. I think the people of Gibraltar can better be protected by the British Government if they can carry out their defence of the people of Gibraltar in normal diplomatic channels and without having to have it in the headlines of every local newspaper every time anything was going to happen about Gibraltar which could be interpreted as a sell-out.

HON J BOSSANO

Mr Speaker, as the Honourable and Learned Member has said these things very often are a question of judgement. In my view the suspicions of people are aroused when things are shrouded in secrecy, the more information that is available the clearer a picture everybody has of what the situation is and the less likely we are going to have misinterpretations of what takes place but I think it is a bit facile on the part of the honourable and Learned the Chief Minister to suggest that what we are seeking with this motion is that Her Majesty's Government should consult us every time that there is a commercial talk or something similar. The Honourable Member said that anything that takes place

affects Gibraltar's future. Well, of course, every time a child is born in St Bernard's Hospital it affects Gibraltar's future, the population is going up, the age structure of Gibraltar changes, there is either one more female or one more male in Gibraltar but I am not suggesting that Her Majesty's Government should consult us about things like that. We are talking about talks between Her Majesty's Government and the Spanish Government at any level, and let us not forget, Mr Speaker, that again the information was not volunteered although it was not confidential because it was made public but eventually it materialised that the man who was leading the British side in the talks in Madrid was Mr Hibbert and it was Mr Hibbert who was in Gibraltar not so long ago and who make it quite clear certainly to me in the presence of a number of trade union officials and everybody else that his analysis of the future of Gibraltar - and that is the man who is going to talk to Spain - was completely congruent with the Maxwell Stamp Report. He said quite categorically, Mr Speaker, that Gibraltar's economy was completely artificial, that it was completely at the mercy of decisions taken in the United Kingdom and that there was no guarantee which is precisely the analysis made in the Maxwell Stamp Report that there are two alternatives, either economic integration with Spain or the status quo for as long as Britain chooses to maintain the status quo which is at best a medium term solution so that the other solution is inevitable basically. It is either we have it now or we have it in 10 years time but have it we must. That is the conclusion of the economic analysis of the Maxwell Stamp Report and that, Mr Speaker, is certainly a view of the alternatives open to Gibraltar that is shared by Mr Hibbert who is the official who led the British Government side in the Madrid talks. At least that is how he expressed himself in Transport House in the presence of a number of committee members when he said that we could not escape the reality that our economy was completely artificial and that the natural thing for Gibraltar was to develop economically by participating in the expansion of our natural hinterland which is all very well if one could divorce economics from politics but one cannot. And it certainly upset me no end, Mr Speaker, when I found that he was the man who was going to talk to the Spaniards because on the fundamental analysis of the talks about Gibraltar he appears to share the view expressed in the Maxwell Stamp Report where without a doubt the Spanish Government has had a hand even if nobody from the British side has had a hand from any official sources and we are told that that is not the

case, I have no doubt that as far as the Spanish side is concerned there must have been very considerable official support for a document that is so favourable to the Spanish case. If I had been told at an earlier stage that the talks that were going to be taking place in Madrid would have Mr Hibbert putting the British case, I would certainly have reminded His Excellency the Governor of Mr Hibbert's view. So, you see, the amount of information, Mr Speaker, that is made available is the only way that one can come back with any comment on whether the talks however unimportant they may be in the context of finding a definitive solution for Gibraltar's future, even if the talks are not about that, they are just about exploring whether there is any possible basis and even if the explorations are not likely to succeed nevertheless the more information one has about it the better one is in a position to comment on them and I think it is regrettable that the information that has been made available should only have been made available out of the pressure that has been brought to bear on this through a motion in the House and should not have been volunteered in the first place because I really think that even though the information is important and interesting it is not so that it can be kept away from the people of Gibraltar.

HON M XIBERRAS

Mr Speaker, this motion deals with an important aspect of Government, the question of confidentiality in any context, and also deals with a particular issue at stake recently. I would like to make my views clear on both points and, thirdly, I should like to say something about the obligation to consult. So, therefore, three points, confidentiality, the obligation to consult, and the issue of the last several days, Mr Speaker, when I came to be Leader of the Opposition there were difficult problems to be surmounted as a result of certain accusations made by Mr Honourable and Gallant Friend, Major Peliza and the Honourable and Learned the Chief Minister as regards the disclosing of matters imparted in confidence and the process of consultation with the Governor was put seriously at risk. It was my considered view at that time, without in any way disagreeing with the actions of my Honourable and Gallant Friend at that time, that the existence of a relationship of consultation between the Governor and the Chief Minister and the Leader of the Opposition whereby I mean that the Governor consults the Chief Minister and the Leader of the Opposition separately, not together, was important for Gibraltar and I did my

best to repair the misunderstandings that had taken place, and I repeat without in any way ceasing to support the actions of my Honourable and Gallant Friend some time in June of 1972. There were accusations of breaches of confidentiality on both sides both from the Honourable Sir Joshua Hassan and from the Honourable and Gallant Major Peliza at that time. Having said that, Mr Speaker, may I try to say what confidentiality is and what it is not.

Confidentiality is, if I may say so, an agreement to keep confidential. It is no more than that. It should not be a way of keeping one's mouth shut on important issues, it should not and does not exonerate a Member of this House in either the two capacities mentioned from coming to the people at the appropriate time if he considers the matter to be of paramount importance. But if such a member acts in this way and breaches deliberately confidentiality then the confidentiality, the relationship, ceases to exist and has to be restarted. To refuse to enter into such a relationship, to my mind, in the case of either the Chief Minister or the Leader of the Opposition, is not in the interest of Gibraltar. I feel that I would be much happier with this motion if my Honourable Friend, Mr Bossano, had given a quite categorical assurance acceptable on the side of the Governor, as the Governor's was acceptable to the Honourable Mr Bossano that the process of confidentiality would be kept and the process should be started. If I may say so again, as Honourable Members have said without lecturing, the process of consultation or confidentiality in consultation is a human process as well as a political process and therefore I found in my experience that trust had to be built up, a word I have used in the House before. And it is not something which can be rigidly defined or too rigidly defined, even though I can say without any breach of confidentiality that, I, for instance, on becoming Leader of the Opposition placed certain conditions which I am not at liberty to reveal on the exchanges between the Governor and myself. Mr Speaker, the usefulness of confidentiality is limited, if there are disparities and diverging interests between the two people enjoying this relationship then one can be sure that whatever agreement there is to keep confidential what passes between them neither of the two is going to impart to the other things which the other in his opinion should not know and I am sure that I have not told the Governor all that he would like to know from me as much as the Governor has not told me all that I would wish to know from him. But there is, hopefully, a build-up of confidence and trust which eventually operates, one hopes, in the interest of Gibraltar. Therefore, Mr Speaker, if one agrees to

confidentiality one places the other person under an obligation to tell and in failing to agree to confidentiality one relieves that other person of the obligation to tell. I am therefore concerned with the attitude of the Honourable Mr Bossano in this matter because for as long as he does not agree to confidentiality as my Honourable and Gallant Friend Major Peliza did and various other persons despite what happened in June 1972, then the Governor is under no obligation to tell and we Honourable Members in this House cannot question or even hold responsible the Honourable Leader of the Opposition or the Honourable Chief Minister if he were to get into that position. It has been said it is a burden, and it is a burden sometimes. It is not always a burden. The process of consultation is not divided up into secrets, official secrets, confidential, in-confidence and so forth. The process of consultation is a relationship under the seal of confidentiality and it depends for its existence on the continuing will of both parties to keep this confidentiality and I have no hesitation in saying in this House that I, if I were to be in that position again, if it came to the vital interests of the people of Gibraltar, as I have said before, Mr Speaker, I would consider that interest to be by far more important than confidentiality when it is used wrongly, when it is used to keep people quiet and keep them from performing their obligations. Therefore, Mr Speaker, I ask the Honourable Mr Bossano, the Leader of the Opposition, to take account of these views and to see his way to changing this position in the interest, not only of himself but also of Honourable Members on this side of the House. Mr Speaker, open government to my mind is a pretty broad phrase. I do not disagree with it but it is subject to many interpretations and if open Government is going to be brought, for instance, to be a factor in the talks which I might have with Mr Bossano or any of his colleagues and then there is an obligation on the part of any of his colleagues to reveal what I have said in confidence to any of them because they believe in open government, then I would not be in a position to consult on several matters with the Honourable Mr Bossano or any other Honourable Member on this side of the House. One can have more open government without saying that there are no secrets because secrets there are and we all have them in politics and in personal life. So, Mr Speaker, the process of communication, such as it is, with the Opposition is in danger of being interrupted and I think this is serious and I ask the Honourable Member to reconsider and the mover of the motion whether he was aware when he moved, of the implications of this. I certainly was not aware that at some stage Mr Bossano has said to the

Governor that he did not want everything unless it was very important to come under the seal of confidentiality. I shall go into this attitude a bit more deeply, Mr Speaker. One cannot have a developing process of trust and confidentiality if one is going to go to a position where one wants to know what is happening but not be told about it because one would have to keep it to oneself. To be able to discriminate between one issue and another is very difficult. On the other hand I would never accept from the Governor that something which was totally insignificant had to be kept quiet for a very long period of time quite unnecessarily and I would tell him on the spot as a general rule of conduct: "You, Sir, are abusing this confidentiality. You are trying to put this under the umbrella of confidentiality when there is no need for this to be and I ask you to accept this." "And it would be within the strains of any relationship as to whether that point of view would be accepted or not. But there must be a more or less absolute commitment from the start on both sides, commitment to keep quiet those things and not to abuse the limits of confidentiality or the need for confidentiality. Mr Speaker, the Honourable Chief Minister and I have not differed very much so far but that is ^{the} theory of it. In the practice of it the Honourable and Learned the Chief Minister and I do differ quite considerably. For instance, Mr Speaker, the question of the Brussels talks when the FCO was aware of the Brussels meeting and we spent 20 months in the House trying to extract from the Chief Minister information which he claimed had taken place under the diplomatic convention that things imparted in confidence are not revealed. I think the Chief Minister on that occasion failed in the sense that he was aware that I as Leader of the Opposition at that time was not informed and I feel that the Governor failed in this insofar as it was in his power and his responsibility to tell me. And I feel the FCO and the Minister failed in this because they formed one side of the consultation process as opposed to the other side and there was a fact which should have been made known to me at that particular time as Leader of the Opposition, something to which only the British Government and only the Chief Minister in Gibraltar were privy and, of course, the officials from Gibraltar who accompanied the Chief Minister to these talks. That to my mind is a greater cause for concern than the scruple, if I may put it that way, that the Honourable Mr Bossano appears to have about getting into a position of confidentiality. And there have been

other cases, at least one other case, which I will not allude to because I think the Brussels case clearly puts the position. Hence the irritation, discomfort and the bad relations which existed at that time and I blame both the Chief Minister and the British Government for that. Mr Speaker, obviously there is a need for consultation. I told the Governor when we came here in my opening speech that the process of consultation had almost broken down - this was shortly after the June 1972, events. I told him that there was a need to improve this process of consultation. The people of Gibraltar cannot be kept in ignorance about anything which is meaningful about their future. Equally, I accept that even for good reasons as well as the bad reasons the British Government is not going to tell us everything. I, Mr Speaker, made mention to a particular event regarding Britain's attitude to Spain's application to Eurocontrol and I referred to an extract from a Spanish paper on this. That was an important matter even at the time. There can be other things to do with NATO, there can be things to do with ordinary negotiations in which Gibraltar is not the only interest. I feel, Mr Speaker, that in anything that is meaningful we have the right to be informed but the level of information, the level of consultation must be different, it must be different not just because there are spies in Gibraltar, not just because there are people who are willing to make use of the information which there are, constantly there are. There is monitoring of Gibraltar television, there is an interest in what happens in Gibraltar but let us lay aside these ordinary matters of prudence in Government. There are also other things which when given out and not fully, when transmitted from mouth to mouth, completely change and then there is a danger that when they get down to popular level one might get a completely different story. There is a weight of confidentiality to be carried at every level of responsibility and this is in business as well as in anything else. From competitors in business, in law firms, in anything. So it is to my mind hardly a sensible statement to say that this confidentiality should not be entered into. The need for consultation is there, but Her Majesty's Government even as my Party colleagues in the past used to say, even if there were a law that the Governor should consult you, referring to me, I told them even if that law was there, the Governor is only going to tell me what Foreign Office tells him and the Foreign Office is only going to tell the Governor what they want the Governor to tell me and so and so in the

Foreign Office is only going to tell so and so in the Foreign Office what it is in his interest to know and so forth. Even if there is a law there would have to be an enquiry on every single case before one determined whether the consultation had been full or not. But I prefer to hold by the responsibility of the British Government to consult the leaders of the people of Gibraltar and I know that if I do not do a deal in the matter of confidentiality then there is no responsibility. Mr Hibbert may have said; "Good morning and good bye" for all I know, in Madrid. I can genuinely say, Mr Speaker, that I do not know to whom, not because, Mr Speaker, I have been told and I do not want to say, I just do not know. Mr Speaker, he may have said other things and the Chief Minister even though he prides himself on the way he keeps confidentiality is no doubt treated in a similar manner. The Chief Minister is told the things which is in the interest of the FCO and according to the obligations of the FCO as they see them, what he needs to know. There is no magic in the process and the Chief Minister does not know everything that transpires in the FCO even in relation to Gibraltar. That he should know, certainly, but the Chief Minister does not know everything. He certainly knows more than I do at this point in time, he certainly knows more than the Honourable Mr Bossano did about this particular issue but he does not know everything. I am sure the Chief Minister agrees with me that this is, in fact, the case. That is why we bring motions to the House and we analyse interests and the way things are pulling and we try to arrive in abstract, as it were, or with information available, at certain positions. Now, Mr Speaker, on the need to be consulted. We on this side need consultation. We need consultation and that side, certainly, apparently appears to enjoy this consultation. Mr Speaker, on the question of the issue which has given rise to this, the question of talks, I have made it very clear when Mr Jamieson in 1973, I think it was 6 December, 1973, supported a consensus in the United Nations asking for talks, a consensus which is very similar to the consensus that has been passed now, I made it very clear that I did not consider this to be a routine matter. The Chief Minister is aware of this and the Chief Minister has said that this is a routine matter and so forth. It was a question to do with the consensus that they had to go for talks and so forth. I do not agree at all that this can be treated by Gibraltar as a routine matter however many times it happens. The consensus reflects a policy of talking

together towards reaching a negotiated solution, that is what is required by the consensus because incorporated in the consensus there are references to various resolutions which are not at all favourable to us. And the talking together and the working together process which started at the time of Sir Alec Douglas Home continues in the United Nations and is embodied in the consensus. Mr Speaker, I made my protest at the time in the proper quarters and I do not like to see Honourable Members take this to be a routine matter. I think the Honourable Mr Bossano in that side of his statement and the Honourable Mover made it quite clear by reference to the White Paper which he quoted that there was a policy, a movement towards a negotiated solution and the Honourable and Learned the Chief Minister knows of my attitude when questioned about, generally. I do not like this process in the United Nations, I do not like it. And the Honourable and Learned Chief Minister himself has expressed from time to time his reservations about this but today he has not expressed those reservations

HON CHIEF MINISTER

If the Honourable Member will give way I do not like it. It is a reality and a fact of life having regard to Britain's responsibility in the United Nations, that is all.

HON M XIBERRAS

But, Mr Speaker, it is not purely a routine matter. It may be a routine matter but it is something else beside, it is something which we do not like.

MR SPEAKER

I think in fairness to the Chief Minister the person who referred to the talks being a routine matter was the Honourable Mr Isola. But I think the word routine was used by the Honourable Mr Isola.

HON M XIBERRAS

Yes, Mr Speaker, it was used I think also in reports in the press and so forth. What I am saying is that this House should not accept this to be a routine matter.

Therefore this motion has served a purpose for me an ordinary Member of the House of Assembly, it has drawn the statement of the Attorney General. But I do not think we should be kept informed, we in Gibraltar, our leaders should be kept informed all the time through this process of bringing motions. Though I have brought motions to the House on this matter I do not think it should replace the process of consultation because then the burden is on Honourable Members on this side of the House to find out what is happening and not the Honourable Member opposite or should I say the Governor to tell us what is happening through our elected leaders. Mr Speaker, to finalise I would just like to go on to see whether I have understood the Honourable Mr Bossano absolutely clearly. He could not commit himself to a blank cheque, I think he said, on confidentiality and he would ask the Governor whether what he was told needed to be confidential or whether it was something fairly routine - these are not his exact words - and then he would decide whether he wanted to be told or not. That is not a workable relationship, Mr Speaker, to my manner of thinking. It is not a blank cheque one does not give the Governor a blank cheque. One remains free in the interest of some higher aim such as the future and deep interest of the people of Gibraltar to divulge that confidentiality and one has a higher obligation to this House and to Gibraltar as a whole to breach that confidentiality if necessary. So, I think Mr Speaker, that I am going to be in a fix about this motion even though prima facie I could say in all honesty not knowing that the Honourable Mr Bossano had not given his agreement to the confidentiality I am going to be in a bit of a dilemma over this and I would like to have seen some sort of amendment which preserves the need for consultation, which ensures that this side of the House would be informed equally with that side of the House and which did not accept this business of even these talks which are not, I agree, as important as other talks that have taken place but which nonetheless we cannot really ourselves in this House accept as purely routine. These are my thoughts, my honest thoughts, on this matter and if in the period which is left to the House to debate this, if any Honourable Member will care in consultation with me, perhaps, to amend the motion in these terms then I certainly would be able to support it. I have not, in fact, said one thing and that is that I do consider the whole event as rather sad because I think the Opposition needs to have confidence in somebody who is being consulted. Mr Speaker, with these thoughts I leave the motion to the House.

G T

HON RESTANO

Mr Speaker, the Honourable Mr Xiberras has asked for time to consult over certain amendments that he would like to make and therefore, possibly, we should leave this until after lunch.

HON CHIEF MINISTER

Mr Speaker, I would like to make clear without of course pre-judging the amendment that the amendments in the light of what the Honourable Mr Xiberras has indicated would not be acceptable to the Government either.

HON M XIBERRAS

All the more reason why the amendment should be moved.

MR SPEAKER

We will then recess until this afternoon at 3.15 which I think will clear the atmosphere and give all Members time to consider their attitude.

The House recessed at 1.00 p.m.

The House resumed at 3.25 p.m.

MR SPEAKER

I understand that there has been some consultation among Members of the Opposition as to a possible amendment.

HON MAJOR R J PELIZA

Yes, Mr Speaker, I have an amendment to make which I hope somehow I will be able to get more support if not the full support of this House for the motion. I beg to move that the motion be amended as follows :

- (i) by the addition of the words "of the circumstances" between the words "note" and "that" in the first line; and

- (ii) by the deletion of all the words after the word "consulting" in the third line of the last paragraph and the substitution therefor of the words "the leaders of the elected members subject to the normal rules of confidentiality and to keeping them fully informed as to what transpires at such meetings."

Mr Speaker proposed the question in the terms of the above amendment moved by the Honourable Major R J Peliza.

HON MAJOR R J PELIZA

Mr Speaker, one of the reasons why I am proposing this amendment is because I cannot possibly believe that there is any elected Member in this House who does not wish the elected members of Gibraltar to be consulted and informed on any matter regarding the future of Gibraltar and very especially concerning the relationship between Great Britain and Spain as it affects Gibraltar. I cannot possibly believe that there is any member in this House who could possibly object or vote against such a proposition. If, in fact, the motion has been left as it was before, I believe with no intention of the Mover whatsoever, and if the Government had voted against such motion the interpretation given could well have been that the Government itself was not all that keen in all the elected Members being aware of what is happening and that in my view could lead to all sorts of reaction and suspicion here in Gibraltar and abroad and I believe quite necessarily because I cannot possibly think that this is the spirit under which the Chief Minister originally opposed the motion. I think the confusion arose when the question of confidentiality was introduced into the discussion. That I think gave a completely different picture to the motion perhaps because that particular word was originally omitted but now that the word is there I think that that ambiguity, that possible misinterpretation has been completely eliminated. I doubt whether there can be any excuse for any Member of this House to object in principle to the motion as it now stands amended. My belief is and to a large extent at least it is certainly my view that one of the reasons for introducing the motion was to stress that the elected Members of Gibraltar through their leaders must be taken into the trust of the British Government as I said within the normal rules of confidentiality. In other words the leaders themselves must be consulted and obviously they themselves can be told to what extent they can inform

other elected Members. By this process of information and consultation and degree of secrecy and confidentiality I think it is possible to win the confidence and trust of every elected member which is absolutely essential if we are all going to feel happy that things are going alright for Gibraltar. It is not enough for one member of the Government to stand up and say that he is consulted. In the same way as I say we cannot have blind faith in any Government far less than we have blind faith on any individual person including myself. So what I am saying is that the purpose of this motion is to stress the importance of establishing genuine confidence between the elected members of Gibraltar who represent the people of Gibraltar, in other words the people of Gibraltar, and the British Government. Perhaps one of the troubles in our situation is that we come under the FCO. If we came under any other Office perhaps we would not be suffering the uncertainties and suspicions that we are suffering today. I can tell you a story of an Englishman who was walking up Whitehall - and there are a lot of tourists in that area - and he was approached by a tourist and he asked him: "Can you tell me on what side the Foreign Office is?" And the reply of the Englishman was; "Well, I hope on our side." This I think is the fear in Gibraltar, on what side is the Foreign Office? And some people say in blind faith; "On ours." Others say; "Well, I have got to make sure that the Foreign Office is on our side." I think that is only fair and proper. I do not believe that the people have given the elected members of Gibraltar a blank cheque in that respect. I think they expect the people of Gibraltar to keep a watchful eye and not take things in blind faith. Even in a small club there must be an element of confidentiality, even in personal relationships there is an element of confidentiality and the essence, to start with, of that element of confidentiality is mutual trust. Without mutual trust there can be no confidentiality and to establish this mutual trust it needs both sides to try and do their best to bring it about. I think what we are trying to do here, certainly what I am trying to do here today, is to see since obviously the problem has arisen there is no doubt about it that there is a problem, I am going to try and make a very small contribution to see if we can get round to resolving this problem. But for this to be resolved it is absolutely essential that first of all the members of the Government and very particularly the Chief Minister should not be entrenched on any particular position but should be prepared to give his consideration and I hope finally pull his weight to see if this mutual

trust can be established. It is also very natural that with the change of Government and very particularly with quite a lot of new blood in the Opposition and a new Party in the Opposition and a new Leader of the Opposition, this matter was bound to arise and very much so if part of the election campaign was for open government. I am a supporter of open government and I think in Britain too you will find lots of people in favour of open government. It does not mean to say that open government means no confidentiality in any quarter, it does not mean that. But it does mean that the rule of confidentiality should only be applied where it is absolutely necessary, it does mean that, and there is in fact a tug of war all the time in any Parliament and certainly in this parliament of ours and for certain in the British Parliament in the UK, where there is all the time an attempt to reduce the need for unnecessary confidentiality and this we see in question time every day in the Houses of Parliament. The whole idea of question time is not only to inform the public but to force the Ministers to open up and give information. Sometimes the Ministers themselves are themselves hamstrung by the Civil Servants. We do not know to what extent the limitations imposed are those of the Minister himself or of the Civil Servants and therefore I think it is very proper for the elected Members and above all the Opposition in any Parliament to ensure that open government is kept as open as possible without in any way damaging the good running of the Government or the relationship of that Government with any other foreign country and when I am speaking today it is certainly not my idea in any way that my words should impair any progress that the British Government may be making through their talks with the Spanish Government to bring a happy solution to our problem. What I am trying to get at is, is it really so important to keep from the public and leave it till 12 o'clock on the day of the talks that talks are taking place on such a date? I have got to stretch my imagination very far to believe that there is any need to impose such secrecy on such a small matter particularly if the talks are purely of a routine nature. I cannot remember the actual words used but obviously I think the impression given was that this had been started a long time, that it was just a process of talks and counter talks, proposals and counter proposals or ways of finding something on which to start talking seriously. In fact, I think the Honourable and Learned Attorney General referred to a common base, leading to a common base. That as I said before was some information that has been elicited from this particular motion because

now we know that obviously we are getting to a stage, or that is the impression I got, where we may be reaching a common base. If the answer is no, as I can see the Chief Minister shaking his head, obviously he certainly knows more than I do.

HON CHIEF MINISTER

I am judging from the statement of the Attorney General. You cannot put that interpretation in it, the statement said: "Should the situation arise in which substantive negotiations could be held but a common basis has not yet been reached."

HON MAJOR R J PELIZA

Well, may be we are not getting anywhere near a common basis. But whether we are not getting near a common base or whether we are getting near a common base or whether we are a state in between one and the other, what I am trying to say is that this information is information which the public is interested in hearing. It is good stuff to come out, the sort of thing that should be released for people to understand and certainly it is information that the elected Members should know. It would be very interesting if the powers that be could now tell the elected Members; "We are three quarters of the way there", or "We are nowhere near there." That would be interesting. I do not know whether that is confidential or not but, if it is confidential it is interesting that the elected Members should be told under the normal rules of confidentiality through their leader if necessary. I cannot believe that that is going to upset the good relations between Britain and Spain or upset any possibility of progress but it does help if people who are responsible to the people of Gibraltar are aware of what the position is at such and such a time and whether it is in their interest to press for more information or to express the point of view confidentially or publicly. This is a right I think that the elected members have and if the elected members have not got that right then I think that the people of Gibraltar have not got it either. So this fundamentally goes down to the individual. I am sure that the Chief Minister must and should appreciate that. So when we are talking of confidentiality I think it is very important that the person responsible should decide what is confidential, what is not confidential, what is only for the ears of the Leaders of the Party and what is for the ears of the elected Members. We shall be a much

happier family if this could come out of this discussion that we are holding here today and I say this in the most constructive manner that I in my limitations am able to do it. In my own experience I found that things like: "We are having talks tomorrow" or; "Such and such a thing is going to happen" was not all that important that it should not be told to anybody. I asked always to try and get the information I had to reach as far as possible and I had lots of problems to get some progress in the direction that I think I am trying to get this moving today. But I feel that it is important that the Leaders, regardless of whether they like the limitations imposed on them or not, I think that it is important that the Leaders do their best to conform to the rules of confidentiality however little information or consultation they may get out of it because there is a point when if he is obliged to be consulted, because this has been the undertaking given by the British Government and this normally is at the stage when things are getting really to the crunch. When that happens then I think that he can then express a very important opinion. It happened in my case - this is why I said I would say something about my experience - when the stage was being reached when there might have been serious negotiations between Sir Alec Douglas Home and Señor Lopez Bravo. And because I was able then to express a point of view and at the same time consult all my colleagues on that particular point of view, that the Government was able first to make suggestions as to what they felt about the situation, and, secondly, to reject any possible suggestions put forward by the FCO which we thought, at least from the Government point of view, were not acceptable. Partly as a result of that I had the option and I took it, as right as Chief Minister of Gibraltar, I went to the people before the 4 years were up. That, therefore, was a weapon that I as Chief Minister had in my possession and I was able to use it because I had the right to be consulted under the terms of confidentiality. I did not disclose anything personally about what happened but I did go to the people. My objections were very simple, forget about personalities, about whatever may have happened at those elections. I do not want to touch on that because the last thing I want to do in this House on the question of this motion is to create any division. But the basic reason was - and this the public knows so I am not divulging anything that is not known in Gibraltar as this came out at the

last elections - was because the Gibraltarian view that was expressed was certainly not in line with the view that had been expressed by the Government of Gibraltar a few hours before and that tomme was contrary to the suggestions put forward by the Government of Gibraltar that day. One of them was that we would have to go to talks without any pre-conditions and this to me meant that if necessary we would have to talk . . .

MR SPEAKER

Yes, but one must not fall into the temptation of straying from the question before the House.

HON MAJOR R J PELIZA

Mr Speaker, certainly I am not going to go into that but what I am trying to explain is how important it is that this House should fight and fight hard for their leaders to be informed and consulted because that does not deprive them, even if they give their word of confidentiality, does not deprive them if at a given moment they have to take action without disclosures they can do it and I do hope that this House will see it in that light. We have reached a stage and perhaps this should be the process whenever there is a change of Government, we have reached a stage now when we have just started a new House of Assembly, there has been a long gap since the last one was dissolved and there are new Members in this House. I do not know to what extent the members of the Government are now up to date with the situation regarding Gibraltar and Spain. I certainly do not know more nor less than what I have read in the Press and what I gather from the statements that are made not only in the local papers but in the Spanish papers and the British papers. I think this is a shameful way in which to treat elected members of this House. I think the time has arrived and this has brought it I think to the foreground, when a new House of Assembly has been constituted when those who are being kept informed are just put up to date and those who knew nothing about it before are fully briefed within the normal rule of confidentiality and to the extent that they can be informed. I believe that now we have reached this stage and what a better time than now to try and make peace with the other side of the non-elected Government of Gibraltar on this issue. What a better

time than now for the elected members through their Leaders or directly by the Governor to be informed of the latest situation at least those of us who are prepared to accept the rule of confidentiality. Brought up to date as far as that is possible and subsequently for the leaders themselves to be kept informed and because of the feeling the nature and the strength of the arguments used I think it is also important that the leaders themselves, the Chief Minister, the Leader of the Opposition and the leader of my group well, the three independent members which I think form a little group and have clearly no way of getting informed - I would certainly like to see, for instance, Mr Xiberras also being informed so that we three can also be kept up to date. I would like to see that happening. I think I heard the Chief Minister say that he certainly had no objections to that. Forgive me if I am wrong, perhaps my Honourable Friend Mr Xiberras could say that. Well I do not know whether he has any objections or not.

HON CHIEF MINISTER

All I said is that he had asked for that and if he got it good luck to him.

HON MAJOR R J PELIZA

Mr Speaker, I thought that was the position if it is not perhaps I can appeal now that it should be so. It is obviously being expressed by certainly one member of this side of the House. I do not know whether my Honourable Friend Peter Isola would go with that as well. I know that Mr Xiberras

MR SPEAKER

Yes, but we are not discussing whether Mr Xiberras should be consulted because otherwise we are going to debate all sorts of things.

HON MAJOR R J PELIZA

No, Mr Speaker, far from it. I am trying to make a point. I thought I could have made it simply by saying that the Chief Minister supported the idea.

MR SPEAKER

Whether he does or he does not is irrelevant to the debate.

HON MAJOR R J PELIZA

And so, Mr Speaker, I hope that this suggestion that I am making today can be taken up seriously and lead I think to greater understanding and trust between the elected members of Gibraltar and the Foreign and Commonwealth Office. As to the actual holding of talks which is in the last paragraph of the motion, one has to accept that the British Government is responsible for foreign affairs. It is also obvious that even if we wanted to we could not be responsible for foreign affairs because the game of foreign affairs is one based on a lot of horse trading and we have no horses to trade. So, therefore even if we wanted to I think it would be a waste of time and we would come out the losers on every occasion. So it is obvious that the British Government must look after our foreign affairs. We have to influence that because we are the side affected. They have placed themselves to look after our interests and to respect our wishes. Therefore, we are entitled to express our wishes and to ensure that the interests which they think are ours are indeed the interests as we see them. This makes the business of consultation and information all that more important, something I think that no British Government can possibly object to. In fact they do not, they say we are always consulted and we are always informed. But when it comes to the actual talks themselves, and let us suppose we reach the stage when we are getting near a common base, then I think it is absolutely essential that both the Government and Opposition got to know which are the different proposals, which are the possible counter proposals of the British Government so that we can express a point of view and raise any firm objection to any matter, such as the one of sovereignty, for instance, as may arise. If it came to the pinch when talks were due to start and suppose that we were invited to attend I think that I would stand by the position that I held when I was Chief Minister and I made it very clear to them in this respect. I have not got it here but I remember. First of all was that the Leader of the delegation should be a British Minister. The responsibility must remain with Britain happen what may for the reasons that I have explained before if nothing else. Secondly, the Gibraltar side of the

delegation to consist of the Government and Opposition, that to me is vital. Thirdly, that before going, the Gibraltar delegation should decide on the basic guidelines which they should be able to have established if they have been well informed before going to the talks and, finally, that no decision should be taken at the talks but to be referred to Gibraltar and if it is a matter that the elected members can decide themselves because it is something that is obviously acceptable to everybody in Gibraltar, the decision could be taken there but if in any way that would be a controversial issue then it should be taken to a referendum and a referendum that should be accepted to both Spain, Britain and the United Nations as we do not want to have another referendum in which one side, Spain, for instance, would not accept the decision and that would be really a waste of time. That, Mr Speaker, is my position. This is leading to the finality of what in my view this motion is all about, it leads from the beginning of confidentiality to the election of a new Assembly right to the individual elected member continuing down to every Gibraltarian and working its way to consultation and information to the stage when Gibraltar's voice could be heard at any serious talks with Spain. In that way you can see the importance, the strength of this particular motion and I do hope the Government will give it its support. But before sitting down, Mr Speaker, there is something I would like to clear. In the statement made by the Honourable and Learned Attorney-General I think he said something about consulting the Government and did not mention the Opposition at all. I do not know whether I have heard that myself clearly, whether this has been omitted through an oversight or whether it is in fact a deliberate statement to exclude the Opposition from any such consultation and I would like the Attorney-General to make this clear, because obviously if it is just a question of consulting the Government then of course everything that I say has even more strength than before and I do hope that with that, certainly with that, the Government will not go. Thank you very much.

MR SPEAKER

I will then propose a question for the House which is that the original motion moved by the Honourable Mr G Restano should be amended by the addition of the words "of the circumstances" after the word "note" where it appears in the first line of the motion and the

deletion of all the words after the words "consulting" where it appears in the third line of the last paragraph of the motion and the substitution therefor of the words "the leaders of the elected Members subject to the normal rules of confidentiality and to keeping them fully informed as to what transpires at such meetings."

HON CHIEF MINISTER

Mr Speaker, I never cease to marvel at the missionary efforts of the Honourable Major Peliza. Before lunch I indicated when there was talk about an amendment that the chances of the Government agreeing to any amendment of the sort where the substance of the motion was left behind would not be acceptable. I only said that because I thought that there was an attempt at bringing out something of a consensus but the Honourable Mr Xiberras quickly got up to say: "If that is the case the more reason for an amendment." That is in sharp contrast with the approach of the Honourable Major Peliza because he has attempted to try and convince us of this and not brought an amendment as was indicated by Mr Xiberras that if we were going to oppose it the more reason to bring an amendment. So in that respect I admire the efforts of the Honourable Major Peliza in his attempts to bring about some attempt at a motion which could be acceptable but it is obviously unacceptable for many reasons. This is just a sham, an attempt first of all at giving some status as has been now discovered by the words of Major Peliza to a third person to which I do not object but which has nothing to do with this motion. This is a matter for the British Government and if the British Government want to consult the leader of the newly formed group of the three independent members it is a matter for the British Government on which I have not been consulted and I do not want to be consulted, that is a matter for the British Government. But if that is what this seeks to achieve, well it has not got

HON MAJOR R J PELIZA

That is certainly not what I want, I thought this could be a by-product but surely the main product is a much more important one.

HON CHIEF MINISTER

That is one point. The other thing of course is that without taking sides in any way there is a conflict between the statement made by the Attorney-General as to what happened at The Convent and the Honourable Leader of the Opposition and the members of the GDM and this purports to pass judgement on it on which I am not prepared to pass judgement one way or the other. First of all, on one side I think there is agreement and that is that the Leader of the Opposition did not agree to the normal rules of confidentiality, that is accepted, and I do not know how all the arguments of the mover of the amendment can be supported when in fact we had it from the Honourable Leader of the Opposition very honestly and openingly stating; "I am not prepared to be bound by these rules. I have said that I am going to go for an open government and I am going to be the judge when if anything is going to be told to me it is something that I can keep the confidence or not." This seems to me to be the case. Does the Honourable Leader of the Opposition want me to give way?

HON J BOSSANO

Mr Speaker, I will be clearing up the point. Perhaps I had better let the Honourable Member finish all the quotations he wants to make before I answer.

HON CHIEF MINISTER

You will no doubt speak on the amendment. I am trying to interpret what I understood him to say this morning and if I am wrong I stand to be corrected but this is what I gathered, that he was to be the judge. Probably he says in many cases there would be no reason why he should break the confidentiality because it had no importance, but, ultimately, he appeared to exercise in the final analysis his judgement on whether he could keep a particular confidentiality or not and it is very difficult to do that in advance and if you have not given - I think it is in the statement - an unequivocal assurance that he will respect the confidentiality of any information which the Governor imparted to him. Now, if this is not a pre-condition but a post-condition then, of course, it cannot be exercised because if he is going to get the information, then he decides: "Well, I am afraid I cannot keep that confidentiality", the link is

broken and then it means that the final judge is not the person who imparts the confidential information but the person who receives the so-called confidential information who may then decide that as far as he is concerned it has no merit for confidentiality and therefore he is not going to keep the confidentiality. I respect that point of view, I do not argue with it, I respect it, but it does not mean necessarily that he is going to get the information he wants nor is it therefore a reason why in the circumstances of the case the House should move in censure so to speak to the fact that the confidentiality has not been imparted because the undertaking has not been obtained. The other point is the question of the holding of these talks with Spain. The question of no time being given to the Leader of the Opposition that has been explained. On the third point about whether the Governor had knowledge or not, there again there is a conflict as I said before to what the record may say and they have a record in their minds or perhaps if there was somebody taking a note for the side of the GDM. These misunderstandings could happen, I am not trying to talk them away, but there is obviously a conflict. This is a motion that really has no purpose because in fact the statement of the Attorney-General on behalf of HMG said that they consult the Chief Minister and the Leader of the Opposition on Foreign Affairs affecting Gibraltar. We are not achieving anything new except of course if the Honourable Mr Xiberras is given the same status then of course he abides by the rules. He has said that he considers that confidentiality is a question of mutual trust. So really all the rest of the motion remains because they call all these actions deplorable. To be quite frank it is completely in conflict with the latter part because if it is deplorable that the Leader of the Opposition was not consulted because he did not agree to the confidentiality how can it be said then that it should be subject to the normal rules of confidentiality? The one thing conflicts with the other.

HON J BOSSANO

I must ask the Honourable Member to give way because he cannot in fact use as argument the version of what took place of the Attorney General and say that he is not taking sides.

HON CHIEF MINISTER

No, I am not saying that. I am only talking from the motion. I am talking from the fact that the amended motion now would read "not to hold further talks with the Spanish Government touching on Gibraltar's future at any level without first consulting the Leaders of the elected members subject to the normal rules of confidentiality." Now, if there has been already a criticism for not imparting information because there was no rules of confidentiality then you say subject to the rules of confidentiality.

HON J BOSSANO

That is precisely the point that I made it specifically clear that when we went to see the Governor, and I went in the company of my three colleagues and the recollection of the four of us is the same, I specifically asked His Excellency whether he had not told me anything because of any question of confidentiality and he said: "No, it has nothing to do with confidentiality. I have told you all I know." So I was not consulted because it was decided that I should not be consulted, nothing to do with confidentiality and that is deplorable, confidentiality or no confidentiality. This is an obvious red herring which the sooner we clear up the better.

HON CHIEF MINISTER

I think the statement of the Attorney General, with due respect, makes that part of the thing quite clear and not in conflict with what the Leader of the Opposition is saying, if we only just had a little patience, because ^{it} was not about what was said at the meeting it was at what preceded it that I am referring and that is paragraph 3 of the statement of the Attorney General. The recent talks in Madrid took place as part of a continuing dialogue within the context of United Nations Resolutions and Consensuses. The Chief Minister was kept fully informed by the Governor but because the Leader of the Opposition had not felt able to give the Governor an unequivocal assurance that he would respect the confidentiality of any information which the Governor to him, he was not given advance notice." So that really the refusal of the confidentiality obviously

before the notice of the talks and, therefore, this is really in direct contrast with the motion, it is not part of the motion which regrets not being given advance notice and the other one which says "subject to the rules of confidentiality". I hope that at least my position is clear.

MR SPEAKER

What the Honourable and Learned the Chief Minister is saying - and I am not putting words in anyone's mouth but I want the Leader of the Opposition to know because otherwise we are going to have a ding-dong - what the Chief Minister is saying is that a decision in principle was taken at a given moment when the Leader of the Opposition said that he was not prepared to be bound by the confidentiality rule, that no information would be given to him on any matter. I am just asking you to confirm whether this is the case.

HON J BOSSANO

Yes, Mr Speaker, and what I am saying is that when His Excellency the Governor informed me of the talks that were taking place already I asked him then whether the reason why I was only being told then and only being told that had anything to do with confidentiality and he said, no. And when I asked him in the presence of my 3 colleagues he also said no. He said that that was the only information he had so whatever other information they may have been withholding from me that particular bit of information was not being withheld because of anything to do with confidentiality, whatever the statement may say now ^{so} if the Chief Minister chooses to accept that explanation, he is taking sides.

MR SPEAKER

Order. I think that is not what the Chief Minister said. The Chief Minister was saying that a decision was taken on the question of confidentiality at some given time to this question of the talks.

HON CHIEF MINISTER

This is what the statement implies and this is what has

been confirmed by the Honourable Leader of the Opposition. Whatever may have happened after this is obviously what happened to the Leader of the Opposition. It is precisely because I do not want to take sides that I do not agree to one thing or the other because I am not going to get into a dispute as to what happened at The Convent between the Leader of the Opposition and the Governor, I have enough problems of my own to get into that kind of problem. That is his problem and the Governor's problem and God help them both. I have got my own problems and therefore these are not directly my concern. That part of the Constitution that keeps the Governor in touch with the Leader of the Opposition is the part of the Convent, it is not my part and I will have nothing to do with it insofar as it does not affect the standing of the House or the Members themselves except as Leaders of the House. If there is a conflict between the Governor and the Leader of the Opposition I am not going to be a judge one way or the other. Well it may be a shame but I am not going to because it would be most unfair because certain things have been said here which just do not make sense. I do not believe that the Governor did not know what had happened at the talks. It is most likely that he did not have any information to impart to them because of this question of confidentiality. This is my judgement and I am entitled to my judgement on this matter.

HON J BOSSANO

Well, I do not want to have a ding-dong with the Chief Minister. We have got no quarrel with the Chief Minister, but the Chief Minister cannot always sit on the fence on every issue.

MR SPEAKER

You ^{are} entitled to take note and to reply when you have your say.

HON J BOSSANO

I appreciate that but perhaps if the Chief Minister listens to me he may be able to finish saying something else. I would just like him to take into consideration that if he does not believe what we have said about the

Governor and about what the Governor said to us, then he is in effect saying that he believes the Governor's version rather than our own version of what took place and he cannot deny then that he is taking sides. We are telling him that we were told quite specifically - there were four of us who heard it - that he did not know what had taken place in Madrid, 11 days afterwards. We asked him; "Is it that you cannot tell us because of something to do with confidentiality", and he said "No". He said it quite categorically and we accepted that he did not know.

MR SPEAKER

Fair enough.

HON J BOSSANO

The motion was brought to the House because we think it is wrong that not even the Governor should know.

HON CHIEF MINISTER

I am not sitting on the fence in this matter and I do not sit on the fence in any matter. I have said so far from the beginning that this amendment was not acceptable and I do not make any bones about it. I am trying to explain what our views are on the matters and the reasons for it. With regard to that I have been too long a lawyer to know that there can be misunderstandings between two groups of people at any particular time and that they both may be honestly telling what they believe were the facts, that is all I say. If I were to say that because I do not want to take sides I am necessarily on the side of one obviously it is very much the opposite as you, Mr Speaker, well know that that is the case. I do not want to take sides one way or the other because in fact the statement of the Attorney General says: "On a point of record the interpretation placed by the Gibraltar Democratic Movement that His Excellency the Governor had no knowledge of the talks is not borne out by the record of the Governor's meeting with the Gibraltar Democratic Movement." This is what the statement says and it may be that the record is wrong but this is what it says. It may well be that it requires at least to restore an element of understanding and trust to clear up this matter between the parties concerned. That is precisely why I do not want to

pre-judge the issue because apart from the incident of the motion which is really very incidental once we have discussed the matter and because I would like to say that I entirely subscribe to all the preface of the mover of the amendment and to all the principles. With all of that I agree but they are subject to certain limitations which we discussed this morning and this is why I do not want to take sides because I would like this matter cleared for the benefit of good government and good relations between this House and The Convent. I am sure that that is the right way of dealing with the matter insofar as that aspect of the matter is concerned. I do not believe that the Honourable Members opposite are telling lies nor do I believe that the Governor is saying something deliberately in order to belittle the Opposite. I do not believe either of those propositions. There must be some middle line of misunderstanding or other that has to be cleared. I am not sitting on the fence. I am precisely attempting to be just to both sides. But in any case the whole point about the amendment to which so much importance has been attached is set out in the first paragraph of the statement of the Attorney General which is the first time that I can remember that a formal statement ^{has} been given here saying that it is the practice to consult through the Governor the Chief Minister and the Leader of the Opposition. It has been the practice, this is nothing new, but what I say is that this is the first time that it has been stated as a matter of formal policy in this House and therefore that, to me, is much more important in some respect because it is a statement of Government policy and not Gibraltar Government policy but HMG policy as the Attorney General said. If the confidentiality is agreed to then nothing that is here is going to help, it is just sheer attempt to make something out of the motion which really for reasons that we stated this morning is unacceptable and it is as unacceptable now as it was this morning.

HON J BOSSANO

Mr Speaker, let me say in support of the amendment what I consider the amendment tries to do. The amendment, in my estimation, tries to remove the side-tracking that the issue of confidentiality has introduced into this motion as a result of the statement which we are still waiting for a copy of by the Honourable and Learned the Attorney General. I have been, Mr Speaker, often enough in meetings with a number of people on enough occasions to know that the recollections of different

sides to what takes place in meetings tends to be different particularly when the issue at stake becomes controversial. I may tell the Honourable and Learned the Attorney General that I have just come back from a JIC meeting where the recollection of the official side of the JIC to what they told me last week which conflicts with the answer that he gave me at Question Time about suspending employees has already dimmed and no doubt by the time we have the next JIC meeting there will be more congruence between what was said in JIC and what the Chief Minister said in the House of Assembly. These things happen.

HON CHIEF MINISTER

I am sorry. About what?

HON J BOSSANO

About the answer the Honourable and Learned the Chief Minister gave me at Question Time as to Government policy on the suspension of employees which I informed him at the time conflicted with what had been said in JIC. Already the recollection of the official side of JIC is dimming about what they said to me last time, no doubt quite unconnected with the answer that he gave me in the House, but these coincidences do happen all the time, Mr Speaker. Therefore that His Excellency should recall something or even that the records of the Deputy Governor should show something different from what we recall of the meeting would not surprise me in the least and I can accept much more easily that there could have been a misunderstanding of the position by His Excellency and myself whom we were both alone in the original meeting when he told me about the established practice of confidentiality and I told him about the policy of the Gibraltar Democratic Movement.

MR SPEAKER

I am not going to allow any debate as to whether there was or there was not a misunderstanding as to whether one understood one thing and one understood the other. I will accept the fact that there are two versions but we must not and the Standing Orders do not allow to go much further than that. We are not going to debate here now

whether there was or there was not a misunderstanding. You can accept the fact that there was or there was not but we must not investigate here to find out whether in fact there was a misunderstanding or there were other motivations. I must make that very clear.

HON J BOSSANO

I have no intention of calling His Excellency a blatant liar. I would have to move a motion to do that.

MR SPEAKER

No, you will not, you would not be allowed. I would refer you to Standing Order 46 (13). But, anyway, you know what I am talking about and I am sure you will bear it in mind.

HON J BOSSANO

I am not going to do it, Mr Speaker. I accept the misunderstanding could easily have arisen out of that first meeting. My recollection of it, Mr Speaker, and I am saying this in connection with what there is in the amendment about confidentiality, as I recall what I said to His Excellency then is still the same position that we have now and it is the position that the Gibraltar Democratic Movement maintains as in our judgement being in the interest of Gibraltar that anything that concerns the future of the people of Gibraltar that has to be kept from the people of Gibraltar should be kept to the minimum. We feel that the area of confidentiality should be reduced to the minimum that is consistent with the delicacy of what may be taking place and so on. I am not in a position to know how this has operated in the past. I have certainly never in the last 4 years that I have been a Member of the House of Assembly been told anything in confidence or as a result of any rules of confidentiality. So as far as I am concerned it has never operated in the 4 years of my previous membership of the House, but if it is to operate from now on and we accept that it has to operate, we have in fact informed His Excellency so that he can transmit it to the proper quarters that whoever decides how these rules apply - and we do not know how they have been applied in the past - but as far as we are concerned when they apply to us we would like it to be kept to the

bare minimum. We would like, in fact, not just all Members of the House but all the people of Gibraltar to be kept as fully in the know as possible although it is inevitable that there should be certain areas when they are not in the know. We have made that absolutely clear and I think probably the Government would feel about it the same way, I do not know whether they do or not. But it is certainly our view and we made it clear immediately after the elections to His Excellency the Governor because that is the way we would like it to operate. Therefore whenever there is any instance, and this is the point, perhaps, where the Honourable and Learned Member was referring to my judgement, whenever there is any instance of my being told something in confidence and as a result of the rule of confidentiality, if I think that it is being excessively applied I will argue against the application of the rule and try and convince His Excellency that really it would be better if everybody was told. And if he insists that they will not be told then they will not be told, there is nothing I can do to change it. But in having a particular policy on this our role will be to keep the area which is kept under this blanket of secrecy and I would have thought that this is a clear example of the inadequacy of the applicability of this rule where on the one hand one is told that there is nothing important being discussed, where the Governor as far as we can recall, and there are four of us who recall it, where the Governor said to us quite specifically 11 days after that he had no knowledge of what had taken place in Madrid and we published a press release immediately after the meeting with the Governor stating this publicly (a) because he did not tell us that that information he was giving us was confidential and (b) because we thought it was very wrong that apparently not even the Governor was covered by the rule of confidentiality, apparently they do not even trust him. We thought that very wrong, Mr Speaker, and therefore when that was made public the Convent made no attempt to clarify the position or rectify the situation or come back to us and tell us that we had got hold of the wrong end of the stick and therefore we have assumed until today, until the statement made by the Honourable and Learned the Attorney General, that our recollection of what took place which we made public at the time was correct and accurate. We had no reason to suppose otherwise, nobody contradicted it. I am glad, therefore, that there is this amendment because in voting for it we shall be publicly showing that there has been

apparently a misunderstanding by His Excellency of precisely what is the position of myself and my colleagues as regards the applicability of the rule of confidentiality and that is that we would like the applicability of it to be kept to the bare minimum consistent with the needs of looking after Gibraltar's interest and that we shall whenever the occasion arises make this point. If that means that His Excellency as a result of that being our policy is not prepared to keep us informed, then I would consider it regrettable and I would hope the Governor would consider it regrettable. But apart from that which I think is an important issue to have clarified, there are other things in the motion which were hoping the Governor would be in a position to support and this is that quite apart from the question of confidentiality and the fact that when I was informed I was informed about the talks taking place in Madrid not because of anything about confidentiality but because as I understood it that was the only information available, on the basis that I was told and my colleagues were told that that was the only information available we considered that that amount of information is insufficient, that there should be more information available about talks taking place and, perhaps, some of the information that is available has to be restricted, but certainly there should be more information available unrestricted. There should be more information available than that the people of Gibraltar should know after the talks have started that they have started. The people of Gibraltar should know that the talks are going to take place before they take place. Why should they have to wait until after they have started in order to be informed? And if they are as unimportant as they are then why should there be so much secrecy surrounding them? Why is it that His Excellency the Governor should tell us 11 days later that he had no idea about what has taken place? If there is a certain established practice that certain information is made available to the Chief Minister and has in the past been made available to the Leader of the Opposition and may or may not in the future be made available to the Leader of the Opposition, surely that information should include details of what has taken place in a meeting between representatives of the British Government and representatives of the Spanish Government where Gibraltar has been discussed. But, apparently, as we understood it and as we made public, not even His Excellency the Governor was aware of any details of what had taken place and, apparently, it is not the practice to make these details available in Gibraltar according

to His Excellency. The impression that we got at that meeting was that nobody ever knew the details of what took place in these talks whoever was in the seat of the Leader of the Opposition and whoever was in the seat of Chief Minister. We have managed today to gain the impression that the Chief Minister was slightly more in the know, it certainly is not an impression that His Excellency the Governor gave us. He gave us the impression that I was not the only person in the dark, that the Chief Minister was equally in the dark and that he himself was equally in the dark. And if that were the case then certainly either the talks in Madrid would have been totally irrelevant or else the talks in Madrid are taking place and the whole of Gibraltar is being ignored from top to bottom and certainly that was not something, Mr Speaker, that we could allow to pass unnoticed by the House of Assembly and therefore we had an obligation to bring this to the notice of the House in a motion. If the Government cannot support the motion, well, that is too bad it will not be the first motion that is lost but at least they cannot deny knowledge of the events that have led up to the motion and I hope they will take account of that whenever they have occasion to be consulted and I hope, in fact, that the Chief Minister will be able to at some stage make clear whether he considers it desirable that both sides of the House should be told well beforehand that talks are going to take place and that both sides of the House should be consulted rather than simply told of the date because I recall that he said at an earlier stage that he had simply been told that the talks were going to take place on such a date at such a time, some 8 or 10 days before the event took place. I would prefer that at least the Chief Minister even if nobody else is, at least the Chief Minister should be asked for his views on whether the talks should take place or not and perhaps even to be told precisely what the talks are for, if they are as My Honourable and Learned Friend Mr Isola said, simply a continuing exercise that has got more of a routine nature to it where people have got to go through the motions of talking just for the sake of being able to go back to the United Nations and say "We have talked." Or else whether they have got an objective and that objective is the objective hinted at in the statement of the Honourable and Learned the Attorney General, namely, to try and find a common basis which has apparently not yet been found but which is being sought, a common basis from which something more substantial can be launched. If that is what the talks are for then they are for something different from what the Honourable and Learned

Mr Isola thought they were and therefore they have got more importance. If they are unimportant then I would have thought theyway it should be handled - and this is again a question of judgement - was simply that there would be no need to consult anybody really if this is just a routine rubber stamping exercise that needs to be carried out in order to show the United Nations that the whole thing has not been dead and buried, that Britain still meets with Spain once a year. If that is all then there is no need to consult anybody about anything because nothing is, in essence, being talked about and a statement can just be made saying that once again the day for the meeting between Spain and Britain to talk in order to say to the United Nations that the talks are taking place have taken place and full stop. But the importance that is attached to it is going to be in fact an accurate reflection of the importance that should be attached to it if we know precisely what is taking place but if we are in the dark then we may well inadvertently, Mr Speaker, be doing a lot of harm by attaching importance where no importance should be attached or by ignoring something that is very important and should not be ignored. But if one is working in the dark then I am afraid with all the goodwill in the world one may be doing harm when one is trying to do good. I think that is a very important point that should be borne in mind by those whose obligation it is to consult the elected representatives of the people of Gibraltar.

HON ATTORNEY GENERAL

I would just ask for one point of clarification from the Honourable Member. Is he saying that if he is told something in confidence even though he disagrees that there is necessity for confidence in that particular matter, nevertheless he will respect that confidence. Is he saying that?

HON J BOSSANO

Of course, Mr Speaker, I thought that was absolutely clear. But what I will do, in fact, is I will try and convince the person who is telling me that it should not be in confidence. But if I cannot convince him then having been told in confidence I must accept that I have been told in confidence however much I may dislike it.

HON A P MONTEGRIFFO

Mr Speaker, I was just going to say very few words because it does seem that there has been a change of tune or tone from this morning. I know very much less about this question of confidentiality but I learnt quite a lot by the very masterful way in which the Honourable Mr Xiberras put it this morning. He mentioned the burden people who have got to abide by this sort of responsibility have got to carry. He mentioned that it was not only a question of burden, it was a question of building up a trust, a mutual trust. The fact that the Leader of the Opposition has been kept in the dark and finds himself in the position that he stands today may well be a question of lack of trust and I am not going to put it higher than that. I am not going to say who is to blame for this mistrust but certainly, I think I ought in all fairness to say that if you are going to tell His Excellency that you are not prepared to accept any confidentiality and what you want is open Government, obviously the mistrust is going to start there and then you are going to get a lemon every time you go and talk to him. But if the position now is that the Honourable Member as he categorically stated in answer to the question moved by the Honourable Attorney General, is prepared to keep the confidence and if he does not agree he will try and persuade the Governor but nevertheless if he cannot persuade he will keep the confidence then there is no need for the motion. The consultation in confidence is there for the asking if he wants to take it up. In fact in the first paragraph of the statement made by the Attorney General it is stated that categorically.

HON J BOSSANO

I hate to repeat myself, Mr Speaker. The position is, Mr Speaker, that the question of confidentiality has been raised for the first time in the House, that is our recollection of it because I do not want to put it any further than that. When in fact we protested to His Excellency about the lack of information we were not told that there was lack of information because of any doubts about confidentiality, we were told as far as we recall that there was lack of information because there was lack of information, full stop, because there was no more information available.

HON A P MONTEGRIFFO

I am not disputing the statement of the Honourable Member but I think I can neither dispute that prior to this particular incident he had already told His Excellency that he was not prepared to abide by confidentiality, that he had to be the judge of what he could say and he could not say and not the person who imparted the confidentiality and therefore it may well be that at this stage it was thought: "If this man has told me this previously I am not going to tell him anything now." And that is why I agree with Mr Xiberras that it is a question of building up a trust and develop it to such an extent that there will be confidence and trust and hence the Honourable Member would not be kept in the dark. I think he has now agreed to that by what he has said to the Attorney General and therefore I do not think there is any need for the motion, Mr Speaker.

HON M XIBERRAS

Mr Speaker, on the motion itself I divided what in my view were the three main reasons why the motion was important, (1) the process of consultation, (2) the question of confidentiality, (3) current events. Mr Speaker, what we have heard in the development of the motion in the amendment which was produced after lunch I think gives the House grounds to believe that there could be unanimity in the proposition as it affects both the question of consultation and the question of confidentiality. I must assure the Honourable and Learned the Chief Minister that I had as much of a hand as anybody in producing this amendment and therefore he is entirely petty when he attributes any other different motive to my remarks just before lunch. It would have been out of tenor with the speech that I made just before lunch to say that in any way I would have differed or could not have contributed to the amendment which the House is at present considering. I am indeed glad that the question of confidentiality has been cleared up and that in answer to the Attorney General the Honourable the Leader of the Opposition has made absolutely clear what his position is in respect of confidentiality and that, to my mind, is one of the two major points raised by the important statement made by the Honourable and Learned the Attorney General. The other point which is important in the Attorney General's speech is the statement that if talks got meaningful - I am paraphrasing - then the Government would be consulted. He

did not say in the context that then existed that the Opposition would be consulted and this I think is a matter for great concern because as both he and the Honourable and Learned the Chief Minister know, it is accepted practice that both Government and Opposition are informed of these matters and it is for every member of this House seeing that no one has disagreed openly with accepted practice, that the practice is continued and I think it gives grounds for very grave concern that the Honourable and Learned the Attorney General should have said that it would be the Government that would be consulted and I ask for his confirmation that this is in fact what he said. I would willingly give way to him if there is anything to the contrary.

HON ATTORNEY GENERAL

I have a copy of my statement and perhaps the Honourable Mr Xiberras might like to refer to it. I think merely to make mention of the Government is to take the matter out of context.

HON M XIBERRAS

I thank the Honourable and Learned Member. Reference paragraph 2 - "Her Majesty's Government have made it clear that the wishes of Gibraltarians are a paramount consideration in relation to Gibraltar's future. Should the situation arise in which substantive negotiations could be held with the Spanish Government, Her Majesty's Government would consult the Gibraltar Government but a common basis has not yet been reached upon which such negotiations could begin." I think it is a matter for the greatest concern that this statement has been made even in the context of the debate in this House some hours ago and I ask the Honourable and Learned the Attorney General to give an assurance to this House on behalf of Her Majesty's Government that, provided that the normal rules of confidentiality are adhered to, the Opposition will be consulted as hitherto on these important matters.

HON ATTORNEY GENERAL

It is completely outside my competence to give an assurance on behalf of Her Majesty's Government. I am

not, as was said this morning - I did not get up to correct it - I am not the representative of Her Majesty's Government in this House. But I think, with great respect, if one reads the first 2 paragraphs of my statement the matter comes more into context. "Her Majesty's Government take local feeling very much into account and for the purpose of ascertaining this the practice has been to consult through the Governor the Chief Minister and the Leader of the Opposition on foreign affairs affecting Gibraltar. It is necessary that such consultations should be confidential. It is against this background that Her Majesty's Government have to decide when the elected members of the House of Assembly should be consulted. The terms of this motion are such that its implementation would prejudice the conduct of diplomatic business affecting Gibraltar. Her Majesty's Government have made it clear that the wishes of the Gibraltarians are of paramount consideration in relation to Gibraltar's future. Should the situation arise in which substantive negotiations could be held with the Spanish Government, Her Majesty's Government would consult the Gibraltar Government, but a common basis has not yet been reached upon which such negotiations could begin." I have no doubt, reading the two paragraphs together, that what is being said is that both sides would be consulted. That is my interpretation bearing in mind the specific provision in the first paragraph that Her Majesty's Government follow the practice of consulting the Chief Minister and the Leader of the Opposition, that is my interpretation. I think it is a fair interpretation, I accept that the word "Government" is used but, of course, I can give no undertaking on behalf of Her Majesty's Government.

HON M XIBERRAS

Mr Speaker, I appreciate the Honourable and Learned the Attorney General's position and I think he has gone a good way towards giving, for a man in his position, a reasonable interpretation of the document. May I add and perhaps he will interrupt me if he thinks me to be straying or not to be making valid deductions, that if the rules of confidentiality are kept to by the persons who have been consulted in the past, then the practice of consultation, such as it was, would be adhered to by Her Majesty's Government in the future. I would hope that that is the valid interpretation of the context of

the 2 first paragraphs and that the reason why the statement makes it clear that it is the Gibraltar Government that would be consulted was merely because a doubt existed as regards the acceptability of the rules of confidentiality by one of the persons who is normally consulted. Mr Speaker, if there is any doubt about it I think the point is of very great importance, I think it is in the interest of not just the Leader of the Opposition but all Honourable Members on this side of the House that the matter be made absolutely clear with the least possible delay. We cannot afford that 50% almost of Honourable Members of this House, excluding the ex-officio and you, Mr Speaker, should have lost a right which they enjoyed in practice merely because of either a misunderstanding or a disagreement in respect of the Leader of the Opposition's position in this matter and therefore

MR SPEAKER

In the light of the answer given by Her Majesty's Attorney General you will have to seek your assurances elsewhere. I think the matter has been ventilated and one must not go beyond this.

HON M XIBERRAS

Mr Speaker, therefore I think what is important for the House is to establish by the terms of the motion, as amended, the regular process of consultation for the future and to establish, concomitantly, the process of confidentiality. There is one other point which I would like to clear up. My Honourable and Gallant Friend, Major Peliza, said that there was some sort of parliamentary group which had been formed whereby I was to be consulted, or not to be consulted in the question of foreign affairs. I would like to make the position clear. I have, in fact, approached the Governor with the representation that I should be consulted on foreign affairs only on behalf of both the Honourable and Learned Mr Peter Isola and the Honourable and Gallant Major Peliza and I have for this representation the agreement of the Honourable the Leader of the Opposition and I informed the Chief Minister about this and his words at that time were that he would have no objection and then he said "I would not be a spanner in the works." Those were the exact words. This was at the meeting again last Thursday. Of course, I appreciate it is neither for the Leader of the Opposition nor for the Chief Minister to

agree with these representations, it is for Her Majesty's Government to do so, and I take it that the matter has been put to London. So, Mr Speaker, I hope that it would be possible in order to safeguard what I consider to be a right that today needs to be established for Honourable Members on this side of the House which tomorrow might apply to Honourable Members on that side of the House if they ever find themselves over here, I think that Honourable Members on both sides should try to arrive at some motion which will ensure that the process of consultation as well as the process of confidentiality is established for the future. This will give the public confidence that this consultation, this process of information, has not broken down and I feel that the motion will have served a very useful purpose if it did this. As regards the comments of the Chief Minister that he does not want to take sides, I have no option but to believe ~~four~~ Honourable Colleagues on this side of the House when they make a statement absolutely clearly. I do not know what the statement was because I was not there but I cannot disbelieve four Members of the Opposition when they all say that they understood, they heard the Governor clearly say this. We have heard other versions as between interpretation. I would not like to judge either but I would not like the point which is being made by Honourable Members on this side of the House to be taken (a) as an inaccuracy to the point of the whole thing ^{being} invented. I think the House has a duty to believe four Honourable Members on this

MR SPEAKER

I have called the Honourable Leader of the Opposition's attention on this one and we are not going to go into this point again.

HON M XIBERRAS

No, Mr Speaker. My concern is that the Chief Minister should in the circumstances bear in mind that a motion in these circumstances which does press for consultation with both sides of the House as up to now safeguarding confidentiality is in the interest of the House as a whole and on that I ask him to take sides. I ask him to lend his weight to this motion as may be amended so that the people of Gibraltar know what the position was as up to now and not to allow the motion to be lost by either

lack of interest or their judgement that they should do nothing active to support it. We have worked very hard on this side of the House to arrive at some sort of agreement and if Honourable Members opposite are in good faith then, perhaps, they could add their contribution to this.

HON DR R G VALARINO

Mr Speaker, can I move an amendment to the amendment?

MR SPEAKER

If it is relevant, most certainly, yes.

HON DR R G VALARINO

The amendment is that all the words after "House" in the first line be deleted and substituted by the following: "requests Her Majesty's Government to hold no further talks with the Spanish Government touching on Gibraltar's future at any level without first consulting the Leaders of the Elected Members subject to the normal rules of confidentiality and to keep them fully informed as to what transpires at such meetings." The reason for this new amendment is that there are two versions as to what took place and in order to remove the controversy I feel that this new amendment should be proposed and should serve as a guideline for the future.

Mr Speaker proposed the question in the terms of the Honourable Dr Valarino's amendment to the amendment.

HON CHIEF MINISTER

Mr Speaker, it is a very important motion and there is now an amendment to an amendment of which no written copies have been circulated. I think perhaps if there is an attempt at trying to bring about a consensus perhaps it might be a convenient time to recess.

MR SPEAKER

We will do that. We will recess for approximately 20 minutes which will give us time to have tea and to enable Members to clear their minds as to what it is proposed to

be achieved by the amendment.

The House recessed at 5.05 p.m.

The House resumed at 5.45 p.m.

MR SPEAKER

I am delighted to learn that there has been a consensus as to what the House wishes to achieve and may I suggest that the best way to go about it is first of all for the Honourable Dr Valarino to ask for the leave of the House to withdraw his amendment to the amendment which I am sure the House will be delighted to give leave and I would then ask the Honourable Major Peliza to do the same.

Both the Honourable Major Peliza and the Honourable Dr Valarino sought and obtained the leave of the House to withdraw their respective amendments.

MR SPEAKER

Therefore we now stand where we started this morning with the original motion before the House and I understand that one of the Members who has not yet contributed to the original motion is willing to propose something which might be acceptable.

HON J B PEREZ

That is correct, Mr Speaker. I would move an amendment to the original motion moved by the Honourable Member Mr Gerald Restano. The amendment would read as follows: That all the words appearing in the motion after the word "House" in the first line thereof be deleted and substituted by the following words: "requests Her Majesty's Government that if further talks with the Spanish Government take place on Gibraltar's future there should be consultation with the Leaders of the Elected Members of this House subject to the normal rules of confidentiality and to keeping them fully informed as to what happens at such talks". I feel that this amendment to the motion, Mr Speaker, reflects the general consensus of all the Members of this House.

Mr Speaker then proposed the question in the terms of the Honourable J B Perez's amendment.

HON CHIEF MINISTER

Mr Speaker, it has been a laborious birth aided by a medical man and a lawyer. I will not say who are the parents of it because by now we do not know who the father was and we are happy to follow that consensus. It has been a general feeling of restoring, as the Honourable Mr Xiberras said earlier today, the situation as we all understand it.

HON J BOSSANO

Mr Speaker, as often happens before in the House we sometimes get embroiled in quite heated discussions but as long as we can at the end of the day finish up with something that can establish a more fruitful basis for the future I think we should be satisfied with the results. I think this does that.

Mr Speaker then put the question in the terms of the Honourable J B Perez's amendment which was unanimously resolved in the affirmative and the amendment was accordingly passed.

MR SPEAKER

I think that the only person who is now entitled to speak on the original motion is the Honourable Mr Gerald Restano if he wishes to reply.

HON G T RESTANO

Mr Speaker, may I just say that I am very pleased that we have been able to reach a consensus. I commend the motion to the House.

Mr Speaker then put the question in the terms of the original motion as amended.

On a vote being taken the question was unanimously resolved in the affirmative and the motion, as amended, was accordingly carried.

HON CHIEF MINISTER

Mr Speaker, I now beg to move the adjournment. When we started the proceedings this morning the Honourable The Leader of the Opposition requested that we should take action immediately after the meeting was over on yesterday's resolution regarding the CPSA and I said I could not undertake that because I had already done it, and, in fact, the Resolution was taken on Tuesday evening and I took it up yesterday and I wrote to the Governor sending the terms of the Resolution for onward transmission to the Ministry of Defence and the people concerned and adding, in substance, what will later appear in the Hansard but just giving the strong feeling of the House on the matter. I have just received a letter from the Governor which says:

"Dear Chief Minister

Thank you for your letter of the 8th December informing me of the Resolution unanimously adopted by the House of Assembly on the 7th December on the dispute between the MOD/PSA and the Civil and Public Service Association. I yesterday sent the text of the Resolution to the Departments concerned in London. I have also brought to their attention the views expressed in the second and third paragraphs of your letter."

(Which were those in which I informed the Governor of the strong feelings of the House). So I think we should all be happy that insofar as the action of this House is concerned the matter has been expeditiously dealt with and perhaps I hope it is a good omen to a possible solution. In formally moving the adjournment of the House and in view of the fact that I can almost give an undertaking that there will not be a meeting of the House before Christmas, I take this opportunity of seasonal greetings to you, Mr Speaker.

MR SPEAKER

May I then propose the question which is that this House do now adjourn sine die and in so doing may I first and foremost congratulate the four new Members for their inaugural participation and speeches in the House. I think it augurs well for the House to see the way that they have acquitted themselves to this meeting and then of course join the Chief Minister in wishing you all a very Happy Christmas and perhaps, I think if I am not accused by the Honourable Mr Bossano of being a capitalist, a very prosperous New Year.

HON ATTORNEY GENERAL

On a point of Order, I think five new Members.

MR SPEAKER

My humble apologies to the Honourable the Acting Financial and Development Secretary.

HON J BOSSANO

Mr Speaker, I think the Christmas spirit seems to have pervaded the House already at this late stage in these proceedings. Let us hope that we can carry this spirit for as long as possible into 1977 and let me take this opportunity from this side of the House of wishing everybody a very peaceful Christmas and indeed a prosperous New Year.

The adjournment of the House sine die was taken at 6.00 p.m. on Thursday the 9th December 1976.